

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

APPEAL NO.607/2025 (WZ)

Alchemist Asset Reconstruction Co Ltd ...Appellant

Versus

GCZMA & Anr ...Respondents

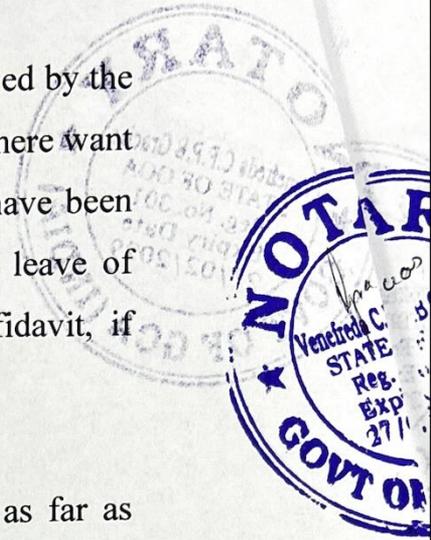
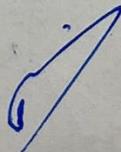
**AFFIDAVIT IN REPLY ON BEHALF OF THE GOA
COASTAL ZONE MANAGEMENT AUTHORITY
RESPONDENT NO.1**

I, Mr. Sachin S Desai, major in age, Indian National, presently working as the Director of the Department of Environment and Climate Change, Government of Goa herein having Office at 4th Floor, Dempo Tower, Patto Plaza, Panaji-Goa, do hereby on solemn affirmation, 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 Appellant are put to strict proof as far as locus standi and maintainability of the appeal is concerned. I say that the present Appeal is liable to be dismissed as not maintainable. I say that the Impugned Order dated 29.09.2025 does not grant any relief to Respondent No. 2 beyond what was already approved vide NOC dated 17.01.2024. On the contrary, the Impugned Order directs demolition of structures which were found to be unauthorized and not forming part of the approved plan. I say that the Answering Respondent has thus exercised its statutory enforcement powers under the CRZ Notification, 2011 to ensure compliance with the regulatory regime. In such circumstances, the Appellants cannot be said to be aggrieved by the Impugned Order. I say that the present Appeal therefore lacks the essential ingredient of an "aggrieved person" and is liable to be dismissed on the ground of maintainability alone.
4. I say that the present Appeal challenges the Order dated 29.09.2025 ("**Impugned Order**") passed by the Answering Respondent whereby the show cause notice dated 24.02.2025 came to be disposed of. I say that under





the said Impugned Order the Answering Respondent discharged the show cause notice to the extent of the approvals granted vide NOC bearing No. GCZMA/S/Shack-Hut-Cott-Tent/17-18/62/3258 dated 17.01.2024 and further directed demolition of other structures erected in the subject property which were found to be unauthorized and not forming part of the said NOC dated 17.01.2024. I say that prior to passing the Impugned Order, the Answering Respondent afforded due opportunity of hearing to all concerned parties including the present Appellant and Respondent No. 2. I say that the Impugned Order has been passed after considering the material placed on record, the replies and documents produced by the parties and the submissions advanced during the hearing. I say that the Impugned Order is a well-reasoned and speaking order passed strictly in compliance with the principles of natural justice and fair play.

(The Impugned order dated 29.09.2025 is at Annexure A page 83 of the appeal)

5. I say that the property bearing Survey Nos. 102/1 (P) and 102/2 (P) of Village Agonda, Taluka Canacona, Goa (“**said Property; subject property**”) falls within CRZ III (0–200 metres) as per the Coastal Zone Management Plan, 2011 (CZMP 2011). I say that in view of the provisions of the CRZ Notification, 2011, any reconstruction, construction, repairs, renovation or development activity within the coastal regulation zone up to a distance of 500

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metres from the High Tide Line requires prior approval from the Goa Coastal Zone Management Authority (GCZMA). I say that the regulatory regime under the CRZ Notification, 2011 mandates that such activities are required to be undertaken strictly in accordance with the permissions granted by the competent authority and subject to the conditions imposed therein.

