

want of *traverse seriatim*. I crave leave of this Hon'ble Tribunal to file an additional Affidavit, if found necessary.

3. I say that by the present appeal, the Appellant has sought a direction from this Hon'ble Tribunal to quash and set aside the Order dated 15.07.2025 ("**Impugned Order**") passed by the Answering Respondent, and further seeks a direction to the Answering Respondent to revoke or withdraw the NOC/Permission dated 23.09.2021 ("**Impugned Permission**").
4. I say that *vide* the Impugned Permission the Answering Respondent permitted Respondent No. 4 to construct a wall to stop soil erosion along the banks of the river in Survey No. 12/1 and 99/2 of Bambolim Village, Tiswadi, Goa, subject to certain conditions put forth therein. I say that prior to grant of the said Impugned Permission an inspection was carried out on 14.06.2021 of the subject site. The Inspection Report dated 14.06.2021 records that the subject site is a CRZ-III zone. I say that the Inspection Report dated 14.06.2021 records that the application is for repairs of an existing wall which was damaged due to a cyclone. Inspection Report dated 14.06.2021 records that the said wall/bundh is very essential to reduce/control future soil erosion and hence the reconstruction/repairs of the said wall is necessary. The Inspection Report dated 14.06.2021 records that the wall if not repaired would cause damage to the land. Inspection Report dated 14.06.2021 also records





that the natural vegetation of the beach should be planted. The Inspection Report dated 14.06.2021 further records that geotextile measure may also be under taken alongwith gabion to support vegetation.

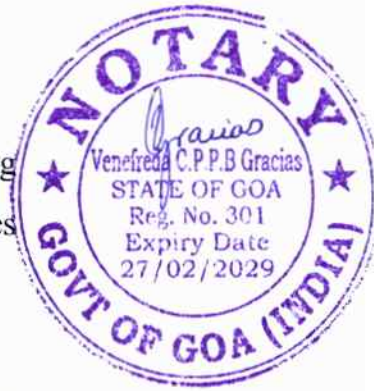
Annexed hereto is a copy of the Inspection Report dated 14.06.2021 marked as "**Annexure A**"

5. I say that the grant of the said permission was discussed and deliberated at the 271st Meeting held on 21/09/2021. I say that the Minutes of the Meeting dated 21.09.2021 duly record the discussion and deliberation at Case No 2.3 captioned "*NOC for construction of wall to stop the soil erosion along the bank of river Zuari in Sy. No. 12/1 and 99/2.*" I say that the Minutes of the Meeting held on 21.09.2021 are a total of 30 pages. I say that pages 1 to 26 record the proceedings of various complaints which were before the Answering Respondent in its quasi-judicial capacity. Whereas pages 27-30 record the deliberation and discussion on grant of various NOC/permissions. I say that as per records only pages 1 to 26 were uploaded on the website.

Annexed hereto are the complete Minutes of the 271st Meeting held on 21.09.2021 marked as "**Annexure B**".

6. I say that the Impugned Order disposes of the Show Cause Notice dated 24.04.2025 issued to Respondent No. 4, which was based on the complaints made by the Appellants. The Impugned Order records that Respondent No. 4 had obtained

all necessary prior permissions from the Answering Authority, TCP, Panchayat, and other concerned authorities for the construction of the said wall.



7. 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.
8. I say that in view of the above, the present appeal is liable to be dismissed.
9. I say that what has been stated in Paras 1 to 8 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: 24.10.2025


DEPONENT

Solemnly affirmed before me

Sachin S. Desai

who is identified before me by

_____ At Panjim - Goa

Sr. No. 143/10/2025

Date. 24/10/2025




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

SITE INSPECTION REPORT (PROPOSAL)

- i) Name of the Applicant: *Goan Real Estate and Construction Pvt. Ltd.*
- ii) Date of the Application: *31/05/2021*
- iii) Application for: *Repairing bundh wall to stop soil erosion.*
- iv) Date of construction based on the documents:
- v) Date of Inspection: *14/06/2021*
- vi) Name of the Official / Expert Member, GCZMA: *Mohesh Patel - Dindra Goonkar.*
- vii) Name of the Parties Present: *Mr. B. K. Sotik.*

viii) Location of the alleged violation:

Sy. No. : *12/1,99/2* Village : *Barbolim* Taluka: *Tiswadi*
 Chalta No.: _____ P.T.S No.: _____ Town : _____

- iv) Accessibility: *Hotel property, with good accessibility*
- v) Distance from the HTL of River / Sea: *Bank of River Mandovi*
- vi) Classification of CRZ Area:

a) CRZ - I

b) CRZ - II

c) CRZ - III ✓

d) CRZ - IV

vii) Existence of Sand dunes and its Height:

- Nil -

viii) Whether any lagoons, backwaters or other water bodies exist in the plot:

plot is bounded by river Mandovi on west. plot is constructed with Hotel / Tourism project and villas.

ix) Existence of Vegetation, if any:

plot has vegetation; however proposed bundh is devoid of vegetation. Earlier bleches have been reported during cyclone.

x) Plinth area of the structure / alleged violation:

proposed for reconstruction of erosion wall. GCZMA - office may check for any past violations.

xi) Nature of the structure: a) RCC Frame structure

b) Load bearing / Masonry structure

c) Temporary structure

d) Any other.

- Gabion structures with laterite / cement blocks details in attached plan.

xii) Height of the structure:

- detailed in attached plan.

xiii) Details of extension to the existing structure:

Existing wall/structures is damaged in cyclone

xiv) Approvals / NOC's issued by any other Department's / Authorities:

→ proposal to submit the plan and copy of earlier approved structures from GCZMA or relevant authority.

xv) Nature of violation if any, with regard to provisions of CRZ Notification

2011:

→ GCZMA - office to verify, if any past violation / court cases are pending.

→

xvi) Whether the proposed construction meet the CZMP Guidelines:

→ proposal to repair existing structures damaged during recent cyclone. The proposed bank repair is very essential to reduce / control future erosion.

xvii) Conclusion / Recommendation:

1. Reconstruction / repair of the proposed wall is essential to control erosion.

* Inspection report should be compulsorily supported by DSLR map with superimposition of structures with dimension and also with HTL on DSLR Survey plan.

2. If this wall is not repaired, it will lead to damage to land and property.

-
1. Recommended for repair as per the attached plans. Total length is 514.9 meters.
 2. Watered vegetation of beach / river bank like Ipomea should be planted.
 3. Geotextile may also be used along with Geobion to support vegetation.

[Signature]
 Mohan Lal
 2/7/2021

MINUTES FOR 271st MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 21/09/2021 at 03.30 PM. IN THE CHAMBER OF CHAIRMAN (GCZMA), CHIEF ELECTORAL OFFICE, ALTINHO, PANAJI, GOA.

The 271st Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 21/09/2021 at 3.30 p.m. in the Chamber of Chairman (GCZMA), Chief Electoral Office, Altinho, Panaji, Goa.

The following members were present for the meeting on 02/09/2021:

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Chief Conservator of Forests, Department of Forest.
- Representative on behalf of Director, Department of Tourism, Panaji Goa.
- Representative of Chief Engineer, Water Resources Department (WRD).
- Representative of Principal Chief Engineer, Public Works Department (PWD).
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Correia, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Shri. Mahesh K Patil, Expert Member (GCZMA).
- Member Secretary (GCZMA).

Case No. 1.1

To decide on Application NGT O.A No. 18/2020 (WZ); seeking direction to inquiry into the legality of the structures and to stay the commercial operation being carried out by the Respondent in survey no 242/13A and 243/4 comprising of a ground plus two structures and a swimming pool, situated at Saunta Vaddo, Calangute, Bardez Goa. (NGT matter)

Background:

Mrs. Nalini Da Rosa Fernandes had filed application before the National Green Tribunal bearing O.A No. 18/2020 (WZ); seeking direction to inquiry into the legality of the structures and to stay the commercial operation being carried out by the Respondent in survey no 242/13A and 243/4 comprising of a ground plus two structures and a swimming pool, situated at Saunta Vaddo, Calangute, Bardez Goa.

This matter was listed for hearing on the 24/08/2020 and the Hon'ble National Green Tribunal has passed the order thereby directing the Goa Coastal Zone Management Authority (GCZMA), to take action against structures constructed, without specific permission from GCZMA in No Development Zone (NDZ).

The Hon'ble Tribunal vide order dated 24/08/2020, interalia appointed a Committee comprising of (i) Goa Coastal Zone Management Authority, (ii) Goa Pollution Control Board and to direct to submit a factual and action taken report with regard to allegations made in the present application. The Hon'ble Tribunal had made the Goa Pollution Control Board the nodal agency for compliance". Accordingly a report was to be furnished to the Tribunal within six weeks.

