

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE
APPEAL NO. 626/2025 (WZ)**

Alchemist Asset Reconstruction Co Ltd ...Appellant

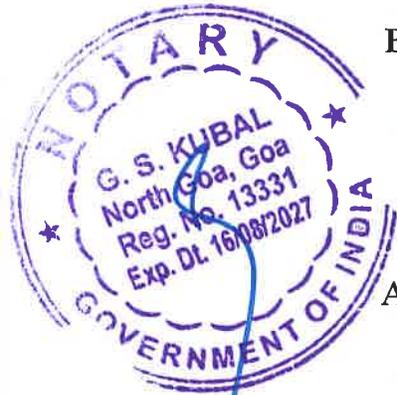
Versus

GCZMA & Anr ...Respondents

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

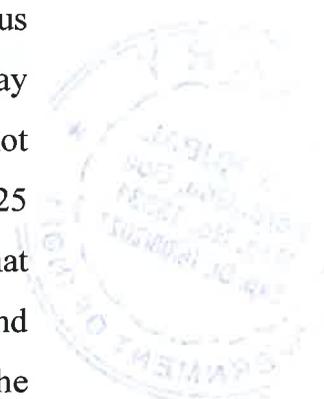
I, Mr. Sachin S Desai, major in age, Indian National, presently working as the Director of the Department of Environment and Climate Change, Government of Goa herein having Office at 4th Floor, Dempo Tower, Patto Plaza, Panaji-Goa, do hereby on solemn affirmation, state as under:

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 12.11.2018 and extension granted dated 26.07.2024. On the contrary, the Impugned Order directs demolition of structures masonry compound wall which was 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 17.01.2025 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/17-18/46/1468 dated 12.11.2018 and extension bearing no.



GCZMA/S/Shack-Hut-Cott-Tent/17-18/46/1355 dated 26.07.2024 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 12.11.2018 and extension dated 26.07.2024. 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 & 3. 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 89 of the appeal)

5. I say that the property bearing Survey Nos. 101/2 (P), 102/1 (P), 102/1-A(P), 102/3-B (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 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 12.11.2018 and extension dated 26/07/2024 granted approval to Respondent No. 3 for erection of temporary shacks and huts having a total built-up area of 55.13 square metres in the property bearing Survey No. 102/1-A 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 12.11.2018 and extension dated 26/07/2024 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.
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 and 3 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 17.01.2025 to Respondent No. 2 and 3 calling upon it to explain the said deviations and unauthorized structures found during inspection.
10. I say that Respondent No. 2 and 3 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 3 were 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 considering the demolition work and compliance report has partly discharged the show cause notice and further has directed demolition of masonry compound wall.
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, compliance report, 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 structure. 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 subject matter property. I say that such a prayer is wholly untenable in law. I say that Respondent No. 3 has been granted approval for erection of temporary shacks and huts having a total built-up area of 55.13 square metres in the property bearing Survey No. 102/1-A of Village Agonda, Canacona, Goa vide NOC dated 12.11.2018 and extension dated 26.07.2024 issued by the Answering Respondent. I say that the prayer sought by the Appellants effectively amounts to a challenge to the said NOC dated 12.11.2018 and extension dated 26.07.2024. 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 12.11.2018 and extension dated 26.07.2024. 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: 18.03.2026


DEPONENT

Identified by:

Solemnly affirmed before me by

Salvin S. DeCar

Reg. No: 08/1196 Date: 18.3.2026

known / Identified to me by.


G. S. KUBAL
Notary (Govt. of India)
Panaji-Goa, India



