



**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE AT PUNE**

Appeal No.48/2018 (WZ)

Colva Civic and Consumer Forum **...Appellant**

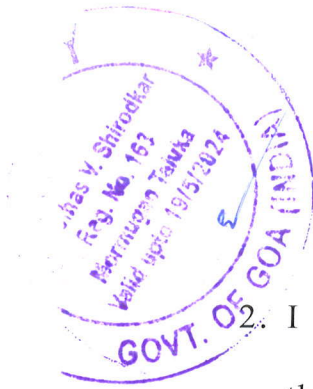
v.

Cesar Vaz & Ors **...Respondents**

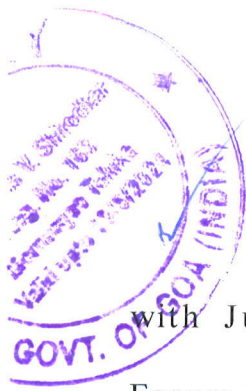
AFFIDAVIT-IN-REPLY ON BEHALF OF
RESPONDENT NO. 1

I, **MR. CAESAR VAZ**, son of Mr. Caitano Rosario Mario Vaz, 42 years of age, Indian National, Resident of H.No. 214, Vaz Building, Near Government School, Mangor Hill, Vasco Da Gama, Goa, the Respondent No. 1 hereinabove on solemn affirmation state and submit as under:

1. I say that I am in receipt of Appeal Memo in Appeal No. 48/2018. I have read and understood the contents thereof and seek to file the present Reply.

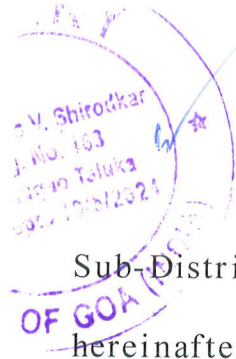


2. I deny and dispute the contents of the Appeal and the documents annexed therewith which are inconsistent with the case set out by me. Anything that is not specifically denied shall not be deemed to be admitted.
3. I say that the Appeal is erroneous, misconceived and an abuse of process of law. I say that the Appellant has suppressed material facts. On these counts itself the Appeal is liable to be dismissed in toto.
4. I say that the Appellant has attempted to mislead this Hon'ble Tribunal by suppressing facts and raising erroneous grounds. The Appeal is misconceived in facts and law. The same does not deserve any indulgence.
5. It bears mentioning that on 03/06/2017, I filed a complaint before the Colva Police Station stating that on 31/05/2017, some persons namely Savio Cardozo and Jose Fernandes who are associated



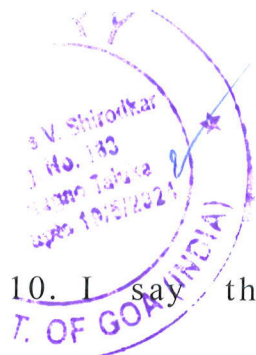
with Judith Almeida, President of Colva Civic Forum herein, trespassed into my property posing as Government Officer and took photographs. It was further stated that thereafter the said persons demanded Rs. 3 lacs which demand was an extortion. Accordingly I filed a Police Complaint before Colva Police Station and FIR has been registered. I have reasons to believe that the Appellant has filed false complaints and initiated frivolous proceedings including the present Appeal to cause undue prejudice to me. Copy of the Police Complaint and FIR is annexed hereto and marked as 'Annexure A-1(Colly)'.

6. Without prejudice, I say that I am the co-owner and in possession of all that plot bearing Survey No. 39/3-A, admeasuring an area of 4,263 sq. mts., forming a portion of the property known as "AFORAMENTO LOTE NO. 2" located within the limits of the Village of Colva in the Taluka and



Sub-District of Salcete in the State of Goa,
hereinafter referred to as the “**Said Property**”.

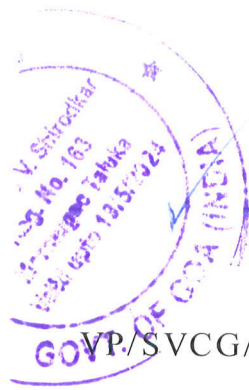
7. I say that the Said Property is located within the *Settlement Zone* in Regional Plan for Goa 2001 and 2021 and comes within the jurisdiction of Colva Village, Goa. The same falls within the CRZ-III Zone.
8. I say that there was an existing structure in the said property admeasuring 158.6 sq. mts. which structure was been in existence prior to the CRZ Notification dated 19/02/1991. However the said structure to the extent of 125 sq. mts. is reflected in the existing survey plan and the balance 33.6 sq. mts. is not reflected in the survey plan.
9. I say that I intended to reconstruct the existing house and accordingly applied for reconstruction permission on 31/08/2016 on the basis of the existing structure.