The Committee as constituted by the Hon'ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area on the 14/10/2020. The Committee submitted a report with regard to the joint Site Inspection of Zinhos Guest House at Calangute Bardez Goa. The Reports were submitted on the giving details of the violations.

Site inspection report

Ms.NaliniFernades , complainant showed the Zinho's guest house. The structure is Ground +2 RCC structure. It has reception at the ground floor with swimming pool. It is used as guest house/ hotel.

2. Mr Agnelo Fernandes owner of the Zinho's hotel, confirmed the structure is used as guest house/hotel. However, refused to give any approval/ NOC from GCZMA and other authorities, claiming, all the documents are with his legal counsel

3. He was explained that the inspection was in respect of complain against his illegal construction of guest house in the No development Zone

4. The photograph attached by the complainant are of the Zinho's guest house, which clearly indicate RCC structure of Ground +2 floor.

5. As per GCZMA record, no CRZ permission is given to Zinho's guest house located in survey number 243/13 & 243/14 in Calangute village, BardezTakuka

Recommendations

1. Land Survey Department to demarcate the NDZ line of 100, 200 and 500 meters on survey plan. Along with the NDZ lines, the demarcate any old structure shown on plan as well as the existing building

2. This demarcation will establish the status of the Original Application No. 18/2017 (WZ) Aleixo Pereira V/s GCZMA &Ors.with reference to NDZ line as well as existence of old structure if any.

3. The complainant and respondent should be served site survey notice well in advance so that both the parties are present on the site during the survey

4. The decision of the structure in relation to NDZ and illegality can be arrived after the field survey plans are submitted by the land survey Department.

During 238th GCZMA meeting held on 26/11/2020. The Complainant present in person. Ld. Adv for the Respondent present and filed the Vakalatnama and prayed that the copy of inspection report be furnished to him so that he can file the detailed reply to the Show Cause Notice.

The Authority after perusing the site inspection report decided to direct the DSLR to carry the survey in respect of the structures in properties bearing survey No.243/13 and 243/14 of Village Calangute of Bardez Taluka and submit the report to this Authority on or before next date of hearing fixed on 21/01/2021 at 3.30pm. However, the meeting is postponed to 25/01/2021. The matter is posted on 21/01/2021 at 3.30pm. However, the meeting is postponed to 25/01/2021 as the Member Secretary had proceeded half day casual leave.

The Complainant present in person. Ld. adv for the Respondent present.

On request of parties the Authority decided to adjourned the matter on 18/02/2021 at 3.30pm. Issue fresh notices on the parties.

During 251st GCZMA meeting held on 25/02/2021. The Authority decided to refer the matter to DSLR to also demarcate the HTL, 200mt line and offending structures on the plan. On receipt of the report from the DSLR issue fresh notices for hearing in the matter. Now this office is in receipt of DSLR

During 268th GCZMA meeting held on 19/08/2021. Respondent was absent. The Authority granted time and fixed the matter for reply/arguments on 02/09/2021 at 3.30 pm.

Proceedings:-Complainant present along with her advocate. Adv Shivan Desai appeared on behalf of the Respondent. The Complainant argued regarding the illegal construction of ground plus one structure of Zinhos (L) Beach Resort which is located at Calangute. The Complainant further highlighted regarding the Tribunal order i.e. 24/8/2020, in terms of the Tribunal order, site inspection was carried by the DSLR surveyors, on 14/10/2020 and accordingly show cause notice was issued to the Respondent. The Complainant further submitted that the Hon'ble NGT had constituted a Committee and directed the committee to submit a report. The Committee conducted a Site Inspection report and further directed the DSLR to do the mapping of the structure. That the Authority has clearly mentioned all the detailed violations in the Show Cause Notice. The Authority states that Zinho's L Resort has 15 rooms, Zinho's I resort has 10 rooms and Zinho's Beach Resort has 7 rooms. He further adds that all the amount to 32 rooms standing in one structure which is illegal, plus the Respondent have also constructed a swimming pool and a restaurant. It was noticed by the Authority that the said illegal construction falls under NDZ and therefore the show cause was issued to the Respondent. The complainant further submitted that survey was conducted by DSLR and there is a plan of **14/08/2020** but it does not demarcate the HTL and NDZ line. Further, at the hearing on 25/2/2021, the Authority had decided to direct the DSLR to demarcate the 200mts line, however, the DSLR on 26/3/2021 submitted the plan and it is apparent that there is a dotted area shown on the plan which was the actual small structure existing on site prior to 1991. Further, it was submitted that the swimming pool was an illegal construction after 1991.

The Complainant states that the swimming pool falls in survey no 243/4 and the structure falls in 243/13A. He stated that the dotted structure was demolished and a total new structure is erected without and prior permissions from the GCZMA or any other statutory Authority.

Adv Shivan Dessai for the Respondent stated and submitted that the said structure is existence prior to 1991 and he relied upon the reply filed by him in the matter. The respondent further submitted that he relied on 2 exhibits Exhibits B dated 27/07/1987 is a letter of 10/08/92 issued by the Village Panchayat stating that they have no objection to Village Panchayat to run a guest house. Adv for respondent stated that the panchayat has taken a resolution in their meeting and hence permission was granted. Adv relied on the repair licence dated 31/3/1990 issued by the Village Panchayat of Calangute. The repair licence talks about the various floors and the structure that existed prior to 1991. He also relied on the registration of hotel from Tourism Department dated 11/03/93 granting him permission to run the hotel. The Respondent further stated that he has the letter dated 27/7/1987; made to the Mamlatdar for registration as a Mundkar. The Respondent clarifies that the dotted line structure shown on the survey plan is a structure which existed in 1971. Subsequently the permission given by various Departments are not challenged and that the structures are existing prior to 1991. The Respondent states that with regards to the Swimming pool and the Restaurant the Respondent leaves it to the Hon'ble Court.

The Adv for Complainant adds that the letter produced by the Village Panchayat does not mention the survey nos. The Adv for Complainant stated that the records of the Panchayat are tempered with. The Adv for Complainant requests that the records of the Village Panchayat may be summoned and the resolutions may also be called for.

Decision: The Authority heard the parties and decided to write to the Secretary and Sarpanch of Village Panchayat of Calangute and TCP to submit the records and the resolution taken by the Panchayat in granting permission and also TCP Department by which approval is granted. The matter will be heard on receipt of records from the respective Departments.

Case No1.2

To decide on complaint letter dated 03/07/2019 from Clare Marchon De Souza regarding the illegal construction of Ground Plus one floor structure carried out in property bearing Sy. No. 61/1 of Reis Magos Village, on the bank of the River Mandovi by Pandurang Community Hall, Betim. (High Court matter)

Background: The Office of the Goa Coastal Zone Management Authority is in receipt of a complaint letter dated 03/07/2019 from Clare Marchon De Souza regarding the illegal construction of Ground Plus one floor structure carried out in property bearing Sy. No. 61/1 of Reis Magos Village, on the bank of the River Mandovi by Pandurang Community Hall, Betim.

A Show Cause Notice was issued to the President, M/s Pandurang Community Hall, resident of Betim Bardez Goa and the Village Panchayat of Reis Magos, resident of P.O Reis Magos, Bardez Goa. dated 15/07/2019 vide letter no GCZMA/N/ILLE-COMPL/19-20/54/1045.

The Complaint was forwarded to the Chairman, District Level Committee, Office of the Collector (North), Collectorate Building, Panaji Goa on 15/07/2019 vide letter no GCZMA/N/ILLE-COMPL/19-20/54/1042 for conducting an inquiry and submitting a report.

The President, M/s Pandurang Community Hall, filed his reply to the Show Cause Notice on the 25/07/2019 and the Village Panchayat of Reis Magos also filed their reply to the Show Cause Notice on the 25/07/2019.

During 238th GCZMA meeting the complainant present in person and prayed for time as her adv is unable to attend the hearing. The Ld. Adv for Respondents present. The Authority decided to grant the time to the Complainant. The matter stands adjourned for final arguments on 17/12/2020 3.30pm.

During 240th GCMZA meeting held on 17/12/2020 Adv. R Noronha appeared for complainant and Adv. C Angle appeared on behalf of respondent. Complainant filed reply which was taken on record.

The Authority decided to post the matter for further proceedings on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021.

During 244th meeting held on 25/01/2021 the advocate on behalf of respondent filed reply before authority. Complainant sought time to peruse the reply filed by respondent. Authority after taking on records the documents filed by the respondent and request made by complainant. The matter is posted on 28/01/2021 for arguments.

Ld adv for both the parties present. The Ld Adv for the Complainant partly argued the matter.

The Authority adjourned the matter on 25/02/2021 at 3.30pm due to shortage of time. Due to paucity of time the matter is adjourned on 02/03/2021.



