

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE
APPEAL NO. 601/2025 (WZ)**

Vinod Vishnu Juvekar

...Applicant

Versus

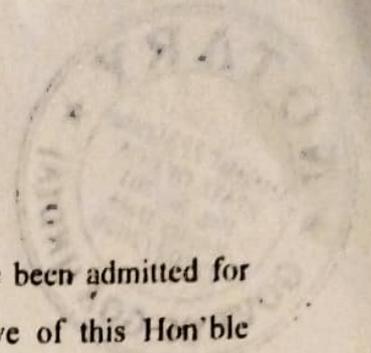
GCZMA & Ors

...Respondent

**AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT
NO. 1 (GCZMA)**

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

1. I say that I am holding the post of Member Secretary, GCZMA. I say that I am filing the present affidavit based on the records available with my office and that I am competent to depose in this case.
2. I say that I am filing the present Affidavit-in-Reply for the purpose of opposing the relief sought in the present appeal. Nothing in the aforementioned Appeal filed by the Appellant be deemed to have been admitted for mere want of specific



denial. Nothing may be deemed to have been admitted for want of *traverse seriatim*. I crave leave of this Hon'ble Tribunal to file an additional Affidavit, if found necessary.

3. I say that the present Appeal assails the Order dated 25.07.2025 (“**Impugned Order**”) passed by the Answering Respondent. I say that by virtue of the Impugned Order, the proceedings arising out of the complaint dated 11.12.2018, filed by the Appellant against the Respondent Nos 2 & 3, has been directed to be kept in abeyance until such time as the Government formally notifies the fishing zones and wards. I say that the Answering Respondent, while passing the Impugned Order, has taken into consideration the claim of the private Respondents that they belong to the traditional fishermen community and are therefore entitled to avail the exemptions and privileges extended to such communities under the CRZ Notification, 2011. I say that the Answering Respondent has further observed that the issues raised in the complaint pertain to matters allegedly connected with fishing and allied traditional activities, which are subject to special protection under the said Notification, and therefore considered it appropriate to defer adjudication of the complaint until the Government completes the exercise of notifying the fishing zones and wards.

(The Impugned Order dated 25.07.2025 is at page 22 of the Appeal)

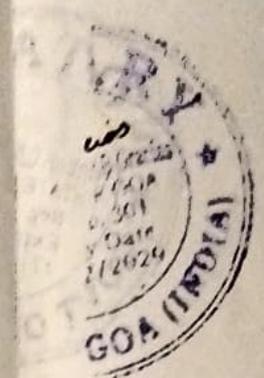


4. I say that in view of the aforesaid circumstances, and having regard to the fact that the Impugned Order merely keeps the proceedings in abeyance pending a policy decision of the Government, without finally adjudicating upon the rights, obligations or liabilities of the parties, it is respectfully submitted that the present Appeal is premature. I say that until the Government notifies the fishing zones and wards and the competent Answering Respondent thereafter proceeds to take a final decision in the matter in light of such notification, no cause of action arises warranting appellate interference at this stage. Hence, the present Appeal deserves to be rejected as being premature and not maintainable at this stage.
5. I say that Survey No. 95/1 of Village Cavelossim, Salcete, Goa ("**said Property; subject Property**") falls in CRZ-I i.e., within 200 mts of HTL as per CRZ.
6. I say that the said complaint dated 11.12.2018 was forwarded to District level committee (DLC) (South Goa) to inspect and submit a report. I say that the DLC submitted an Inspection Report.
(The said Inspection Report is at page 55 and 56 of the Appeal)
7. The DLC Report recorded as under:
"1. Laterite masonry with manglore tiles and wooden rafters admeasuring 125.65 sqmts having a height of 4.70.



2. *RCC framed structure and part structure with GI sheet fabrication admeasuring 200.41 sq mts having height of 3.60.*
 3. *RCC load bearing structure with flat slab admeasuring 83.64 sqmts having height of 3.85.*
 4. *Load bearing structure admeasuring 8.64 sqmts having height of 2.10*
 5. *Partly RCC structure and Partly Ac sheet roof admeasuring 152.54 having height of 3.20.*
 6. *Temporary structure admeasuring 12.60 sq mts having height of 2.20."*
8. I say that upon receipt of the report from the District level committee (DLC) (South Goa) a show cause notice dated 09/01/2023 was issued to the Respondent Nos 2 and 3 herein.
9. The Respondent Nos 2 & 3, in their replies before the GCZMA, contended that the impugned structures situated in the subject property are pre-1991 constructions. In support of this contention, the Appellant produce a number of documents which are listed in the Impugned Order for ready reference. I say that the Respondent Nos 2 and 3 have claimed that hail from a traditional fisher folk community and, on that basis, seeks to invoke the protection afforded under the Coastal Regulation Zone (CRZ) Notification.