10. I say that on 10/03/2017, GCZMA issued NOC/Permission bearing Ref. No. GCZMA/S/16-17/72/2367 in my favour for reconstruction of House bearing No. 457 (New) H. No. 141 (Old) located in the said property.

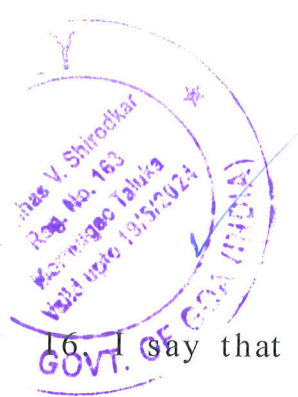
11. I say that vide Technical Clearance Order dated 03/04/2017 bearing No. TPM/29221/Colva/39/3-A/17/1281 permission was granted by Town and Country Planning Department, Margao - Goa for carrying out the work of re-construction of existing house bearing No. 457 (New) H. No. 141 (old) situated in the said property on the basis of the said NOC/Permission dated 10/03/2017. Copy of the Technical Clearance Order dated 03/04/2017 is annexed hereto and marked as 'Annexure A-2'.

12. I say that on 15/04/2017, Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim issued Construction Licence bearing No.



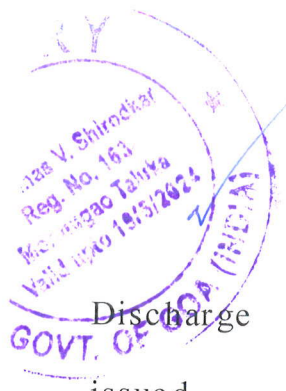
VP/SVCG/Const.02/2017-18/77 in my favour for re-construction of existing house bearing No. 457 (New) H. No. 141 (old) situated in the said property. Copy of the Construction Licence dated 15/04/2017 is annexed hereto and marked as 'Annexure A-3'.

13. I say that in pursuance to the said permissions, I reconstructed the existing structure in the said property.
14. I say that the concerned area is a CRZ-III area and in terms of CRZ Notification 2011, reconstruction of an existing authorized structure is permissible and it is in terms thereof that permission dated 10/03/2017 was issued by GCZMA.
15. I say that on account false and frivolous complaints filed by the Appellant, Stop Work Order cum Show Cause Notice came to be issued against the said property.



16. I say that after giving personal hearings to the parties and considering arguments advanced, the Respondent No. 2 requested the Surveyor of Directorate of Settlement and Land Records to verify the area of the structure as per the DSLR Plan.

17. I say that the DSLR vide its letter dated 23/02/2018 submitted that the area of the structure on plan is as mentioned in the Form I & XIV as Pot-Kharab, Class (a) i.e. 125 sq.mts. In view of the aforementioned letter from DSLR, Respondent No. 2 held that the contention/ allegation of the Appellant that the structure is illegal less was not sustainable. The GCZMA further noted that the inspection carried out by the expert members on 28/02/2017 and the applicant having removed/ demolished all structures confirms that the other contentions of the complainant as regards to illegal construction and cutting of sand dunes is not sustainable. It is in such circumstances the

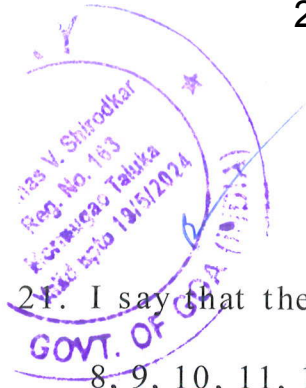


Discharge Order dated 05/03/2018 has been issued.