6. I say that it is pertinent to note that the CRZ Notification, 2011 expressly permits certain temporary and seasonal structures in coastal areas, particularly in the State of Goa having regard to its peculiar historical and socio-economic circumstances. I say that Clause 3 of the CRZ Notification, 2011 dealing specifically with the "CRZ of Goa" recognizes the unique coastal usage patterns in the State and accordingly permits specified activities subject to regulation. The said provision inter alia allows the Government of Goa to notify fishing villages where foreshore facilities for fishing and allied activities such as traditional fish processing yards, boat repair yards, net mending yards, ice plants, auction halls and jetties may be permitted by the concerned Gram Panchayat within the CRZ area. The said provision further permits reconstruction and repair works of structures belonging to local communities including the fishermen community within the CRZ area. Importantly, Clause 3(iii) further recognizes the permissibility of purely temporary and seasonal structures customarily erected between the months of September to May. The subsequent amendment





introduced vide Notification S.O. 1393(E) dated 03.05.2017 clarifies that although such structures are not required to be dismantled during the monsoon months of June to August, the facilities operating therein must remain non-operational during that period. I say that the regulatory framework thus clearly recognizes the permissibility of temporary seasonal structures such as shacks and huts subject to approvals granted by the competent authority.

7. I say that in the present case, the Answering Respondent vide NOC dated 17.01.2024 granted approval to Respondent No. 2 for erection of temporary shacks and huts having a total built-up area of 174.42 square metres in the property bearing Survey No. 102/1 of Village Agonda, Taluka Canacona, Goa. I say that the said approval was granted after due scrutiny of the proposal and upon consideration of the Beach Carrying Capacity Report prepared by the Answering Respondent pursuant to the directions issued by this Hon'ble Tribunal in its judgment dated 17.12.2014 passed in Original Application No. 03 of 2014 (Aleixo A. Pereira vs State of Goa & Ors.). I say that the said NOC dated 17.01.2024 specifically approved certain temporary structures in accordance with the plan annexed thereto and subject to compliance with the applicable conditions under the CRZ Notification, 2011.

Annexed hereto is a copy of the NOC dated 17.01.2024 along with the approved plan indicating the temporary

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shacks and huts permitted in the property bearing Survey No. 102/1 of Village Agonda, Canacona, Goa and marked as "Annexure A".

8. I say that thereafter the Answering Respondent received a complaint dated 07.02.2024 from the present Appellants alleging that illegal constructions had been carried out by Respondent No. 2 in the subject property..
9. I say that upon receipt of the said complaint, the Answering Respondent caused a site inspection to be conducted through its officials in order to verify the allegations made by the Appellants. I say that during the course of the said inspection certain violations and deviations from the approved plan were noticed. Consequently, the Answering Respondent issued a show cause notice dated 24.02.2025 to Respondent No. 2 calling upon it to explain the said deviations and unauthorized structures found during inspection.
10. I say that Respondent No. 2 submitted its replies and supporting documents in response to the show cause notice. I say that the Answering Respondent thereafter considered the said replies along with the documents produced by Respondent No. 2 and also heard the objections and submissions made by the present Appellants. After considering all the material placed on record and the submissions advanced by the parties, the Answering Respondent passed the Impugned Order. I say



that under the said Impugned Order the Answering Respondent has directed demolition of all those structures erected in Survey Nos. 102/1 (P) and 102/2 (P), Village Agonda, Canacona, Goa which do not form part of the approved plan annexed to the NOC dated 17.01.2024.

11. I say that it is specifically denied that the Impugned Order has been passed mechanically, without due diligence, or in a perverse manner as alleged by the Appellants. It is further denied that the Impugned Order is unreasoned, non-speaking or passed without application of mind. I say that the Impugned Order clearly records the factual background, the inspection findings, the submissions of the parties and the reasons for arriving at the conclusions recorded therein. I say that the Answering Respondent has discharged its statutory duties under the CRZ Notification, 2011 by carefully examining the matter and directing removal of the unauthorized structures. I say that there is thus no abdication of statutory responsibility or failure to exercise jurisdiction as falsely alleged by the Appellants.
12. I say that the Appellants by way of the present Appeal have inter alia sought directions for demolition of all structures erected in Survey Nos. 102/1 (P) and 102/2 (P), Village Agonda, Canacona, Goa. I say that such a prayer is wholly untenable in law. I say that Respondent No. 2 has been granted approval for erection of temporary shacks and huts having a total built-up area of 174.42 square metres in the property bearing Survey No. 102/1 of



Village Agonda, Canacona, Goa vide NOC dated 17.01.2024 issued by the Answering Respondent. I say that the prayer sought by the Appellants effectively amounts to a challenge to the said NOC dated 17.01.2024. I say that the Appellants are not entitled to grounds raised in the appeal and also any other further grounds. I say that the present appeal is liable to be dismissed.