A handwritten signature in black ink, consisting of a stylized, elongated shape with a small loop at the bottom left.

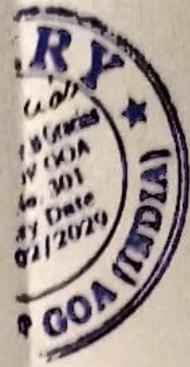


10. The Respondent Nos 2 and 3 submitted that House no. 464 and House no.465 situated in the property bearing Survey No.95/1 were constructed before 1970 and they are shown on the survey plan. That House no.465 is assessed in the name of Mr. Vishnu Govind Juvekar, House Nos.464 and 467 are assessed in the name of Mr. Gajanan G. Juvekar and House no. 466 is assessed in the name of Mr. Rohan Gajanan Juvekar i.e., son of Mr. Gajanan G Juvekar.
11. At the outset, it is submitted that the allegations made in the complaint are wholly misconceived, devoid of merit and are liable to be rejected. The Respondent Nos 2 & 3 had, in fact, placed on record a detailed chart dated 03.06.2025 identifying the structures referred to in the DLC report/plan, along with the corresponding serial numbers and photographs of the said structures. Along with the said chart, the Respondent Nos 2 & 3 also produced supporting documentary evidence, which substantiate the existence and use of the said structures.
12. The Answering Respondent, upon careful perusal of the reply filed by the Respondent Nos 2 & 3 along with the supporting documents, as well as the rejoinder filed by the complainant and the arguments advanced by both parties, came to the considered conclusion that the dispute essentially emanates from an internal family dispute which has subsequently been projected as an environmental issue. The Answering



Respondent further noted that the documentary records produced by the Respondent Nos 2 & 3 clearly demonstrate that the structures bearing House Nos. 464, 465, 466 and 467 belong to members of the Traditional Fishermen Coastal Community, and that the said structures are admittedly being utilized for residential purposes.

13. It was further observed that the occupants of the said houses are actively engaged in fishing and allied traditional activities, and the structures in question are either used as dwelling units or for the storage of fishing nets, gear and other equipment necessary for carrying out fishing activities. The Answering Respondent also took note of the Panchayat records and house tax receipts, which indicate that the structures were assessed for the purposes of taxation since the year 1980 onwards, thereby establishing their longstanding existence. Additionally, the DLC report itself identified certain temporary structures used for storing fishing equipment.
14. In view of the above material placed on record, the Answering Respondent concluded that the structures identified are residential structures utilised by the Respondent Nos 2 & 3 for the purpose of their shelter and one of the structure is a temporary structure ancillary and essential to the traditional fishing activities carried out by the Respondent Nos 2 & 3. That the Respondent Nos 2 & 3 indisputably belong to the



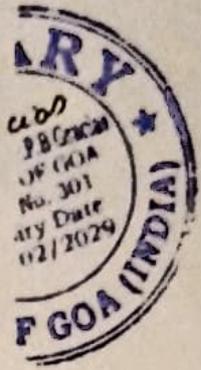
Traditional Fishermen Community, whose livelihood is intrinsically dependent upon such activities. Consequently, considering the nature and purpose of the structures and the protection accorded to traditional fishing communities, the Answering Respondent deemed it appropriate to consider to discharge the show cause notice issued in the matter.

15. The Answering Respondent further noted the existence of a temporary structure housing the idol of the Sea Deity, which is worshipped by members of the fishing community. Taking into account the temporary nature of the said structure and its cultural and customary significance for the local fishermen community, the Answering Respondent found no justification for initiating coercive action against the same.
16. It is pertinent to note that one of the principal objectives underlying the CRZ Notification, 2011 is to ensure protection of the rights, habitation and livelihood security of traditional coastal communities, particularly those engaged in fishing and allied activities, while maintaining ecological balance in a sustainable manner. The said notification expressly recognizes the need to safeguard the interests of such communities whose traditional occupations are integrally connected with the coastal environment.



17. Having considered the rival submissions and the material placed on record, the Answering Respondent observed that the Respondents are claiming the benefit of the protections available to the traditional fishermen community, and that the central issue raised in the proceedings pertains to activities connected with fishing and the associated safeguards provided under the CRZ regulatory framework. In view of the above, and considering that the Government is in the process of notifying the fishing zones and wards, which would have a direct bearing on the determination of such claims, the Answering Respondent deemed it appropriate and prudent to keep the matter in abeyance until the said fishing zones and wards are formally notified by the Government, so that the issue may thereafter be considered in its proper legal and factual context.
18. I say that in view of the above, the present appeal is liable to be dismissed.
19. I say that what has been stated in Paras 1 to 18 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.

A simple, handwritten signature in black ink, consisting of a single, elongated, slightly curved stroke.



Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 16.03.2026



DEPONENT

Identified by:



Executed Before Me
at Calangute - Goa

Reg. No. 138/03/2026

Date: 16/03/2026

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