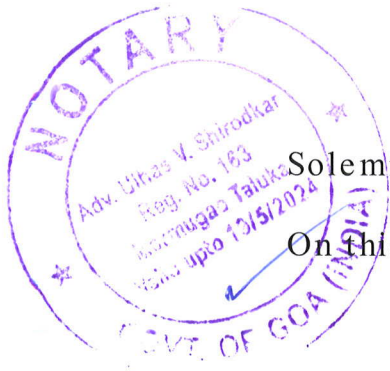
18. I say that the Order dated 05/03/2018 and the subsequent Approvals dated 03/08/2018 read with Communication dated 28/02/2019 are passed/granted by the Respondent No. 2 after considering all the relevant factors and the documents on record, which establish the existence of authorized structure and the right of the Respondent No. 1 to reconstruct the same in terms of the CRZ Regulations.

19. I say that the Appellant has resorted to initiating frivolous litigation with mala fide intent and/or for collateral purpose.

20. I say that there is no substance in the Appeal No. 48/2018 which is liable to be dismissed in toto. I say that the Appeal is an abuse of process of law and the same does not deserve any indulgence. Therefore the same be dismissed with costs.



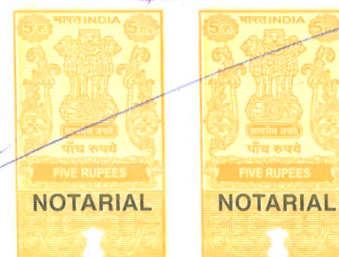
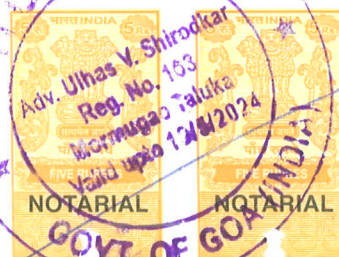
21. I say that the contents of para 1pt, 3pt, 5, 6, 7pt, 8, 9, 10, 11, 12, 13, 15, 16, 17pt and 19 are true to my own knowledge and/or based on records; and the contents of para 1pt, 2, 3pt, 4, 7pt, 14, 17pt, 18 and 20 are based on legal submissions which I believe to be true.



Solemnly affirmed at ^{VASCO} ~~Panaji~~ - Goa

On this 9th day of February, 2023

DEPONENT



Caesar var
I have read the contents of the above instrument and find it to be in conformity with the original and the contents of the instrument as shown to me / furnished by me.
[Signature]

Adv. Ulhas V. Shirodtkar
NOTARY

Mormugao Taluka
Apna Bazaar

Vasco-da-Gama, Goa

Date : 9/2/2023

Reg. No.: 1320/2023

286 Annexure A-1

Police Station: COLVA
Outward No. <u>6904</u>
Dated <u>7/6/17</u>

FIRST INFORMATION REPORT (Under Section 154 Cr.P.C.)

1. Dist: South P.S. Colva Year: 2017 FIR No.: 65/2017 Date: 06-06-17
2. (i) Act: - IPC Sections: 447, 448, 380 r/w 34
(ii) Act: --- Sections: ---
(iii) Act: --- Sections: ---
(iv) Other Acts & Sections: - -----
3. (a) Occurrence of Offence :Day Wednesday Date:- on 31/05/17 at between 09.00 hrs.
(b) Information received at P.S. Date: 06/06/2017 Time: 19.00 hrs
(c) General Diary reference: Entry No.(s) 60/16 Time: 19.00 hrs
4. Type of Information: Written/ Oral
5. Place of Occurrence: (a) Direction and Distance from P.S.: 02 Km West
Beat No.: - Colva
(b) Address: - H. No. 457, bearing property survey no 39/3A of Colva Village.
(c) In case outside limit of this Police Station, then the name of P.S. _____ District _____
6. Complainant / Informant:
(a) Name: Ceazer Vaz
(b) Father's/Husband's Name: ----
(c) Date / Year of Birth:- Major in age (d) Nationality: Indian
(e) Passport No: ----- Date of issue: ----- Place of issue:
(f) Occupation: -----
(g) Address: Mangoor Hill Vasco Da Gama.
7. Details of known/suspected/unknown accused with full particulars (attach Separate sheet if necessary):
Savio Cardozo S/o Francisco r/o H. No. 478/1 and Joe Fernandes r/o H. No. 422 both of 4th ward Colva.
8. Reason for delay in reporting by the complainant / Informant:
Upon enquiry

9. Particulars of properties stolen / involved (attach separate sheet if necessary): **A Gopro Camera and 03 motion sensors**

10. Total value of properties stolen, involved:- **Rs. 40,000/-**

11. Inquest Report/U.D. Case No., if any: -----

12. F.I.R. Contents (attach separate sheets, if required):

Attached separate sheet.