13. I say that any challenge to an order or decision of the Coastal Zone Management Authority granting approval under the CRZ Notification can only be made by invoking the appellate jurisdiction of this Hon'ble Tribunal under Section 16 of the National Green Tribunal Act, 2010. I say that Section 16 of the said Act prescribes a limitation period of 30 days from the date on which the order is communicated to the aggrieved person for filing an appeal before this Hon'ble Tribunal, with a further discretionary power vested in this Hon'ble Tribunal to condone delay for a maximum period of 60 days if sufficient cause is shown. I say that prayer as sought by the Appellant herein amounts to a challenge to the NOC dated 17.01.2024. I say that the present Appeal is therefore an attempt to indirectly challenge the said NOC by seeking demolition of structures which were duly approved by the competent authority. Such an indirect challenge is clearly impermissible in law and is barred by limitation.



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

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

Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 10.03.2026

DEPONENT

Identified by:

Solemnly affirmed before me

Sachin S. Desai

Who is identified before me by

_____ At Calangute - Goa

Sl. No. 127/03/2026

Date. 11/03/2026

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



GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment & Climate Change, (Govt. of Goa)

4th Floor, Dempo Tower, Patto Plaza,

Panaji-Goa 403001

Website: www.czma.goa.gov.in

Ref. No. GCZMA/S/Shack-Hut-Cott-Tent/17-18/62/3258

Dated: 17/01/2024

To,
Mr. Gregorio Afonso & others,
Tambdem Agonda,
Canacona-Goa.

Sub: Renewal of Permission/Approval for erection of Temporary Shack and Huts in the property bearing Survey No. 102/1 of Agonda Village, Canacona Taluka in terms of CRZ Notification, 2011 as amended.

Ref: 1. Your application no. nil dated 21/02/2023
2. CRZ Notification, 2011 as amended from time to time.
3. Ref. No. GCZMA/S/Shack-Hut-Cott-Tent/17-18/62/1340 dated 26/10/2018

Sir/Madam,

With reference to your application on the above mentioned subject, it is hereby conveyed that the Goa Coastal Zone Management Authority (herein after referred to as 'the GCZMA', in short) has examined your proposal in its 376th GCZMA Meeting held on 02/12/2023 in accordance with the provisions of the clause 8 (v) (3) (iii) of CRZ Notification, 2011 as amended from time to time for CRZ of Goa issued by the Ministry of Environment, Forests & Climate Change, Government of India. Accordingly, after detailed deliberation and discussion, the authority decided to grant approval for renewal of erection of Temporary Shack and Huts for a total built up area of 174.42 sq.mtrs made of wood and /or natural/biodegradable material only in the property bearing Sy.No. 102/1, Agonda Village, Canacona Taluka, subject to the conditions as specified in the Beach Carrying Capacity Report and further compliance of following conditions.

1. The provisions of the CRZ Notification 2011, (as amended), should be strictly adhered to by you. No activity in contravention to the provisions of the CRZ Notifications shall be carried out.
2. The applicant shall take all requisite environmental safeguard to ensure that there would not be any environmental degradation in this area.
3. The traditional access, right of way, easement shall not be blocked by the applicant.
4. Shacks ,huts, tents, cottages and huts/ tents/ cottages in private areas shall be erected using eco-friendly materials such as bamboos/wooden poles with thatched palm leaves/ thatched bamboo mat roofing as far as possible and for structural support wherever required GI-pipes / mild steel framed structures could be permitted. However, in case of paucity of wood the same may be erected out of the other modern materials such as synthetic, steel, nylon fabric 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.

