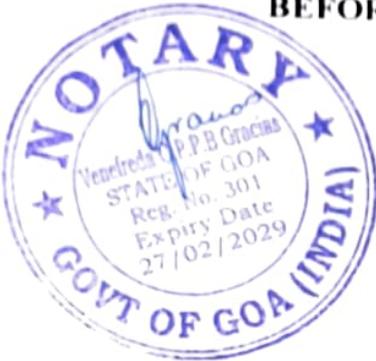


BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE BENCH, PUNE



I.A. NO. 672/2025 (WZ)

IN

APPEAL NO. 526/2025 (WZ)

JOHNSON D'SILVA

...APPELLANT/APPLICANT

VERSUS

GCZMA & ORS.

...RESPONDENTS

**AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT
NO. 1 (GCZMA) TO THE APPLICANT'S APPLICATION
SEEKING CONDONATION OF DELAY IN APPEAL NO.
526/2025(WZ).**

I, Shri Sachin Desai, major of age, holding the post of Member Secretary, Goa Coastal Zone Management Authority ("GCZMA") i.e., Respondent No. 1 herein, having office at 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby make solemn affirmation and state as under:

I. I say that I am holding the post of Member Secretary, Goa Coastal Zone Management Authority. I say that I am filing the present affidavit based on the records available with my office and that I am competent to depose in this case.

A handwritten signature in blue ink, appearing to be 'Sachin Desai', written over a faint blue line.

2. At the very outset, Respondent No 1 ("**Answering Respondent**") denies all the averments, allegations and contentions raised by the Appellant *in toto*, save and what are matter(s) of record. Nothing stated in the appeal shall be deemed to be admitted by the Answering Respondent. Nothing may be deemed to have been admitted for want of *traverse seriatim*.

3. I say that this Respondent has confined the present reply only to dealing-with the application for condonation of delay and has not dealt-with the merits of the matter. The Respondent craves leave of this Hon'ble Tribunal to file a detailed reply to the appeal, if found necessary.

4. The Appellant has preferred the appeal under Section 16 of the National Green Tribunal Act 2010, challenging the Permission/Approval dated 10.01.2025, granted by GCZMA in favour of Respondent No 5 ("**Impugned Permission**") pertaining to works in Survey No. 354/1 of Village Anjuna, Taluka Bardez, State of Goa ("**subject property**").

5. I say that this Respondent had, by an application dated 05.11.2024, submitted to the GCZMA, sought permission to undertake certain works in the subject property.

6. I say that pursuant to the aforesaid application, on 08.11.2024, the officials of the GCZMA conducted a site inspection of the subject property. The proposal was thereafter



A handwritten signature in blue ink, consisting of a stylized, cursive mark.

considered by the GCZMA in its 425th meeting held on 12.12.2024. After a detailed discussion and examination of the site inspection report, and upon evaluating the proposal in light of clause 8(v)(3)(iii) of the CRZ Notification, 2011, the GCZMA resolved to grant its approval to the said proposal. As such, the formal Permission/Approval dated 10.01.2025, being the impugned permission, was issued in favour of Respondent No. 5.

Annexed hereto is a copy of the relevant extract of the 425th Meeting of the GCZMA held on 12.12.2024 marked as 'Annexure A'.

7. I say that the Minutes of the 425th Meeting of the GCZMA held on 12.12.2024 were uploaded on the official website of the GCZMA (<https://www.czma.goa.gov.in/>) on 09.01.2025.

8. I say that it is therefore evident that the cause of action, if any, for any 'person aggrieved' to challenge the impugned permission arose on 09.01.2025, being the date on which the decision to grant the said permission was uploaded on the official website of the GCZMA, or at the latest, on 10.01.2025, when the impugned permission was formally issued in favour of Respondent No 5.

9. I say that at paragraph 9 of the Interim Application for interim reliefs [i.e. I.A. No. 673/2025 (WZ)], the Appellant has, in fact, expressly admitted that the Minutes of the 425th Meeting of the GCZMA held on 12.12.2024 were duly available in the public domain. I say that once the Minutes of the Meeting containing the



under the proviso to Section 16 of the National Green Tribunal Act, 2010.