13. Action taken: Since the above report reveals commission of offence (s) U/s as mentioned as Item no.2, registered the case and took up the investigation/directed **Anand Shirodkar** Rank - **PSI** to take up the investigation/transferred to P.S. _____ on point of jurisdiction.

F.I.R. read over to the Complainant/~~Informant~~, admitted to be correctly recorded and a copy given to the Complainant/~~Informant~~ free of cost.

Sd/-

14. Signature/Thumb impression
of the Complainant/~~Informant~~:-

Sd/-

Signature of the Officer-in-charge
Police Station

Name: **Filomena Costa**

Rank: **Police Inspector** No.---

15. Date & Time of dispatch of the Court:

Copy submitted:-

1. J.M.F.C. Margao.
2. D.G.P. Reader Panaji.
3. DIGP Panaji
4. S.S.P. CID Panaji.
5. P.I. R/U Panaji.
6. S.P. (S) Margao
7. S.D. P.O. Margao.
8. Copy to complainant.

Submitted

Filomena

P.I. Colva P.S.

03rd June 2017

To,
The Police Inspector,
Colva Police Station.
Salcette-Goa.

Sir,

I; Caesar Vaz, Resident of Mangor Hill , Vasco- da -Gama , Goa want to register a police complaint that on 30th May 2017 , 2 Intruders trespassed on my private property at Colva, House No 457 Bearing property survey No 39/3A of Colva Village.

The 2 intruders claimed to be from the government and said they have come to inspect the site, stating we were carrying illegal construction. They flashed some false ID and demanded 3 lakh rupees by evening from the caretaker of the property.

They also threatened my caretaker saying not to interfere with their work while doing their government job and again said that they would report the matter to some NGO called Judith and hence they were taking photographs.


A GoPro camera costing 40,000/- rupees and 3 motion sensors stored in a box at the house have been missing. I suspect these intruders to have stolen them while distracting the caretaker.

On 31ST May 2017, I posted a video of the CCTV footage taken inside my property on Facebook showing the intruders entering the property to seek help in identifying them.

The 2 intruders have been identified as Savio Cardozo Son of Francisco, Resident of House No 478/1 From Ward No 4 Colva and Jose Fernandes House No 422 , From Ward No 4 Colva.

I have 2 Witnesses who can identify these intruders inside my property. Also i can provide the CCTV Footage showing these individuals trespassing on my private property.

Thanking You,

 03/05/2017

Caesar Vaz,
2nd Floor, Vaz Bulding,
Mangor Hill, Vasco da Gama.

Contact No : 9922221111

*Ca. No. 65/m
y/s 447, 448, 380 2/w 3 & 2 p r.
S.P.C. No. 60/16
at: 19:00 hrs
on 06/06/17.
Anand K. Shigodkar
PS Colva PS.*

*Caesar Vaz
Registered Officer*

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Annexur e A-2

OFFICE OF THE SENIOR TOWN PLANNER
TOWN & COUNTRY PLANNING DEPARTMENT,
SOUTH GOA DISTRICT OFFICE,
OSIA COMMERCIAL ARCADE, 4TH FLOOR 'B' WING
MARGAO-GOIA.

REF:- TPM/29221/Colva/39/3-A/17 1281

DATE:- 3/4/17

TECHNICAL CLEARANCE ORDER

Technical Clearance is hereby granted for carrying out the work of proposed re- construction of existing house

as per the enclosed approved plans in the property zoned as **Settlement Zone** in **Regional Plan for Goa 2001 and 2021** and situated in Plot no. ___ of survey no. **39** sub-division **3-A** of **Colva** Village of **Salcete** Taluka with the following conditions:-