During 252nd GCZMA meeting held on 02/03/2021 Ld Advocate Noronha appeared for complainant. Ld advocate N. Chopdekar and Adv Bhobe Remained present for respondent. The Ld Adv for the Complainant argued the matter at length. The Authority adjourned the matter for the arguments of the Respondent on 11/03/2021 at 3.30pm for want of time. During 11/03/2021 the meeting got postponed to 25/03/2021. Now the authority has decided to fresh hearing notices.

During 261st GCZMA meeting held on 17/06/2021 The Authority considered the request of the Sarpanch Village Panchayat of Reis Magos. Time granted. Matter fixed on 22nd July 2021 at 3.30 p.m. Personal Hearing Notices stand waived.

During 266th GCZMA meeting held on 22/07/2021 due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

Proceedings: Adv. R Noronha appeared for complainant and Ld advocate P. Kamat for the Village Panchayat of Reis Magos and Adv Bhobe Remained present for the Pandurang Community. The Adv Noronha stated that permission was given by the GCZMA for construction of the ground floor and no permission was taken for the 1st floor. Adv states that only when pillars were put up for casting the first floor the Complainant filed a complaint. The Authority issued a SCN. In their reply the Respondent filed his reply and produced a plan showing approval for G+1 structure. The Complainant states that only permission was given for the ground floor and just because permission was given for the ground floor the respondent is taking advantage of the situation and constructed the first floor. The complainant states that they have no objection if the temple remains in the original plinth area but the extensions along with the 1st floor has to be demolished.

Adv for the Village Panchayat stated that there was always a School running in the temple premises. He has shown photograph of the board which exhibits the name. Adv states that they have all the permissions. Adv produces plan of G+1 floor, he states that the total height is less than 9 mts, and the floor area is 183 sq mts, the NOC from the Owners of the land, and stated that the temple is being constructed Ld. Adv submitted that permissions have been sought from the Panchayat for the said first floor structure and it is absolutely legal. It was further submitted that there are photographs which are produced on record which are not disputed by the Complainant. The Respondent further submitted that plan is produced by the Respondent and in the said plan the ground plus one structure is shown and the said structure is constructed from the funds raised under the Government Scheme by the Panchayat and the said structure is in existence throughout that there is no denial of the existence of the structure and therefore submitted that the said complaint needs to be dismissed.

Further Adv Bhohe submitted that there was a structure, and work is being carried out after obtaining due approvals. That there is permission for the work being carried out and the said complainant cannot deny the same if the complainant was so aggrieved by the permissions given by this Authority then he should have approached the higher Authorities regarding the same.

Adv for Complainant further rebutted that he is disputing the photographs produced on record, and submitted that there is no evidence placed on record to prove that the said structure is legal. That there is a violation of conditions 2 of the approval given by the GCZMA. That in his reply he has relied on the Affidavit filed by the fisherfolks of that area, supporting the contentions that there is only ground structure, further Google maps has also been produced on record showing the stage wise development. He adds that the PWD in his report has stated that there is encroachment. There are also pavers put without taking NOC from the Land owner. The Complainant prays that the encroachment be removed and the first floor be demolished and the temple be maintained in its original ground structure.

Decision: The Authority heard the parties at length, perused the documents placed on record and matter is posted for orders/ further clarifications.

Case No. 1.3

To discuss and decide on Honble NGT order, dated 28/11/2019 before NGT New Delhi passed in Appeal No. 41/2019 (NGT matter)

Background:

1. On 20/12/2010 the Office of Goa Coastal Zone Management Authority received a Complaint dated 17/12/2010 from Smt. Rohini Mandrekar, R/o 5, Darshan C.H.S, Linking Road Extension, Santa Cruz (W), Mumbai informing that she is the owner of the property bearing Sy. No. 267/1 of Village Mandrem wherein an illegal construction of a building consisting of ground plus two floors has been constructed without any approval / licenses by Mukund Naik (Deceased) and his family including his son, Shri. Laxmikant Naik, R/o Junaswada, Mandrem-Goa.
2. On 21/02/2011 received a Reminder letter dated 15/02/2011 from Smt. Rohini Mandrekar, with a request to process her complaint dated 17/12/2010 and take needful action.

Accordingly the order [passed on 05/12/2014 bearing no. GCZMA/PER/MAN/10-11/26/1647, which was challenged before the Honble NGT, Delhi. Now the Honble NGT,

Delhi disposed the matter bearing Order dated 13/02/2019 giving opportunity to the appellant to appear before GCZMA on 05/03/2019.

The party appeared on 05/03/2019 and complainant filed written submissions which were taken on record and informed the parties to remain present in its next meeting on 15/03/2019.

The said matter was deliberated during 194th GCZMA meeting wherein The authority heard both the parties at length. The authority noted that matter has been remanded by Hon'ble National Green Tribunal on a limited extent of consideration of regularisation. The authority noted that CRZ Notification 2011 only provides regularisation in terms of Clause 6 (d). The authority noted in the present case Clause 6 (d) of the CRZ notification cannot be made applicable. The authority noted that the structure in question is within 200mts. i.e within No Development Zone. Further, the structure is reconstructed without renewal of licence from Village Panchayat Mandrem and without prior approval of GCZMA. The authority noted that structure constructed at site is ground plus two which is not permissible in NDZ. Therefore, the authority decided that in the present case no permission/NOC could have been granted to the respondent by this authority even in the year 2004. The authority decided to uphold its order of demolition dated 05/12/2014.

Order passed by Honble NGT directing both parties to remain present before GCZMA on 05/12/2019.

During 217th GCZMA meeting held on 04/12/2019. The Authority after going through the arguments that have been submitted by the parties & in view of the limited scope to decide as to whether the same could be regularized in terms of the Rules prevalent in the year 2004, the only aspect left is as to whether such rules exist. As per the CRZ Notification 1991, the Coastal Zone Management Plan was required to be prepared by each State within one year from the date of publication of the notification. In the event of non finalization of the CZMP the local authorities were duly granting the requisite permissions & that how in the year 1993-94 the local body issued reconstruction of old house in property bearing survey no.267/1. The CZMP of the State of Goa was placed before MoEF, New Delhi only in the year 1996. When the reconstruction had taken place the entire house in its present form which is a ground + 2 storeyed structure was not complete & the entire completion has been complete only in 2004. In that sense of the term the construction of the 2nd floor can by no stretch of imagination be allowed to be regularized as the CRZ Notification of 1991 and 2011 does not permit constructions of

ground + 2 storeyed structures except ground + 1 structures. The compliant no doubt is the owner of the land but the Respondent bring the mundkar of the house has got a right to repair & reconstruct the dwelling house in terms of the provisions of the mundkar Act 1975 & only such person can be declared as mundkar of the dwelling house who has been residing in a dwelling house as on the appointed date i.e. 12/03/1976 which makes it more clear that the Respondent was hailing from the traditional coastal community. Going by the fact of the various aspects surrounding the case the Authority deemed it fit to order demolition of the 2nd floor of the house belonging to the Respondent or in the alternative to seal the 2nd floor to make it inhabitable.

However, the Decision taken was not communicated to the parties.

The Complainant had an Execution Application No 07/2021 in O.A. No 41 /2019 before the Hon'ble NGT Pune. The said Application came to be decided on 03/09/2021 with a direction to pass appropriate orders in accordance with law in terms of the decision taken on 217th Meeting held on 04/12/2019 and 05/12/2019 and communicate the same to concerned parties. The said exercise is to be complete within a period of four weeks from the date of receipt of the copy / communication / knowledge of the Order.

In view of the change in the Member Secretary of the GCZMA, the Authority decided to hear the parties again and pass appropriate orders in the matter.

Proceedings: Complainant present in person, Adv Gosavi present on behalf of the Respondent. The Complainant stated that she is the owner of the land, She stated that one of the legal heirs expired and the Adv for the Respondent admitted that one heir expired and undertook to furnish names. The Respondent submitted that as the Respondent has argued the matter and refused to argue afresh., on the contrary the Adv for the Respondent wanted that decision of 217th meeting to be communicated to the parties as per the order passed by the Hon'ble NGT and the Adv for the Respondent clearly stated that he does not wish to argue the matter. However, Adv for the Respondent stated that he will file a synopsis and sought for time.

Decision: The Authority had issued hearing notices to all the heirs who are made parties in the Execution Application No. 07/2021(WZ) filed before the Hon'ble NGT. The Authority also mentioned to the parties that since the Member Secretary and the Chairman are not the same who heard the matter in the 217th GCZMA Meeting the orders could not be communicated and the present committee is ready to hear the arguments on merits. Since the heir Late Dattaram expired his legal heirs has to be brought on record and hearing opportunity has to be granted to the heirs. Taking all these legal issues into

consideration which have come up prior to communicating the Order the Authority requested the matter to be argued afresh. The Adv for the Respondent refused to argue on merits and said that if we hear the matter on merits he would file contempt against the Authority. The Authority granted him time to file written synopsis and posted the matter on 23/09/2021 at 3.30 pm.

