



BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

APPEAL NO. 636/2025 (WZ)

Wilson Gerry Pereira

...Appellant

Versus

GCZMA & Anr

...Respondents

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 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:

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. The proceedings leading to the filing of the present appeal were initiated on the basis of a complaint dated 15.09.2021 filed by M/s Glacier Trades Pvt. Ltd. (Respondent No.2), alleging construction of illegal structures in properties bearing Survey Nos. 154/1-A and 154/2 of Village Goa Velha, Taluka Tiswadi, by the Appellant. *(A Copy of the complaint dated 15.09.2021 is annexed at page 53 of the Appeal.)*
4. The Respondent No.2 herein had also filed Original Application No. 87/2021 (WZ) before this Hon'ble Tribunal u/s 14 of the National Green Tribunal Act, 2010, seeking action in the matter of the aforesaid illegal construction carried-out by the Appellant.
5. I say that vide Order dated 25.11.2021 passed in Original Application No.87/2021(WZ), this Hon'ble Tribunal directed the GCZMA to consider the complaint dated 15.09.2021 filed by the Respondent No.2 on its own merits and in accordance with law and complete the adjudication within a period of 12 weeks from the date of receipt/knowledge of copy of the said Order.
(A copy of the said Order dated 25.11.2021 is annexed at page 61 of the Appeal).



6. I say that the Respondent No.2 addressed a reminder complaint dated 18.07.2024 to the GCZMA, regarding the pending adjudication. In pursuance thereof, the GCZMA issued Show Cause Notice dated 17.04.2025 to the Appellant, in respect of the complaint of illegal construction in properties bearing Survey Nos. 154/1A and 154/2 of village Goa Velha (hereinafter referred to as the "subject properties").



7. I say that the matter was taken up for hearing before the GCZMA in its 442nd meeting held on 15.04.2025, on which date it was recorded that the Reply to the Show Cause Notice was not filed by the Appellant herein and since it was a NGT Direction matter, short date was given to the Appellant to file Reply, failing which it was recorded that the Authority would proceed and decide the matter based on the documents on record. Accordingly, the matter was posted on 08.05.2025.

8. On 08.05.2025, the Advocate for the Appellant herein was present and sought time to file reply. At the said meeting, pertinently, no grievance was made by the Advocate for the Appellant herein, regarding non-supply of copy of the complaint of Respondent No.2 or any other material document. In view of the failure and neglect of the Appellant in filing the reply despite the matter being time-bound, the GCZMA was constrained to direct sealing of

the premises and disconnection of water and electricity connections, until further orders and the matter was posted to 10.06.2025.

9. I say that in the meanwhile, the Appellant herein filed an application dated 23.05.2025 before the GCZMA, requesting for de-sealing of the suit premises, by giving certain ostensible reasons for his failure to file Reply to the Show Cause Notice, within stipulated time. In the said application, the Appellant herein agreed to co-operate with the site inspection of the suit properties in case the premises were de-sealed, since it was his case that he had not received notice of the earlier site-inspection.

10. I say that on 19.06.2025 a site inspection was conducted by the Answering Respondent in respect of the suit properties, wherein the Appellant was personally present. It was noted that the said site inspection report had revealed the construction of seven structures identified by Alphabets A, B, C, D, E, F & G. It was noted that the said report also recorded that the entire property was bounded by a compound wall and on the southern and western side by a retaining wall, above which a parapet wall was constructed.

(Copy of the site inspection dated 19.06.2025 annexed at Page 64 of the Appeal Memo.)

11. It also pertinent to note that the Respondent No.2 was allegedly the owner of the suit properties and its name was



reflected in the survey records thereof. I say that during the hearing of the matter held on 12.08.2025, the GCZMA duly considered all the documents on record and came to the conclusion that the Appellant had deliberately neglected to file his reply or produce any documents in support of his case. The Authority noted that the property bearing Survey No. 154/1-A of Village Goa Velha was situated partly in CRZ-III (NDZ for Bay), partly in CRZ-IB (inter-tidal zone) and partly in CRZ IV-D. Whereas, the property bearing Survey No. 154/2 of Village Goa Velha was situated partly in CRZ-III (NDZ for Bay) and partly in CRZ-IB (inter-tidal zone), as per CZMP – 2011.