1. Construction shall be strictly as per the approved plans No changes shall be effected in the approved plans/approved built spaces without the prior permission of this Authority.
2. The permission granted shall be revoked, if any information, plans, calculations, documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of the permission and the applicant will not be entitled for any compensation.
3. The development permission will not entitle the applicant for making/laying any claim on water and any other connection from the Government of Goa.
4. The Developer/applicant should display a sign board of minimum size 1.00mts. x 0.50mts. with writing in black colour on a white background at the site, as required under the Regulations.
5. The applicant shall obtain Conversion Sanad under the Goa Land Revenue Code, 1968, before the commencement of any development/construction as per the permission granted by this order.
6. The soak pit should not be located within a distance of 15.00meters from any existing well in the surrounding area.
7. The commencement and the completion of the work shall be notified to the authority in writing in appropriate forms.
8. Completion Certificate has to be obtained from this Authority before applying for Occupancy Certificate from the licensing authority.
9. Storm water drain should be constructed along the boundary of the effected plot abutting to the road.
10. Adequate Utility space for the dustbin, transformer etc. should be reserved within the plot area.
11. In case of any cutting of sloppy land or filling of low lying land, are involved, prior permission of the Chief Town Planner shall be obtained before the commencement of the works per the provisions of Section 17(A) of the Goa Town and Country Planning Act, 1974.
12. In case of compound walls, the gates shall open inwards only and traditional access, if any passing through the property shall not be blocked.

Contd/-

...2...

13. The Ownership of the property shall be verified by the licensing body before issuing the licence.
14. Verification of the tenancy position as on 2/11/1990 and thereafter shall be made by the licensing body before issuing the licence
15. As regards complaints, pertaining to encroachments, Judicial orders/directive and other legal issues, the same may be verified and confirmed by the concern Village Panchayat before issuing licence.
16. The set backs shown on the site plan shall be strictly maintained.
17. The Village Panchayat shall ensure about the availability of power and water supply and other required infrastructure before issuing licence.
18. The area under road widening shall be deemed to be public road and shall not be enclosed/encroached. Affidavit/undertaking in this regard shall be sworn before the Village Panchayat/PWD as the case may be on stamp paper of Rs.100/-
19. The construction shall be carried out strictly on existing plinth only.
20. This Technical Clearance is issued based on the approval granted by GCZMA vide no. GCZMA/S/16-1772/2367 dtd. 10/03/17.

THIS ORDER IS ISSUED WITH REFERENCE TO THE APPLICATION DATED **22/3/17** RECEIVED FROM **MR. CAESAR VAZ AND MR. WALTER MORAICE**

THIS ORDER IS VALID FOR THREE YEARS FROM THE DATE OF ISSUE OF CONSTRUCTION LICENCE, PROVIDED THE CONSTRUCTION LICENCE IS ISSUED WITHIN THE PERIOD OF THREE YEARS.


(James Mathew)
Senior Town Planner

To,

Mr. Caescar Vaz & Mr. Walter Moraice,
VAz bldg, Mangor hill, Vasco.

Copy to:
The Sarpanch/Secretary,
Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim,
Salcete Goa.

Tn/-31/3/17

Annexure A-3

OFFICE OF VILLAGE PANCHAYAT
SERNABATIM, VANELIM, COLVA & GANDAU LIM.

CONSTRUCTION LICENCE

Construction licence No. VP/SVCG/Const:01/2017-18/27 Date: 15/4/2017

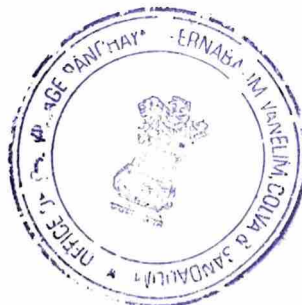
Licence is hereby granted for carrying out the :-

- a) Proposed Re- Const. of existing house
- c) Proposed Construction of Compound wall .
- b) Change of use of (Building/land) as per the enclosed approval plan /plans in the property zoned as **Settlement Zone** in the OPD/CDP/Regional plan and situated at **Colva** Village/ Town bearing **survey No.39/3-A** chalta No. - of PIS No./Plot No. ___ of approved sub-division reference No .Development permission Order No.

d) Approved in the Meeting Resl.No.2(2), dated 12/4/2017

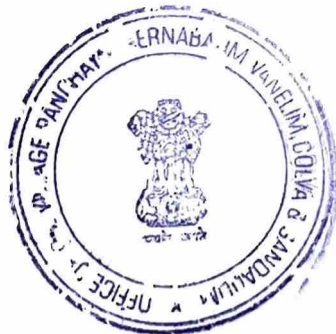
The following conditions to be observed :-