Case No.1.4

To decide on a complaint from Mr. Rui Manuel and Members of Reis Magos Panchayat Development Committee with regards to constructions carried out in Sy. No. 76/1 of Village Reis Magos, situated within NDZ of River Mandovi, by Mr. Verner Velho and Rachita Velho, r/o, H.No. S-183/2, Near Dessai Saw Mills, Verem, Reis Magos Bardez, Goa. (High Court matter)

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint from one Mr. Rui Manuel and now subsequently a complaint from Members of Reis Magos Panchayat Development Committee with regards to constructions carried out in Sy. No. 76/1 of Village Reis Magos, situated within NDZ of River Mandovi, by Mr. Verner Velho and Rachita Velho, r/o, H.No. S-183/2, Near Dessai Saw Mills, Verem, Reis Magos Bardez, Goa. the GCZMA issued a Show Cause Notice bearing No. GCZMA/BAR/R.M/11-12/35/964, dated 18/11/2011; the Respondent did file his reply dated 12/12/2011 to the Show Cause Notice dated 18/11/2011. Based on the complaint filed by Members of Reis Magos Panchayat Development Committee the site was inspected and the DSLR has also mapped the illegal structures.

The said matter was deliberated during 225th GCZMA meeting held on 04/06/2020 wherein the Authority after perusing the records saw that similar proceedings were initiated at the behest of one person by the name of Rui Pinto who has subsequently made submissions before the Captain of Ports as well as to the Panchayat saying that he hasn't filed any complaint as against the Respondent. No such withdrawal has been made before us & even if such withdrawal had been made to us, than too the Authority cannot accept such a thing as violation if any has to be intricately looked into so as to take the final call as to whether it is a violation in terms of the CRZ norms. Apart from this, although the Dy. Collector of Bardez had given its findings, no decision has been finally taken by the Authority & because a similar type of complaint has been filed by Reis Magos Panchayat Development Committee the proceedings are clubbed together so as to arrive at a common decision. The Expert Member too has to give his report who submitted that he will give the same on 10/06/2020. Both the parties i.e. Complainants & Respondent to obtain copy of the report from the office of GCZMA on 11/06/2020. The Respondent to

file reply by 15/06/2020 & arguments on merits to be heard by the Authority on 03/07/2020 @ 10.30 am.

The matter was placed for hearing in 227th GCZMA meeting held on 17/09/2020 wherein the Complainant submitted that the structure of the Respondent is not shown on the survey plan. Likewise the compound wall which has been constructed by the Respondent is in road widening area. Apart from the illegal construction the Complainant also alleged that the Respondent has encroached in the riverine land of Mandovi river.

The Respondent on the contrary stated that there is no swimming pool at all in the property which is evident from the inspection report of the Expert Member. He submitted that much prior to the CRZ Notification 1991 coming into force one of the structure was already existing in the property & much prior to the constitution of the GCZMA the GSCCE had already approved another structure within the same property against which there were no observations of the Expert Member about any extensions carried out beyond the plinth area. If in case there has been deviations in relation to the approved plans then the appropriate Authority to deal & decide upon the same would be the Town & Country Planning Department & not this Authority is what the Respondent stated. He further stated that the Complainant has not raised any objection on the inspection report & hence prayed for quashing aside the show cause notice & the complaint filed by the Complainants.

The Authority directed to carryout inspection of possible riverine encroachment by conducting an inspection by officials of the WRD, Expert Member & officials of the DSLR and submit the report at the earliest.

The Authority during 249th GCZMA meeting held on 18/02/2021 decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the meeting was cancelled and posted to 1/04/2021. Fresh hearing notices were issued to the parties. Now the fresh hearing notices were issued to both the parties.

Proceeding: - Matter called out, Adv H.D Naik present for the complainant and Adv Gaurish Agni present on behalf of the Respondent, Mr. Rui Manuel absent. The Complainant submitted that he has filed written objections to the plan and also produced some photographs on record, the Adv for the Respondent submitted that he wants to rebutt to the same by filling additional reply on record.

Decision: The Authority after hearing both the parties granted time to the Adv for the Respondent to file his additional reply and directed the Respondent to serve the copy of the reply in advance and posted the matter on 23/9/2021 at 3.30 pm.



Case No.1.5To decide on Complaint dated 28/02/2020 from Michael Felix Dias regards to alleged illegal filling of low lying paddy field and illegal construction of structures at Murda Village of Mercedes Village Panchayat, Goa by Mr. Raul F Fernandes resident and Mr Oswald Fernandes, Gabriel F.A.Gonsalves

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 28/02/2020 from Michael Felix Dias, r/o Mesta Batt, Mercedes Goa; with regards to alleged illegal filling of low lying paddy field and illegal construction of structures at Murda Village of Mercedes Village Panchayat, Goa in the property bearing survey no 91/3,4,5,6,7,8, and 9 in Murda Village within CRZ area being carried out by one Mr. Raul F Fernandes resident of House No. 1260, Bairo Bundir St. Cruz, Goa and Mr Oswald Fernandes, Gabriel F.A.Gonsalves both resident of Bairo Bundir St. Cruz, Goa and ors without obtaining any proper permission from the Competent Authorities.

a notice for site inspection was issued to the alleged violators bearing letter no GCZMA/N/ILLE-COMPL/20-21/38/261 dated 25/06/2020; intimating that the Site Inspection was scheduled on 13/07/2020; however, one of the alleged violator filed his reply dated 10/07/2020; thereby stating his inability to remain present for the Site Inspection on health grounds.

a fresh notice for site inspection was issued to the alleged violators bearing letter no GCZMA/N/ILLE-COMPL/20-21/38/1430 dated 23/12/2020; intimating that the Site Inspection was scheduled on 31/12/2020.

the Site in question was inspected by the Expert Members of GCZMA along with Expert Members and Field Surveyor of DSLR. The Inspecting team filed their report regarding the illegalities noticed on site.

GCZMA had issued show cause notice and called the parties for hearing on 07/01/2021. The Authority during 243rd meeting held on 14/01/2021 after hearing respondent directed Respondent not to carry any commercial activity in the premises in view of order dated 07/01/202. The Directions be also issued to Dy. Collector and SDO, Tiswadi to keep strict vigil to see that no activities are carried out failing which coercive action sealing the premises. The matter is posted on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021 as the Member Secretary had proceeded half day casual leave..

Respondent Mr. Rahul Fernandes remained present along with Ld Adv Vinod Korgaonkar and prayed for the time to file the reply. The Complainants present in person.

The Authority decided to grant the time to the Respondent to file reply with clear instructions that the Respondent shall not carry any commercial operation in the premises. The matter is adjourned to 04/02/2021 at 3.30 pm.

During 246th GCZMA meeting held on 04/02/2021 .Ld Adv Vinod Korgaonkar remained present for Respondent Mr. Rahul Fernandes and Oswald Fernandes and prayed for the time to file reply. None remained present for Gabriel Gonsalves. Complainants appeared in person. Shri. Kashinath Shetye present and informed that he had also filed the complaint against the offending structures which needs to be decided.

The authority after hearing both the parties decided to grant the time to Respondent as last opportunity and also decided to club the complaint of Kashinath Shetye along with the present proceedings. The matter is posted on 25/02/2021 at 3.30 pm.

During 251st GCZMA meeting held on 25/02/2021 authority decided that The Complainants present. The Ld Adv for Respondent Mr. Raul Fernandes and Mr. Oswald Fernandes present and filed the reply and prayed for time to argue the matter as he is laying his hands on the some judgment. Shri Gabriel Fernandes Respondent present and moved an application stating that he is not the owner of the land and he may be dropped from the proceedings.

The Authority granted the time and posted the matter on 18/03/2021 at 3.30pm for reply and arguments. On 18/03/2021 the meeting was cancelled and posted to 1/04/2021 which was cancelled. Fresh hearing notices were issued to the parties.

Proceedings: Ld. Adv for Complainant as well as Adv for Respondent present, Adv for Respondent sought two weeks time to file reply.

Decision: The Authority heard both the parties and granted time to the Respondent and decided to communicate the fresh date to the parties by issuing notice to the parties.

Case No.1.6

To decide on application filed by Goa ParyavaranSavarakshan Sangharsh Samitee had before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014.(NGT Matter)

Background: Goa ParyavaranSavarakshan Sangharsh Samitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

The Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) 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. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast".

The Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

The Goa ParyavaranSavprakshan Sangharsh Samitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014.