5. In the event of any change in the project profile, a fresh reference shall be made to the GCZMA.
6. The GCZMA may stipulate any additional conditions subsequently if deemed necessary, for environmental protection which shall be complied with.
7. The office of the GCZMA reserves the right to revoke this recommendation / clearance without prior intimation of non compliance of any one or more of the aforesaid conditions.
8. You are required to obtain all the requisite permissions / licences / NOC etc from the competent Authorities before actual operation of the said temporary structure/ enabling activities. This NOC is issued without prejudice to any other permission as required under the law including that of ownership of the property, property dispute, easement rights, court case etc. As such, prior to the erection and operation of the aforementioned 'temporary seasonal structures, it will be incumbent upon the applicant to obtain all the requisite permission / NOC / licences etc from the Authorities / Departments for any other authority as required under the law including from the local authority, Goa State Pollution Control Board, Revenue Authority, Department of Tourism, etc.
9. Regular site inspections shall be carried by the team comprises of the Expert Members of the GCZMA and or other Authorities / Departments to ensure compliance of aforesaid condition. In case of any non compliance of the terms and conditions stipulated above, the action as deemed fit including that of demolition of structure, disconnection of Power / Water supply will be taken.
10. The said structures should be one meter above the ground on stilts of wooden poles wherever possible. However the ground clearance should not be more than 1.5 m.
11. The applicant will not transfer by any mode his premises to any other person.
12. This permission stands automatically revoked in case of any illegal/unlawful/immoral acts done by the applicant/proponent and or agent, lawful power of attorney holder , authorized person, any person acting for on behalf of the applicant/proponent in the said structures.
13. Further this approval also shall stand automatically revoked in case of any standing order of court of law/tribunal, arbitrator, quasi-Judicial authority etc. in force and suppressed by the applicant/proponent or otherwise.
14. All temporary structures shall maintain a standard buffer of a minimum of 3 m from adjacent huts/tents/cottages.
15. Appropriate use of renewable energy such as solar and wind energy to be used wherever possible.
16. Potable water requirement for domestic and tourist population has to be made available. The quality of water to be supplied should meet the national standard. Measures like rain water harvesting should also be encouraged to have access to clean and potable water.

17. Separate bins for different types of solid wastes (source segregation of solid wastes biodegradable and non bio-degradable) shall be provided by the operator. It will be the responsibility of the plot owner to dispose the waste generated from their plots to the respective bins. The Municipality/Village Panchayat or the contractor appointed by the Department of Tourism, as the case may be, shall collect waste from time to time and hand over the non- biodegradable waste to the Goa Waste Management Corporation. Solid waste to be transported to the solid Waste Management Facility at Calangute by the Village Panchayats in North Goa whereas in South Goa it will be responsibility of the owner/authorized representative to dispose the same by composting/biogas plant or to transport to the piggeries for the biodegradable waste.
18. In case the property on which these structures are permitted to be erected has several title holders any dispute/objection to this permission by any such title holder/holders, this permission shall stand revoked. This permission would be withdrawn in case an objection from owners regarding lease is filed before GCZMA. No hearing in the matter shall be allowed.
19. The validity of this permission is for 05 years from the date of issue or period of lease whichever is earlier. This permission should abide by the Notification dated 3rd May 2017 S.O 1393(E) issued by Ministry of Environment, Forests and Climate Change.
20. The fee may be revised by GCZMA.
21. All the structures shall be of ground floor in nature.
22. For private plots abutting the beach, a minimum set back of 3 mts from the survey boundary shall be kept by the applicant.
23. You should not barricade the proposed site.
24. In case of lease, the permission is conditional on the period of lease only and on the consent of the land owner.
25. All the other conditions as mentioned in Beach Carrying Capacity report w.r.t. FAR, construction material, spacing between huts, consent to establish from SPCB etc. shall have to be followed by the applicant.
26. This permission is liable to be revoked, if it is found, at any stage, that the application contained false information / wrong plans / calculations / documents / misleading or false information, etc. or documents not submitted as called for in this application.
27. Structures shall not be removed and dismantled during the month of June to August: Provided that the facilities available in these structures shall remain non-operational during the month of June to August”.

28. Any appeal against this provisional permission shall lie with the Hon'ble National Green Tribunal, if preferred within 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

Yours faithfully,

(Johnson B. Fernandes)
Member Secretary (GCZMA)

o/c

Encl: As above

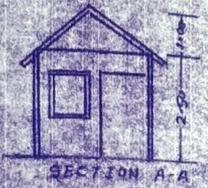
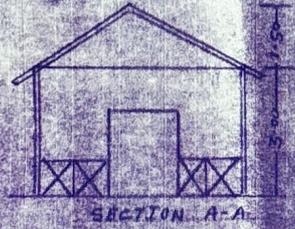
Copy to:

1. **P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information.**
2. **The Chairman, District Level Committee, (South Goa) Collectorate building, Margao-Goa for kind information.**
3. **The Director, Department of Tourism, Government of Goa, Patto Panaji Goa.... for information and necessary action.**
4. **The Member Secretary, Goa State Pollution Control Board, Saligao, Goa..... for information and necessary action.**
5. **The Commissioner of Commercial Taxes, Vikrikar Bldg. M.G. Road, Panaji-Goa.... for information and necessary action.**
6. **The Dy. Collector & SDO, (Canacona), Canacona Goa.... for information**
7. **The Secretary, Village Panchayat of Agonda, Canacona Talukafor information and necessary action.**

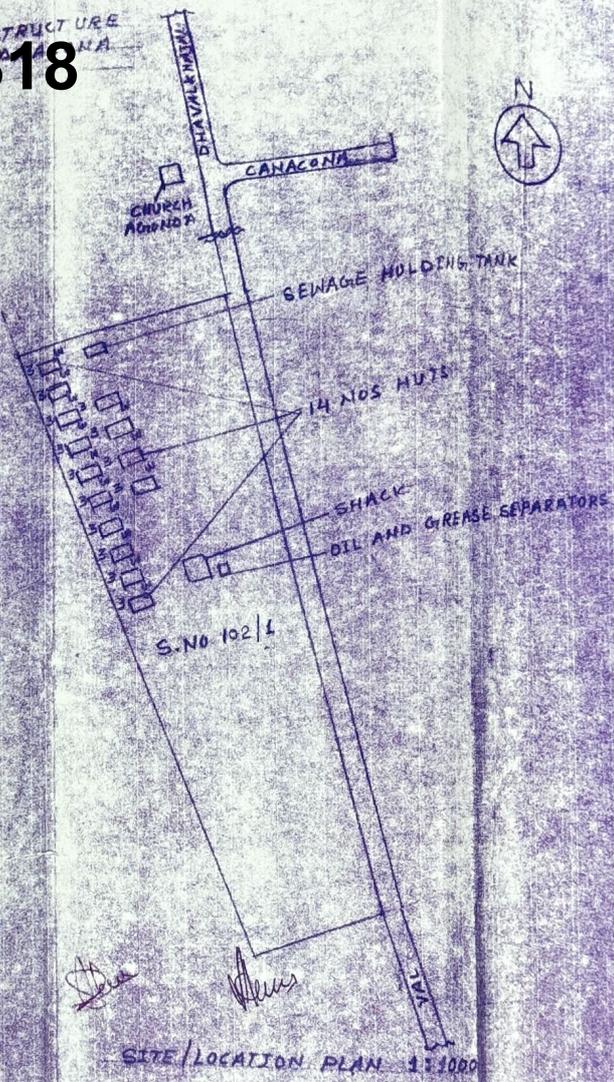
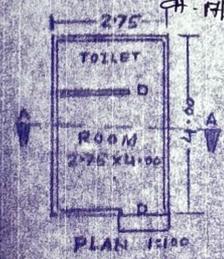
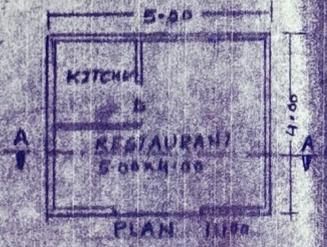
SITE PLAN SHOWING DETAILS OF TEMPORARY STRUCTURE
 IN PLOT SY. NO 102/4 SITUATED AT AGONDA PANAJI
 FOR GREGORIA AFONSO AND OTHERS

818

AREA OF PLOT	6150.00 m ²
AREA ALLOTTED	1660.00 m ²
AREA OF SHACK	20.00 m ²
AREA OF ONE HUT	11.80 m ²
AREA OF 14 NOS HUTS	154.00 m ²
TOTAL AREA OF TEMP. STRUCTURE	174.00 m ²
F.A.R	11.15%



No. GICZMA/S/Shack-Hut-Cott-Text/17-18/62/3258
 CH - FHOI 1 2024



Shree
Mans

SITE/LOCATION PLAN 1:1000

MANOJ R. SAWANT
 CIVIL ENGINEER
 Reg. No. PCM/ENR/19/191
 Reg. No. PWDI/ENR/23/98
 Reg. No. CMCE/ENR/18/98
 Pafolim, Goa India-56