12. The Authority further noted that the Appellant had failed to produce on record any document proving the existence of the structures prior to 1991 and/or any permission/NOC from the GCZMA or any other competent authority at the relevant time. The Authority therefore came to the conclusion that the impugned structures were illegal and unauthorized and the same were constructed in violation of the CRZ norms.
13. In view of the same, the Authority deemed it fit to direct the Appellant to demolish all the structures identified in the site inspection report dated 19.06.2025, situated in properties bearing Survey Nos. 154/1-A and 154/2 of Village Goa Velha and to restore the land back to its original condition. The decision taken in the 472nd

meeting of the GCZMA held on 12.08.2025 was communicated to the Appellant vide Directions bearing Ref. No. GCZMA/N/ILLE-Compl/24-25/46/2337 dated 18.09.2025. Being aggrieved by the same, the Appellant has filed the present appeal.



14. I say that the grounds raised by the Appellant in the present appeal are misconceived and untenable in law and on facts. I say that the GCZMA has decided the matter, after affording numerous opportunities to the Appellant to file his reply and place his defence on record. I say that the Appellant has willfully and deliberately dodged from filing his reply, in order to avoid the legal process.
15. It is respectfully submitted that a person who deliberately fails to participate in the legal proceedings and/or file his defence in the matter, cannot complain about non-compliance of principles of natural justice, when the matter is eventually decided in the absence of his reply, after affording him sufficient opportunities.
16. I say that the present matter stemmed-out of complaint dated 15.09.2021 and the subsequent Order dated 25.11.2021 passed by this Hon'ble Tribunal, wherein time-bound directions were issued to the GCZMA to take necessary action in the matter. Being so, the GCZMA had to proceed with the matter expeditiously and without delay.

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17. Despite this fact, GCZMA afforded numerous opportunities to the Appellant on 08.05.2025, 10.06.2025, 19.06.2025, 08.07.2025 and 12.08.2025, so as to enable him to file reply to the Show Cause Notice. However, the Appellant will fully failed to do so. The GCZMA therefore had no other option but to decide the matter on the basis of the records before it, including the site inspection report dated 19.06.2025.

18. I say that the adjudication so done by the GCZMA is fair, reasonable and proper, rendered after consideration of all relevant facts and applicable law. Therefore, the impugned order ought not to be interfered with in the present appeal at the instance of the Appellant who has tried to deliberately delay the matter and/or avoid the legal process.

19. The contention raised by the Appellant to the effect that copies of the complaints filed by the Respondent No.2 and the site inspection report dated 19.06.2025, were not furnished to the Appellant and on that account the Appellant could not file his Reply to the Show Cause Notice, are emphatically denied.

20. I say that it is a general practice followed by the Respondent No.1/GCZMA to forward copy of the complaint to the alleged violator along with the copy of the Show Cause Notice issued to such alleged violator.



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Without prejudice and assuming without admitting that the Appellant had not received copy of such complaint, it was incumbent upon the Appellant or his Advocate to bring such fact to the notice of the Respondent No.1/GCZMA, in the course of the Show Cause Notice proceedings. I say that neither was any such request made on behalf of the Appellant to the GCZMA nor any such request is noted/recorded in any of the minutes of meetings of the Authority.

21. In fact, in the adjournment application dated 08.07.2025, the Appellant had pointedly sought an extended time-limit to file necessary reply in the matter. In case the Appellant was not supplied with copies of the complaint of the Respondent No. 2 or the site inspection report dated 19.06.2025 and assuming that was the purported reason for the Appellant's failure to file reply, then it is inconceivable as to how the Appellant sought time to file reply on 08.07.2025, in the same fact scenario.
22. I say that the aforesaid facts only suggests that the Appellant indeed possessed all material documents necessary for filing of his Reply to the Show Cause Notice and the aforesaid defences have been raised in this appeal only by way of an after-thought in order to stall the execution of the impugned Demolition Order dated 18.09.2025 passed by the GCZMA.