The Hon'ble NGT vide order dated 25/02/2019, interalia appointed a three members Committee comprising of Deputy Conservator of Wildlife, Goa, Member Secretary, Goa State Pollution Control Board and Member Secretary, GCZMA. The nodal agency will be the Deputy Conservator of Wildlife for compliance and coordination. Accordingly, a report was to be furnished to this Tribunal within one month.

Vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

The Appellant filed a Writ Petition No. 828/2019, M/s Oasis Guest House V/s Sate of Goa and ors Before the Hon'ble High Court of Bombay at Goa, but the same was allowed to be withdrawn to move the National Green Tribunal.

The Respondent M/s Oasis Guest House in Appeal No. 12/2021(WZ) in I.A.No. 21/2021 had approached the Hon'ble NGT and vide order dated 01/06/2021, the Hon'ble NGT directed that, "...we permit the appellant to move the GCZMA within one month upon which the GCZMA may look into the matter and record a specific finding whether the construction in question is post 19.02.1991 and whether the area is within the NDZ. Till such a finding is recorded, the impugned order will not be treated as final and it will

be open to the GCZMA to take a fresh decision in the matter. We note that the area in question is sensitive being close to turtle nesting sites but the demolition is permissible only if the construction is post 19.02.1991 and in NDZ. Needless to say that GCZMA must follow due process of law before passing an order in the matter. GCZMA may finalize the matter as far as possible within three months. The appeal is disposed of."

AND WHEREAS, the Respondent did submit his reply, however, the Authority has derived certain points of determination as under:

- (i) Whether the construction in question is prior to 19/02/1991.
- (ii) Whether the area is within the NDZ
- (iii) Whether the Respondent has ownership documents
- (iv) Whether the Respondent has permission from the competent Authorities for construction of the Resort/ cottages.
- (v) Whether the Respondent has Sanad for construction of the Resort/ cottages.
- (vi) If constructed after 1991 does the Respondent have permission from GCZMA.

Proceedings: Matter called out, Adv for Respondent present and prayed for one weeks time to file reply.

Decision : In view of the principle of Natural Justice the Authority granted time as last and final opportunity to file reply and matter posted on 30.9.2021 for reply/arguments.

Case No. 1.7

To decide on complaint from Anna D'Souza, pertaining to the illegal construction of a House/Hotel/Building/Compound Wall is being carried out in Sy. No. 343/21-A, in the village of Anjuna-Vagator by Inder Singh Arora

Background: this office is in receipt of a complaint letter dated 13/02/2021 from Anna D'Souza, Secretary St. Anthony's Church Vagator P.O. Anjuna Bardez Goa and was inwards in the Office of the GCZMA on 15/02/2021; pertaining to the illegal construction of a House/Hotel/Building/Compound Wall is being carried out in Sy. No. 343/21-A, in the village of Anjuna-Vagator by Inder Singh Arora resident of House No 56, Sohna Road, Malibu Town, Gurgaon, Haryana 122 001 within 200 – 500 mts from HTL.

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a Complaint dated 16/11/2020 from the Rajesh V Dabolkar, r/o H.No. A/70, Amnekhand, Reis Magos, North Goa; thereby alleging that an illegal massive pucca construction of the Hotel known as "PAPA JOLLY HOTEL

COMPLEX” carried out by M/s Titanic Resorts Pvt Ltd., in the property bearing survey no 187/31 to 39 and 187/50 of Village Morjim falls within 500 mts from HTL.

The Complainant Rajesh V. Dabolkar vide complaint dated 08/04/2021 has enclosed a copy of the Order cum notice issued by Village Panchayat of Morjim Pernem Goa for the illegal constructions carried out in the property .

The Authority has issued a Show Cause Notice bearing No GCZMA/N/ILLE-COMPL/2021/89/667 dated 05/08/2021.

Proceedings: Complainant present in person, Adv Bhivshet appeared on behalf of the Respondent; copy of the reply collected by the complainant and sought time to file the rejoinder to the same.

Decision: The Authority heard the parties, granted two weeks’ time to file the reply, fresh personal hearing notice to be issued to both the parties communicating the fresh date.

Case No. 1.8

To decide on complaint from Green Space pertaining to the illegal construction of lateritic house with concrete flooring, soak pit and underground drainage tank built and used for residential and commercial purpose and restaurant and bar is run in the name and style of “CHILL OUT”.

Background: A complaint letter dated 15/04/2021 from Green Space was inwards in the Office of the GCZMA on 19/04/2021; pertaining to the illegal construction of lateritic house with concrete flooring, soak pit and underground drainage tank built and used for residential and commercial purpose and restaurant and bar is run in the name and style of “CHILL OUT” in the NDZ ZONE of CRZ III B area in Sy No. 222/3 of Anjuna Ozrant, Vagator, Village.

Proceedings:-None present for the Complainant as well as the Respondent. The A.D cards have come back with the endorsement that both the respondents have expired.

Decision: Authority decided to direct the Complainant to take necessary steps to furnish address so as to serve the SCN on the violators.

Case No. 1.9

To discuss and decide on the reports submitted by the Inquiry committee of the GCZMA after completing its inquiry interalia stating its recommendations.

Background: In furtherance to the Meeting No 253rd dated 04/03/2021 in respect of Hotel Silver Sand, Colva, Salcete, Goa.

The Authority deliberated that the Authority during its 225th Meeting held on 04.06.2020 had decided to call upon the parties afresh to hear arguments on the aspect of procedural review and as to how and in what manner the review would lie for the Authority to revisit its decision taken in the 187th Meeting held on 30.10.2018.

After hearing the parties, it was realized that certain intricate facts pertaining to the matter may not have been brought forth before the Authority in its 187th Meeting held on 30.10.2018. The Respondent brought on record the requisite permissions and approvals to prove that the commercial structure in question is legal and authorized. The Respondent also raised doubts as to the procedures followed by the Authority before passing the final decision in its 187th Meeting. Therefore, it was decided that the order of demolition passed in the 187th Meeting should be rescinded in view of vital facts and documents coming to light subsequently.

However, the question as to whether the Authority has power to review its decision taken in the 187th Meeting is yet to be decided by this Authority finally, considering that the matter has been decided by Hon'ble Supreme Court in its appellate jurisdiction.

During 254th GCZMA meeting held on 18/03/2021 decided to issue fresh notices to both parties to appear before this Authority on 08.04.2021 at 3.30pm to hear on maintainability of the review application dated 29.01.2019 along with their written submissions.

The Authority during 268th meeting held on 19/08/2021, heard the Respondent and directed the Respondent to come clear on the maintainability of the review application. The written submission submitted by the Respondent does not speak about the maintainability of the review application. The matter is fixed on 26/08/2021 for arguments on the maintainability of the review application of the Respondent. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

During 270th meeting held on 02/09/2021 none remain present. The authority decided to adjourn the matter and issue fresh hearing notices to the parties to remain present for hearing. The Member Secretary brought to the notice of Authority that the next date of hearing before Hon'ble NGT (Pune) in said matter is 22/10/2021. Fresh hearing notices are issued to both the parties.

Proceedings: Matter called out, Adv Nachinolkar present for the Respondent, Complainant absent, Complainant sent mail stating her personal difficulties to attend the hearing and stated that she has already filed her written submissions and further requested that if any written submissions are filed by the Respondent the copy of the same may be communicated to the Complainant. The Adv for the Respondent Submitted that he has filed his written submissions and he is relying on same. The Respondent stated that the

issue of review has already been decided by this authority in 187th meeting and same cannot be re visited by this authority again.

Decision: The Authority heard the parties and posted the matter for orders on the maintainability of Review application.

Case No. 1.10

To decide on Complaint from the Rajesh V Dabolkar, thereby alleging that an illegal massive pucca construction of the Hotel known as "PAPA JOLLY HOTEL COMPLEX" by M/s Titanic Resorts Pvt Ltd., in the property bearing survey no 187/31 to 39 and 187/50 of Village Morjim .

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a Complaint dated 16/11/2020 from the Rajesh V Dabolkar, r/o H.No. A/70, Amnekhand, Reis Magos, North Goa; thereby alleging that an illegal massive pucca construction of the Hotel known as "PAPA JOLLY HOTEL COMPLEX" carried out by M/s Titanic Resorts Pvt Ltd., in the property bearing survey no 187/31 to 39 and 187/50 of Village Morjim falls within 500 mts from HTL.

The Complainant Rajesh V. Dabolkar vide complaint dated 08/04/2021 has enclosed a copy of the Order cum notice issued by Village Panchayat of MorjimPernem Goa fro the illegal constructions carried out in the property.

The Authority has issued a Show Cause Notice bearing No GCZMA/N/ILLE-COMPL/2021/89/667 dated 05/08/2021.