12. I say that at paragraphs 1 and 4 of the Interim Application for interim reliefs [i.e. I.A. No. 673/2025 (WZ)], the Appellant has himself admitted that he is a resident of the State of Goa and has been regularly visiting North Goa, including the Anjuna–Vagator Beach area, where the impugned works are being undertaken by this Respondent.

13. I say that this Respondent submits that it is a well-established principle of law that the limitation period prescribed under the proviso to Section 16 of the National Green Tribunal Act, 2010 is mandatory and absolute in nature. The said period cannot be extended beyond what is expressly provided in the statute, even by invoking the provisions of the Limitation Act, 1963. The legislative intent behind Section 16 is to ensure that environmental disputes are addressed with promptness and finality, and hence, no authority, including this Hon'ble Tribunal, possesses the jurisdiction to condone delay beyond the statutory period.

14. In the present case, the appeal has been filed well beyond the maximum permissible period of 90 days, and no explanation or justification for such an extraordinary delay has been provided. Therefore, the present appeal is hopelessly barred by limitation and is liable to be dismissed on this ground alone.



15. In view of the foregoing, this Respondent respectfully submits that the present appeal, having been filed well beyond the prescribed limitation period, is *ex facie* barred by time and therefore deserves to be dismissed *in limine*.

16. I say that this Respondent therefore humbly submits that the Interim Application No. 672/2025 (WZ) deserves to be rejected, and the accompanying Appeal No. 526/2025 (WZ) pending before this Hon'ble Tribunal be dismissed, as the same is clearly barred by limitation and not maintainable in law.

17. I say that what has been stated in Paras 1 to 16 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: 30.10.2025

DEPONENT

Solemnly affirmed before me

Sachin Desai.....

Who is identified before me by

Shri/Smt
.....

.....At Panjim - Goa

Sr. No, 160/10/2025

Dated. 30/10/2025

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



★ Extract of 425th GCZMA Meeting held on 12/12/2024. "Annexure A" etc. for the purpose of frame work due to unpredictable weather conditions. However, the same shall not exceed 30% of the total material required. Use of concrete is banned. Grouting, plastering, laying of PCC/RCC on the floor/ structure/ digging of soak pits/ digging and laying of pipes/ metal staircases grouted in cement etc. shall not be permitted as per the guidelines issued by the GCZMA.

Decision: The Authority after detailed discussion decided to approve the proposal for proposed erection of temporary cottages for tourism purpose in plot bearing Sy. No.: 98, Sub. Div.: 8, plot B, situated at Morjim Pernem Goa

Case No. 2.2

NOC for Proposed approval for access with paver blocks on sand bed, wood / steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01nos. wooden restaurant, Bio-fencing & Gabion Retaining Wall on plot bearing Sy. No. 354/1 of Anjuna village, Bardez Taluka-Goa.

The Office of the GCZMA is in receipt of an application dated 05/11/2024 from Mr. Micheal Lobo, H.No. 181/15, Bhati Vaddo, Parra, Bardez-Goa, with regards to Proposed approval for access with paver blocks on sand bed, wood/steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01nos. wooden restaurant, Bio-fencing & Gabion Retaining Wall on plot bearing Sy. No. 354/1 of Anjuna village, Bardez Taluka-Goa.

Site Inspection Report: The said site was inspected by Rohan Verckar, Environmental Assistant, (GCZMA), and Gorakh Tuenker, Field Surveyor,(GCZMA).

i) **Name of the Applicant:** Mr. Micheal Lobo, H.No. 181/15, Bhati Vaddo, Parra, Bardez-Goa.

ii) **Date of the Application:** 05/11/2024

iii) **Application for:** Proposed approval for access with paver blocks on sand bed, wood/steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01nos. wooden restaurant, Bio-fencing & Gabion Retaining Wall on plot bearing Sy. No. 354/1 of Anjuna village, Bardez Taluka-Goa.

vi) **Date of construction based on the documents:** NA.

v) **Date of Inspection:** 08/11/2024

 Page 276 of 283



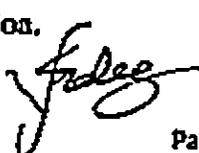
vi) Name of the Official / Expert Member, GCZMA:

1) Rohan Verekar, Environmental Assistant, (GCZMA)

2) Gorakh Tuenker, Field Surveyor, (GCZMA)

vii) Name of the Parties Present: Mr. Ashley Jason Vaz, Representative of Applicant**viii) Location: Sy. No: 354/1 Village: Anjuna Taluka: Bardez****ix) Accessibility: By traditional road.****x) Distance from the HTL of River / Sea: Survey No. 354/1: Approx. 44mtr. from the HTL of Sea.****xi) Classification of CRZ Area: Survey No. 354/1: CRZ III NDZ (0 – 200mtr. from the HTL of Sea) as per CZMP- 2011.****xii) Existence of Sand dunes and its height: N.A.****xiii) Whether any lagoons, backwaters or other water bodies exist in the plot: N.A.****xiv) Existence of Vegetation, if any: N.A.****xv) Plinth area of the structure / alleged violation: NA.****xvi) Nature of the structure: Temporary Structure****xvii) Height of the structure: Restaurant= 8.05mtr., Cottage=7.26mtr. and Reception=6.16mtr., Gabion Wall=1.2mtr., Bio-Fencing=2mtr.****xviii) Details of extension to the existing structure: NA.****xix) Approvals / NOC's issued by any other Department's / Authorities: Yes****NOC from Departement of Tourism, Government of Goa (Ref. No. 7/7(1009)/2024-DT/2899 dated. 14/10/2024.****xx) Nature of violation if any, with regard to provisions of CRZ Notification 2011: NA.****xxii) Conclusion/Recommendation:**

The applicant, Mr. Micheal Lobo, H.No. 181/15, Bhati Vaddo, Parra, Bardez-Goa, has proposed approval for access with paver blocks on sand bed, wood/steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01 nos. wooden restaurant, Gabion Wall & Bio-Fencing on plot bearing Sy. No. 354/1 of Anjuna village, Bardez Taluka-Goa.




The survey no. 354/1 of Anjuna village, **656** Bardez Talukafalls withinCRZ III NDZ (0 – 200mtr. from the HTL of Sea), as per CZMP 2011. ①

Material of temporary nature like wooden and steel members will be used for the construction and wooden sloping roof covered with shingles as per the drawings submitted by applicant.

The details as per the area statement submitted by the applicant for the proposal of access with paver blocks on sand bed, wood/steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01 nos. wooden restaurant, gabion retaining wall & bio-fencingare mentioned below in the tabular column:

Sy. No.	Total area of plot	Proposed covered area of 15 cottages, Reception & Restaurant	Total floor area 15 cottages, Reception & Restaurant	F.A.R Consumed
354/1	9136.00m ²	1828.40m ²	1809.90m ²	19.81%

The proposed length of the gabion retaining wall is 28.90 R.M and bio-fencing is 299.50 R.M

Site photographs are attached as Annexure-I.

Decision: The Authority after detailed discussion decided to approve the proposal for proposed access with paver blocks on sand bed, wood / steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01nos. wooden restaurant, Bio-fencing & Gabion Retaining Wall on plot bearing Sy. No. 354/1 of Anjuna village, Bardez Taluka-Goa.

Case No. 2.3

NOC for erection of 10 proposed temporary wooden cottages, 01 proposed wooden temporary structure and 01 proposed temporary shack / Restaurant in property bearing Survey No.235/1 of Village Taleigao, Tiswadi Taluka Goa

The Office of the GCZMA is in receipt of an application dated 10/10/2024from Mr.Sadiq Sheikh, with regards to NOC for erection of 10 proposed temporary wooden cottages, 01 proposed wooden temporary structure and 01 proposed temporary shack / Restaurant in property bearing Survey No.235/1 of Village Taleigao, Tiswadi Taluka Goa.

Site Inspection Report: The said site was inspected by Dr. Sushant Naik (Expert Member GCZMA), Mr. Keshav Naik (Engineer GCZMA), Mr. Vighnesh Naik (F.S. GCZMA)

i) Name of the Applicant: Mr.Sadiq Sheikh

 Page 278 of 283