23. Without further prejudice and assuming the Appellant was not in possession of the material documents required for filing of reply, it was always open to the Appellant to file a preliminary reply and to record the fact of non-supply of such material documents, as a specific objection therein. The fact that no such defence is found pleaded or recorded at any point of time in the Show Cause Notice proceedings conducted before the GCZMA, speaks volumes about the credibility of the aforesaid ground pleaded by the Appellant in the present appeal.



24. I say that for the first time in the present appeal, the Appellant has tried to produce a document purporting to be License/NOC issued by the Village Panchayat of St. Lawrence, Aggasaim, to the father of the Appellant, on 04.03.1990, permitting reconstruction of existing house and existing structures in properties bearing Survey Nos. 154/1A, 154/2 and 154/3 of village Goa Velha. I say that the said document was not produced at any point of time before the GCZMA in the Show Cause Notice proceedings or for that matter, even along-with the de-sealing application dated 23.05.2025 filed by the Appellant before the GCZMA.

25. It has been contended by the Appellant that in case the aforesaid License/NOC was taken into consideration by the GCZMA, the same would have clearly established that

the impugned structures were in existence prior to the year 1991 and as such, unaffected by the CRZ Regulations, 1991. With reference to the said contention, it is respectfully submitted that a document which has not been produced before the GCZMA cannot be allowed to be produced/examined in appeal, that too without seeking leave of this Hon'ble Tribunal. As such, the purported Reconstruction License/NOC ought not to be considered by this Hon'ble Tribunal.

26. The contention raised in the appeal that the Show Cause Notice is vague and that no demolition could have been ordered on the basis of the same, is emphatically denied.
27. The contention raised in the appeal that the impugned demolition order is bad on the ground that no mapping of the structures was conducted, is denied. The contention raised in the appeal that the inspection team of the GCZMA had recommended mapping on the grounds that there was confusion with regard to the High Tide Line which was required to be followed, is de-hors the documents on record and is similarly denied.
28. I say that the observation appearing in the site inspection report dated 19.06.2025 regarding mapping was made by the individual visiting officials and the same was purely recommendatory in nature. I say that mapping of illegal structures is generally resorted to where structures are



partly legal and partly illegal so that the precise extent of legality and illegality can be bifurcated and distinguished.

29. In the present case however, the Appellant had failed to produce any documentation on record, establishing the legality of the impugned structures and on that ground, the exercise of mapping would have been wholly superfluous and unnecessary, that too when the site inspection report had clearly identified the number of illegal structures with its nature, extent, area, description etc. I say that even if the purported Reconstruction License/NOC dated 04.03.1990 is taken into account, there would be no case made-out for mapping since the said License/NOC is not supported with any building plan.
30. As far as the contention regarding alleged non-identification of the High Tide Line or the No Development Zone line is concerned, the same is denied in toto. I say that there was no doubt or confusion in the mind of the inspection team of the GCZMA with regard to the same, as alleged. I say that no such difficulty is even found recorded in the site inspection report dated 19.06.2025, as falsely alleged by the Appellant.
31. It is denied that the GCZMA has proceeded to decide the present matter in hurry or haste, as alleged. It is denied that the impugned structures (of the nature, extent, area and

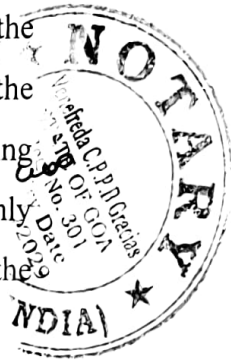


location as existing today), were in existence prior to the year 1991, as alleged.