Proceedings:-Matter called out, Adv H.D Naik present for the Complainant, Complainant present, Respondent absent.

Decision:-The Authority has decided to issue fresh notice to the Respondents in the matter.

Case No.1.11

To discuss and deliberate on complaint letter dated 19/04/2021 from Bhanu Shirodkar resident of Nagali Taleigao; and Vainguinim Valley Residents Association dated 20/04/2021 with regards to alleged illegal construction & development within the CRZ & NDZ by the Owners / management of Fomento Resorts, Cidade de Goa Resort.

Background: The Office of the GCZMA had received a complaint letter dated 19/04/2021 and inwards in the office of the GCZMA on the 19/04/2021; from Bhanu Shirodkar resident of Nagali Taleigao; and the office has also received a Complaint from

Vainguinim Valley Residents Association dated 20/04/2021 and inwarded in the office of the GCZMA on 20/04/2021; with regards to alleged illegal construction & development being carried out within the CRZ & NDZ by the Owners / management of Fomento Resorts, Cidade de Goa Resort at the Vainguinim Beach, Dona Paula; without obtaining any proper permission from the Competent Authorities.

Upon receipt of the Complaint the GCZMA carried out a site Inspection, and a report of the Site Inspection is enclosed herewith

in the said Site Inspection dated 20/04/2021; of the Expert Member; it is stated that the representative of Fomento Resorts and Hotels submitted a copy of CRZ approval granted for repairs & that the work is carried out in phases as per the design prepared in consultation with WRD and the work is carried out as per the approval granted.

The complainants alleged that the site inspection carried out on 20/04/2021 was in their absence & hence they pleaded for a fresh site inspection which was carried out on 23/04/2021. It was noted that M/s. Fomento Hotels has violated the conditions imposed by the Authority. Cement concrete has been used as against eco-friendly material.

Moreover, cement concrete structures are prohibited on the beach, that too within the intertidal zone (CRZ 1B), that is a highly ecologically fragile area.

The ongoing linear wall construction is a new work, and not "repairs" as permitted under the NOC.

And accordingly Show Cause Notice was issued to **Fomento Resorts** on 28/04/2021 & directed to appear for personal hearing before the Authority on 06/05/2021 at 3.30 pm. The respondent filed reply to the show cause Notice on 03/05/2021. However the meeting was postponed to 20/05/2021 and later on 27/05/2021 at 3.30 pm.

During 257th GCZMA meeting held on 27/05/2021 Learned advocate Parag Rao for the respondent M/s Fomento Resorts attended the hearing through VC. Ld Advocate Clinton Fonseca appeared for complainant Vainguinim Association. Learned advocate Pundalik Raikar appeared for Bhanu Shirodkar attended the hearing.

Learned advocate Parag Rao submitted that he is objecting the SCN issued by GCZMA which is in violation of merit. He submitted that the party did not attend the site inspection dated 23/04/2021 as they did not receive any notice. The learned advocate prayed for fresh site inspection to the authority.

Learned advocate Clinton submitted that they didn't received the notice of inspection dated 20/04/2021 hence they requested for 2nd inspection by Authority which was carried out on 23/04/2021. Learned advocate Raikar submitted that the matter is before district court. Further submitted that the respondent has taken NOC in 2017 for repair of linear wall. further the respondent had completed the work as stop work order was not issued.



Learned Advocate for complainant prayed for fresh site inspection to verify whether 25 mt gap is maintained or not.

The Authority heard Ld Adv Shri Clayton Fonseca and Ld Adv Shri Pundalik Raikar on behalf of the complainants and Ld Adv Shri. Parag Rao representing respondent M/s Fomento Hotels on VC.

Permission was granted to Fomento Hotels & Resorts Ltd on 25.07.2017 to carry out repairs to a gadga/retaining wall and a linear wall in its property surveyed under no. 246/1 of Taleigao village. The primary allegation in the complaints is regarding alleged construction of a concrete linear wall on Vainguinim beach. On the other hand, the respondent contends that the construction/repairs are within their private property. After lengthy deliberations, it was decided that the Expert Members (GCZMA) would visit GCZMA office to peruse the documents and replies filed by the parties. Accordingly decision on the matter was deferred.

The matter once again discussed in 259th meeting held on 07/06/2021 and the Authority decided to have a joint inspection of the site under chairmanship of Additional Collector-I, with members comprising Mamlatdar, representative of Water Resources Department and DSLR representative field surveyor of GCZMA with records.

1. To plot the location of linear wall and gadaga/retaining wall constructed by the respondent on plan with reference to survey no. 246/1 of village Taleigao.
2. To plot HTL line on the plan. Reference may be made to HTL marked by NCSCM on draft CZMP 2011 and
3. To record the dimensions of the linear wall.
4. To plot the linear wall existing as per old record.
5. To assess the construction of linear wall in reference to permission issued on 25/07/2017.

Accordingly joint site inspection is conducted on 28/06/2021 and the submitted the report on 29/07/2021. Fresh hearing notices are issued to both the parties.

During 268th GCZMA meeting held on 19 /08/2021, the authority after hearing both the parties directed the complainant to collect the copy of the joint site inspection report dated 28/06/2021 and also directed the respondent to collect the relevant documents from the O/o GCZMA and further placed the matter for personal hearing to both the parties on 24/08/2021 at 4.30pm. However the said meeting is postponed to 31/08/2021.

During 269th GCZMA meeting held on 31/08/2021 the Authority after hearing arguments from both the parties states that they would peruse the replies and documents submitted

by all the parties and if required would keep the matter for clarification but as of now the matter is posted for orders.

The discharge order was circulated among the Expert Members. In reply the Authority had received email message from Shri. Sujeet Dongre and Shri. Savio Correia that they were not present on 31/08/2021 on the day when the final arguments were heard and said they should not associated with the order of discharge.

Mr. Faviano Miranda Expert Member did not agree with the decision of authority and filed his objection in writing.

This Authority in its 271st Meeting held on 21/09/2021 decided as follows; This Authority after hearing both the parties at length and after taking into consideration the written reply filed along with relevant documents and oral arguments by all the parties, decided as under:

The Authority noted that M/s Fomento Resort had applied for permission for repairs to a Gadga Wall at Hotel Cidade, Taleigao Village, Tiswadi Taluka. The applicant had submitted a notarised copy of the Deed of Sale dated 16/10/2002; showing the ownership of the property. M/s Fomento Resorts have got their name inscribed in the Form I and XIV as owners. Subsequently, another application was received from M/s Fomento Resorts dated 26/06/2017 seeking a NOC for repairs of the partial collapse of Linear Wall and Soil Erosion in the property bearing survey number 246/1, Hotel Cidade de Goa showing photographs of the collapsed retaining wall. M/s Fomento Resorts had stated that the existing wall was more than a century year old and was damaged due to soil erosion caused by huge tidal waves. The Applicant stated that this will further deteriorate and will lead to total collapse of the traditional retainer wall thereby causing several landslide and effect the main building as well. It requested to expedite the case.

The Authority conducted a site inspection through Expert Members on 13/06/2017 and noted that the proposed site is having a gadga / retaining wall at Hotel Cidade de Goa at Vaiguinim Taleigao Goa. The inspecting team also noted that there exist an old retaining wall made of stone boulders with cement mortar separating the land mass from the beach area. Over the retaining wall, a wooden cantilever platform is made protruding towards the river. The top wooden floor is supported by wooden props embedded in the wall in a slanting manner. M/s Fomento Resorts had proposed to provide reinforced cement concrete cap over the old existing boulder wall through which the cantilever R.C.C slab of 3mt is proposed.

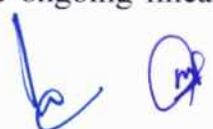


The Authority placed the proposal of M/s Fomento Resorts in its 152nd GCZMA Meeting held on 29/06/2017. The Authority after detailed discussion and due deliberation, decided to direct the applicant M/s Fomento Resorts & Hotels Ltd to carry out necessary repairs of the walls proposed in consultation with the WRD. The Authority decided to reject the proposal of projecting R.C.C. slab. The Approval was conveyed to M/s Fomento Resorts on 25/07/2017 vide approval no GCZMA/N/17-18/76/781.

The Authority received Complaints from Mr Bhanu Shirodkar, and Mr Collin Curry President of Vainguinim Valley Resident Association alleging therein that illegal construction and development is carried out within CRZ area (NDZ) by the Respondent i.e Fomento Resorts & Hotels Ltd.

On receipt of the Complaint, the Authority issued a Notice for Site Inspection dated 20/04/2021 to be carried out on 20/04/2021 at 3.00 p.m. Accordingly the Expert member carried out the site inspection. The report of the site inspection clearly states that M/s Fomento Resorts had carried out repairs to the existing linear/retaining wall with valid permissions from GCZMA and the work was carried out as per the approval granted, however the work is carried out in phases as per the design proposed in consultation with the WRD.