- 1.The applicant shall strictly comply all the conditions imposed in the Development permission(Town and country Planning and Development Authority/Technical Clearance order issued by the Town &Country Planning Dept. Margao No. TPM/29221Colva/39/3-A/17/1281, date d 03/4/2017.
2. The applicant shall notify the Panchayat for giving the alignment of the building.
3. The construction should maintain the minimum prescribed horizontal & vertical clearances from any overhead electrical line passing adjacent to the construction.
4. All RCC/Structural works shall be designed and supervised by the certified Engineer who has signed the structural stability certificate submitted to the Panchayat.
5. No material for construction or earth from exaction or any other construction material shall be stacked on the public roads.
6. The applicant shall obtain conversion sanad under the Goa Land Revenue Code 1968, before the commencement of any development / construction as per permission granted.
7. The building should not be occupied unless the Occupancy certificate is obtained from the Panchayat.
8. The construction licence shall be revoked if the construction work is not executed as per the approved plans and the statements therein and whenever there is any false statement or misrepresentation of any material passed approved or shown in the application on which the permit was based.
9. The Applicant should construct a separate soak pit in order to derivate in the sullage water.
10. Any Soak pit should be constructed at a minimum distance of 15 meters away from any well.



[Handwritten Signature]
SECRETARY
Village Panchayat
SERNABATIM, VANELIM,
COLVA & GANDAU LIM.

28. The construction of compound wall should not obstruct any path way or any public access. The applicant shall make necessary arrangements for smooth flow of rain water by keeping adequate openings in the compound wall for the purpose.
29. No gates shall open outwards on to the road.
30. The construction of the compound wall should be as per the approved plan. The applicant shall inform this Panchayat after the completion of the compound wall.
31. Drinking water well should be 15 meters away from any soak pit.
32. Labourers working at the site should not reside after the working hours.
33. Garbage collection & disposal should be done from time to time in your own property.
34. Storm water drain should be constructed along the boundary of the effected plot abutting the road.
35. The set backs shown on the site Plan should be maintained.
36. Adequate arrangements shall be made for collection and disposal of solid and liquid waste generated in the property.
37. The permission is granted as per ownership title documents produce this office, If future if any disputes / litigation arises regarding the ownership, title etc, then the applicant shall be solely responsible at the cost of applicant at his own peril and secretary or any other authorized officer on behalf shall be liberty to revoke construction licence granted without giving any notice / reasons.
38. Applicant shall settle / clear up all the disputes & litigation before commencement of construction work. If future, if any disputes / litigation of the tenancy position, mundcarial as regards complaints, pertaining to encroachment, judicial orders / directive and other legal issues then the applicant shall be solely responsible at the cost of applicant at his own peril and secretary or any other authorized officer on behalf shall be liberty to revoke construction licence granted without giving any notice / reasons.
39. In case of any legal dispute as regards ownership and commitment to the original owner and developer shall be hold the responsibility. Applicant shall settle / Clear up before commencement of construction work.
40. The applicant shall strictly obtain all necessary permission / NOC from Concern Govt. Authorities /Dept and land owner/ co- owner before commencement of construction work, where there is necessary and if any disputes / litigation arises then the applicant shall be solely responsible at the cost of applicant at his own peril and secretary or any other authorized officer on behalf shall be liberty to revoke construction licence granted without giving any notice / reasons.
41. This clearance is issued based on the approval granted by GCZMA Vide No. GCZMA/S/16/-17/72/2367, dated 10/3/2017.



SECRETARY
Village Panchayat
SERNABATIM, JANELIM,
COLVA & GANDAILIM

41. The area under Road widening shall be deemed to be public road and shall not be enclosed /encroached.
42. All the Conditions laid down by TCP Dept. dated 03/4/2017 shall be strictly complied by applicant. if any complaint and it is found that then the applicant shall be solely responsible at the cost of applicant at his own peril and secretary or any other authorized officer on behalf shall be liberty to revoke construction licence granted.

This licence is valid for a period of Three years from the date of issue of this licence. Renewal if required shall be applied within the period of the validity of the licence. He/ She had paid the licence fee to the tune of Rs. 10,600/-

By receipt No. 77/74, dated 15/0/2017

This carries the embossed seal of this Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, dated 15/0/2017

(SANDHYA A. SHET SHIRODKAR)

Secretary

Village Panchayat

Sernabatim, Vanelim, Colva & Gandaulim.

To,

Mr. Caesar Vaz & Mr. Walter Moraice
Vaz Bldg. Mangor Hill, Vasco-Goa.