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32. It is denied that copy of the Report of the Engineer/Field Surveyor attached to the GCZMA (as referred-to in the Show Cause Notice dated 17.04.2025) was not supplied to the Appellant, as alleged. It is a standard practice followed by the GCZMA to supply all site inspection reports, complaint copies, etc. along with the Show Cause Notice. Without prejudice, no grievance to this effect or request for documents was ever made by the Appellant before the GCZMA in any of the hearings.
33. The contention raised by the Appellant that the junior associate of the Appellant's Advocate appearing before the GCZMA on 08.05.2025 sought time to file reply on account of the fact that the Appellant was not furnished with the copies of the documents which formed basis of the Show Cause Notice, is denied. I say that no such contention, as alleged in para 7(C) of the appeal, is found recorded in the minutes of meeting of GCZMA. I say that no contention de-hors what is recorded in the minutes of the meeting can or ought to be entertained from the Appellant.
34. It is denied that the Appellant had informed the officials of GCZMA to take into consideration the HTL available in the year 1991, as alleged. It is denied that mapping was recommended because of any confusion regarding the
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HTL, as alleged. It is denied that the Members of the Authority had agreed to carry-out detailed mapping of the area before proceeding further in the matter, as alleged.

35. The contention raised by the Appellant in para 7(E) of the appeal that on the hearing date of 19.06.2025, the Appellant had requested the GCZMA to conduct mapping and submitted that he would file reply in the matter only after mapping is carried out, is not borne out from the record and is summarily denied.



36. Without prejudice, nothing prevented the Appellant from filing a preliminary reply in the matter and raise all possible legal & technical objections therein, including purported non-supply of material documents or non-following of alleged requisite procedure such as mapping etc.

37. With reference to the contentions raised in para 7(H) of the appeal, it is respectfully submitted that if the Appellant could approach the Office of the GCZMA and obtain copies of the site inspection report dated 19.06.2025 and the documents forming basis of the Show Cause Notice, on 25.10.2025, then it is inconceivable as to why the same action could not be taken by the Appellant in the course of the Show Cause Notice proceedings itself (assuming whilst denying that the Appellant was not supplied the aforesaid documents).



38. It is denied that the impugned Order is cryptic, unreasoned, or passed in violation of principles of natural justice or that it is an outcome of abuse of process of law, as alleged. The photographs annexed to the site inspection report dated 19.06.2025 ex-facie show that the structures are, at least partly, put to commercial use and therefore the same are not used for purely residential purpose.

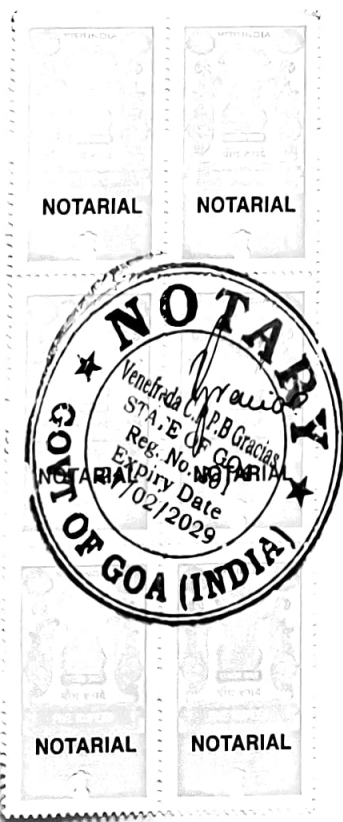
39. In view of the foregoing facts and circumstances, it is respectfully submitted that the present appeal be dismissed.

40. I say that what is stated in paras 1 to 39 hereinabove, are partly based on documents/record available with the Respondent No.1 and partly based on the legal submissions, which I believe to be true and correct.

Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 22.06.2026



Shri Sachin S Desai

Member Secretary GCZMA

DEPONENT

Solemnly affirmed before me

Sachin S. Desai
Who is identified before me by

At Calangute - Goa

Sr. No. 265/06/2026
Date 22/06/2026

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