Upon receipt of an email dated 21/04/2021 from President of Vainguinim Valley Resident Association alleging therein that the inspection is carried out in absence of the Complainant and hence requested for a fresh Site Inspection to be carried out in presence of all parties concerned. The Authority conducted a re-inspection on 23/04/2021. As per the Site Inspection Report, Complainants were present but none was present on behalf of the Respondent. The Site Inspection Report while recommending for a detailed survey by DSLR stated that Fomento Resorts has built a cement concrete wall on the beach having length of approx. 100 meters, approx 40 cm thickness and height about 01 meter above the ground level. The depth of the foundation could not be ascertained as it would involve excavation of sand. It runs roughly parallel to the south-western boundary of Fomento property at distance of about 15 meters. Wooden piles are placed in the ground in anticipation of carrying out further extension of the cement concrete wall southwards. The cement concrete wall is being constructed on the inter-tidal zone of the beach. The said concrete wall appears to be constructed in place of an existing wall which was built using laterite stone. Excavation of beach sand to remove laterite stones/foundation of the old linear wall on the intertidal zone of the beach was observed. The Site Inspection Report gave a finding that M/s. Fomento Hotels has violated the conditions imposed by the Authority as they used Cement and concrete as against eco-friendly material. Moreover, cement concrete structures are prohibited on the beach, that too within the intertidal zone (CRZ 1B), that is a highly ecologically fragile area. The ongoing linear



wall construction seems to be a new work, and not “repairs” as permitted under the NOC issued by this Authority.

The Authority vide Ref No GCZMA/N/ILLE-COMPL/21-22/13/132 dated 28/04/2021 issued a Show Cause Notice to the Respondent and called upon Respondent to file reply alongwith compliance report and produce construction/reconstruction/repair license/approvals, if any.

Meanwhile, the Authority received further communications- (i) an email dated 20/05/2021 from Mr Hubert Saldanha requesting to stop construction activity at Vainguinim Beach, Taleigao; (ii) an email dated 20/05/2021 from Goa Foundation regarding Continuing Illegal Concretization and destruction of public beach at Bainguinim by Fomento/Cidade de Gos Hotel/ Taj Groups of Hotels; (iii) an email dated 20/05/2021 from Raj Vaidya on ongoing construction on the Vainguinim Beach; (iv) a complaint dated 23/05/2021 from Mr Kashinath Shetye on the same subject matter requesting the Authority to demolish the illegal construction on the ground of violation of order of Hon`ble Supreme Court in Civil Appeal No 4155 and 4156 of 2000 and directions of Hon`ble NGT staying all permissions to be granted in CRZ area;

FINDINGS :

The Authority noted that the Letter from the Executive Engineer -1 Water Resource Department vide letter dated 04/ASW/WDI-WRD/2021/109 dated 05/07/2021 has submitted a Report of the Site Inspection at Vainguinim Beach held on 28/06/2021 wherein it has stated that the Linear Wall was constructed in consultation with WRD Department and is generally as per the typical drawings /section submitted to the office. As per the Report of the Additional Collector, the DSLR has depicted the Linear Wall within the boundary of Survey No 246/1 of Village Taleigao. As per the Report of the DSLR, there is no encroachment shown as alleged by the Complainant. The Plan of DSLR also shows the existence of Linear Wall as well as boundary of survey no 246/1 of Village Taleigao.

The Respondent has submitted the certified copy of Plans of Resurvey conducted by the DSLR in respect of property bearing survey no 246/1 of Village Taleigao in the year 2004 wherein DSLR has shown all the structures in survey number 246/1 including the linear wall.

The Authority noted that M/s Fomento Resorts had moved an application to the Executive Engineer Water Resource Department to carry out necessary repairs of the existing walls namely Gadga Wall and Linear Wall in the property belonging to M/s Fomento Resorts as per the decision of the GCZMA by way of two separate

applications. It is noted that M/s Fomento Resorts in its letter addressed to WRD had mentioned to provide eco-friendly cantilever deck of wood after strengthening the existing pitched wall and regards linear wall repair, it proposed to use wooden piles driven along the existing wall backed up with laterite rubble filter covered with existing sand fill.

The Authority noted that the Executive Engineer-1 had issued a letter to M/s Fomento Resort vide letter no F.04/ASW 2/WDI/ WRD/2021-22/34 dated 06/05/2021 stating that the Assistant Engineer S.D.IV, W.D.I on 04/05/2021; had visited the site and has brought out that the ongoing work of linear wall in survey number 246/1 at village Taleigao is as per consultation and drawing/ section of the Linear Wall shared with the department vide letter dated 09/08/2017 in continuation to discussion during the 152nd GCZMA meeting held on 29/06/2017. Before issuing this letter, the Executive Engineer obtained a Report from the Assistant Engineer, Water Resource Department vide letter number SDIV/ WDI/WRD/F 63/21-22/85 dated 04/05/2021 where in it is stated that, *"..... Fomento Resort vide letter dated 3/8/2017 had submitted the plan for construction of the Linear Wall in a sketch of 300 m. as per the drawings it was proposed to drive 100 mm wooden piles close to each other for a depth of 5m on the sea face and drive to a depth of 3M at spacing of 1m c/c on the inter face. the piles are then capped with concrete and backed by laterite rubble. This methodology and scope of work was discussed with the WRD officials which was agreed to. During the inspection of the site on 03/05/21 a 70 m stretch of the Linear Wall was in progress and the piles have been driven in the sand as per the plans/ drawings. As the work constructed under construction of linear wall generally conforms to the plans/ drawings as per the consultation with this department letter may be issued to Fomento and GCZMA stating that the work is done in consultation with WRD"*.

As there were Complaints Lodged before the Collector North Goa District , Deputy Collector & SDM, Tiswadi and Mamlatdar of Tiswadi, about the alleged construction activity at Vainguinim Beach. The Inquiry was conducted by the Mamlatdar and the report was forwarded to the Office of the Collector North District through the Deputy Collector in SDM Panaji. The said report inturn was forwarded to this Authority by the Deputy Collecotr (Revenue) and Member Secretary DLC North Goa vide Letter no 4-7-2021/CRZ/Vainguinim/RB-10677/ 1386 dated 27/05/2021. As per the Report of the Authorities, the repairs of linear wall is carried out in phases over a period of time.

The Executive Engineer-1, Water Resource Department vide letter dated 24/05/2021; had submitted a letter for the completion of construction of linear wall. The letter stated that the site was inspected by the concerned Assistant Engineer of the

division on 24/05/2021; and it had been confirmed that the work of linear wall in survey number 246/ 1 at village Taleigao has been executed and completed as per consultation and the drawing/ section of the Linear Wall.

It is noted that with regards to an earlier direction by Hon'ble High Court of Bombay at Goa in Writ Petition No W.P. No 245/2007, the GCZMA had conducted a Site Inspection on 07th June, 2007. The Authority perused the Report submitted to the Hon'ble High Court and noted that it was mentioned in the report that there existed a Linear wall prior to the CRZ Notification 1991. The Page 3 of Inquiry Committee report states as under

“There is a linear structure of height of approximately 30-40 cms (short retention wall) which is existing on the beach running parallel to the wall of the Hotel existing apparently much before 1991. this fact was informed to the Petitioners. Petitioners pointed out that in the month of February 2007 they have seen waste water flowing through this platform. In front of this structure there exist water collection chamber which has a pipe connection leading to the PCC structure (Short Retention wall) on the beach. During the Site Inspection water collection chamber was checked and it was notice that storm water is flowing through the same and on to the beach. The pipeline connecting the water chamber through the short retention wall structure is cut and water flows from the chamber directly on to the beach. There is no evidence of sewerage water flowing through these chambers”.

Subsequently, the GCZMA upon the directions of the Hon'ble High Court in W.P. No. 245/2007 passed an order dated 22/01/2016 bearing ref no GCZMA/N/ILLE-Compl/15-16/26/2512 disposed of the proceedings initiated on the basis of complaints and closed the matter.

This Authority, based on the documents and reports from various Authorities and submissions made and after considering joint inspection report dated 28/07/2021 and all documents on records, notes that the for subject under consideration of show cause notice requisite permissions were obtained by M/s Fomento Resorts from this Authority who were directed to carry out the work in consultation with the WRD. In the letter dated 24/05/2021 and 05/07/2021, the Water Resources Department has categorically stated that the work of linear wall in survey number 246/1 at village Taleigao had been executed and completed as per consultation. From the above discussions, it is amply clear that the M/s Fomento Resorts has carried out the said work as per the approval granted by this Authority within their property bearing Survey No 246/1 of Village Taleigao as per the drawings/ plans in consultation with the Water Resources Department, Govt of Goa.

The inspecting team headed by the Additional Collector-I North Goa has submitted the report along with the Plan vide dated 28/07/2021 with respect to all the five points of inspection and depicts that the Linear Wall on the plan falls within survey no 246/1 of Taleigao Village of Tiswadi Taluka and there is no encroachment made by the Respondent.

The objection raised by Mr. Flaviano Miranda, Expert member GCZMA does not hold good as the Authority had verified all the reports of the WRD who had expertise knowledge and have admitted that the work of linear wall has been carried out as per consultation which has been directed by the Authority in 152nd Meeting held on 29/06/2017. The report submitted by Additional Collector-I North District and the plan prepared by DSLR shows the linear wall and the boundary around the property bearing survey no 246/1 of village Taleigao.

As regards the allegation that the alleged construction has taken place in NDZ, the Authority finds there is no substance in the said allegations as the Inquiry Committee appointed by GCZMA pursuant to the directions issued by Hon'ble Bombay High Court at Goa in WP 245/2007 has already held in 07th June, 2007 that the linear wall had already existed prior to 1991. Therefore, repairs are permissible to the existing structure which is in existence prior to 1991 and the GCZMA had given permission for the same on 25/07/2017.

CONCLUSION:

In view of the above the Authority decided to drop the Show Cause Notice issued to the Owner/ Management of Fomento Resorts, Cidade de Goa Resort.

Meeting ended with thanks to the chair.

Member Secretary
(GCZMA)

Chairman
(GCZMA)

MINUTES FOR 271st MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 21/09/2021 at 03.30 PM. IN THE CHAMBER OF CHAIRMAN(GCZMA), CHIEF ELECTORAL OFFICE, ALTINHO, PANAJI, GOA.

The 271st Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 21/09/2021 at 3.30 p.m. in the Chamber Of Chairman (GCZMA), Chief Electoral Office, Altinho, Panaji, Goa.

The following members were present for the meeting on 02/09/2021:

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Chief Conservator of Forests, Department of Forest.
- Representative on behalf of Director, Department of Tourism, Panaji Goa.
- Representative of Chief Engineer, Water Resources Department (WRD).
- Representative of Principal Chief Engineer, Public Works Department (PWD).
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Correia, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Shri. Mahesh K Patil, Expert Member (GCZMA).
- Member Secretary (GCZMA).

Item No.2

Case No.2.1

Permission to erect temporary structure at RND Jetty ramp in the plot of land under Chalta No.1, 2, 3 of P.T. Sheet No.37-A of Panaji Town, near Quarter Deck Restaurant, Panaji-Goa.

The Office of the GCZMA is in receipt of an application dated 07/07/2021 and submission of additional documents letter dated 20/07/2021 from Director, Golden Peace Infrastructure Pvt. Ltd, Hotel New Majestic, Plot. No.104/1A, Opp. Azad Bhavan, Porvorim, Bardez-Goa regards permission to erect temporary structure at RND Jetty ramp in the plot of land under Chalta No.1, 2, 3 of P.T. Sheet No.37-A of Panaji Town, near Quarter Deck Restaurant, Panaji-Goa.

Site Inspection Report: The said site was inspected by Sujeetkumar Dongre (Expert Member GCZMA) & Satishkumar Naik (Field Surveyor, GCZMA).

As per the notice dated 03/09/2021, the site was inspected on 03/09/2021 at 4.30 pm . the representative of river navigation, Mr. Sohan Shirodkar represented to sign stating that in office has not received any notice regarding site inspection. However he stated that the ramp means, the place where the boats dock but said he will get

clarification from the office. The NOC given by the captain of ports does not state any survey number or chalta numbers where the proposed activities i.e. setting up of aisle and tulet counter. His suggested to get the NOC to state the chalta numbers and the location of proposed activities in a detailed survey plan. The captain of port has issued NOC to one Yeshwant Sawant for kiosk. The location of this kiosk and their proposed activities seems overlapping/using the same place this need to be clarify by Captain of Ports.

Decision: The Authority after detailed discussion and deliberation decided to approve the proposal for erection of temporary structure at RND Jetty ramp in the plot of land under Chalta No.1, 2, 3 of P.T. Sheet No.37-A of Panaji Town, near Quarter Deck Restaurant, Panaji-Goa for a period of one year subject to the land owning agency addressing issues noticed during inspection viz kiosk and notified parking area.

Case No.2.2

Intimation /NOC for construction of temporary ramp adjacent to Captain of Ports Jetty.

The Office of the GCZMA is in receipt of application dated 26/05/2021 from Goldenglobe Hotels Private Limited, Corp. Off: First Floor, Kamala House, Opp. Magsons Supermart, D.B. Marg, Campal, Panaji-Goa with regards intimation /NOC for construction of temporary ramp adjacent to Captain of Ports Jetty.

Site Inspection Report: The said site was inspected by Sujeetkumar Dongre (Expert Member GCZMA), Mahesh Patil(Expert Member GCZMA) & Satishkumar Naik (Field Surveyor, GCZMA).

Visited the site on 03/09/2021 at 5.00 pm, representative Mr. Vishnu Tantiya, Mrs. Krupa Sharma from COP were present during the site inspection. The clarity was sought from the proponent and COP in classified. The proposed ramp shall be strictly used for ferrying the guest from the relation to jetty. The Authority may be deliberate. The drawing proposed shall strictly be followed in verbatim.

Decision: The Authority after detailed discussion and deliberation decided to approve the construction of temporary ramp adjacent to Captain of Ports Jetty for a period of one year.

Case No.2.3

NOC for construction of wall to stop the soil erosion along the bank of river Zuari in Sy.No.12/1 and 99/2.

The Office of the GCZMA is in receipt of application dated 31/05/2021 from B.K. Satish, Goan Hotels & Realty Private Limited, Regd Office: DB House, Gen. A.K.

Vaidya Marg, Goregaon (East), Mumbai with regards application for construction of wall to stop the soil erosion along the bank of river Zuari in Sy.No.12/1 and 99/2.

Site Inspection Report: The said site was inspected by Mahesh Patil, Expert Member (GCZMA) and Devendra Gaonkar (Field Surveyor).

- i) **Name of the Applicant:** Goa Real Estate and Construction
- ii) **Date of the Application:** 31/05/2021
- iii) **Application for:** Repair of bundh wall to stop soil erosion
- iv) **Date of construction based on the documents:**
- v) **Date of Inspection:** 14/06/2021
- vi) **Name of the Official / Expert Member, GCZMA:** Mahehs Patil & Devendra Gaonkar

Sy. No. : 12/1, 99/2 **Village** :Bambolim **Taluka:** Tiswadi

- iv) **Accessibility:** Hotel property with good accessibility
- v) **Distance from the HTL of River / Sea:** Bank of river Mandovi
- vi) **Classification of CRZ Area:** c) CRZ – III
- vii) **Existence of Sand dunes and its Height:** NIL
- viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:**
plot inbounded by river mandovi on west plot is constructed with hotel/tourism project and villas
- ix) **Existence of Vegetation, if any:** plot has vegetation, however proposed bundh is devoid of vegetation
- x) **Plinth area of the structure / alleged violation:**
-proposal is for reconstruction of erosion wall
-GCZMA officer may check for any past violations
- xi) **Nature of the structure:** Cabion Structures with laterite/cement blocks. Details is attached plan.
- xii) **Height of the structure:** Detailed in attached plan
- xiii) **Details of extension to the existing structure:** Existing wall/structures is damaged in cyclone
- xiv) **Approvals / NOC's issued by any other Department's / Authorities:**
-Proponent to submit the plan and copy of earlier approved structures from GCZMA or relevant authority
- xv) **Nature of violation if any, with regard to provisions of CRZ Notification 2011:** GCZMA office to verify, is any past violation/court cases are pending
- xvi) **Whether the proposed construction meets the CZMP Guidelines:** Proposal to repair existing structures damaged during recent cyclone. The proposed bundh repair is very essential to reduce/control future erosion.

xvii) Conclusion / Recommendation:

1. Reconstruction/repair of proposed walls is essential to control erosion.
2. If this wall is not repaired it will lead to damage to land and property.
1. Recommended for repair as per the attached plans. Total length is 514.9 mts.
2. Natural vegetation of beach/riverbank like ipomec should be planted.
3. Geotextile may also be used along with gabion to support vegetation.

Decision: The Authority after detailed discussion and deliberation decided to approve the construction of wall to stop the soil erosion along the bank of river Zuari in Sy.No.12/1 and 99/2.

Meeting ended with thanks to the chair.



Member Secretary
(GCZMA)



Chairman
(GCZMA)