

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE

APPEAL NO. 632/2025 (WZ)

Mr. Vinay Mukund Madgaonkar ... Applicant

Versus

GCZMA & Anr ... Respondents

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

NO. 1 (GCZMA)

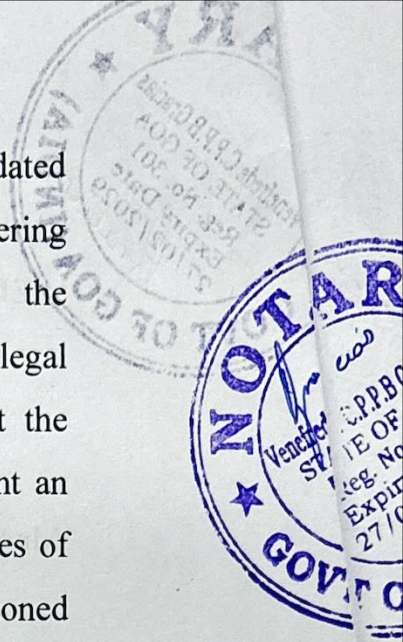
I, Shri Sachin Desai, major of age, holding the post of Member Secretary, Goa Coastal Zone Management Authority (“GCZMA”) i.e., Respondent No 1 herein, having office at 4th Floor Dempo Towers, Patto, Panaji, Goa, do hereby make solemn affirmation and state as under:

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. I say that the present appeal challenges the Order dated 05.11.2025 (“**Impugned Order**”) passed by the answering Respondent. I say that *vide* the Impugned Order the Appellant herein was directed to demolish the illegal structure erected by the Appellant herein. I say that the Impugned Order was passed upon giving the Appellant an opportunity of being heard after following the principles of natural justice. I say that the Impugned order is a reasoned and a speaking order.

(The Impugned Order dated 05.11.2025 is at page 47 of the Appeal as Annexure A)

4. I say that Survey No. 119/1 of Village Siolim, Bardez, Goa (“**said Property; subject Property**”) falls within NDZ (CRZ) as per CZMP 2011. I say that according to CRZ regulations, no permanent construction is permitted within NDZ area, except for repair and reconstruction of structures that existed prior to 1991, subject to obtaining prior permission from GCZMA.
5. I say that Show Cause Notice dated 06.04.2022 was issued whereby the Appellant was intimated that pursuant to the inspection the following alleged illegal structures resulting in violation of CRZ Notification 2011 was notices in the subject property.
6. I say that the Appellant, in its reply filed before the Goa Coastal Zone Management Authority (GCZMA), has





contended that the impugned structure situated in the subject property is a pre-1991 construction. In support of the said contention, the Appellant has relied upon a document dated 05.09.1996 certify and giving no objection for repair of Old Temple in Survey No. 119 Danda Bailo-uddo, Siolim, residential certificate dated 23.04.2004 issued by the Village Panchayat of Siolim stating that the Mr. Vinay M. Madgaonkar is residing in House No. 256/3A situated in Dando Siolim, Electricity bill and House tax, light tax receipt.

(The Reply dated 31.08.2024 is at page 57 of the Appeal as Annexure C).

7. I say that the as per report of the Learned Mamlatdar approximate dated of construction is around 2012. I say that the Appellant in his reply has stated that house stood registered in his name and same bears House no.256/3B. I say that the Appellant contented before the answering respondent that his grand father constructed the house and outhouse which was used for religious purposes. It was further contended that permissions were obtained from local panchayat for to erect the structures. I say that the Appellant never produced any permission obtained from local panchayat on record for erection of said structures and to prove its existence prior to year 1991. I say that moreover the Appellant relied upon house tax and residence certificate stating that the he was residing in House No. 256/3A for last 15 years. I say that the first letter issued by the local

panchayat states that the structure is in "Bailo uddo" and second certificate states that the structure is in "Dando". It is seen that the "Bail uddo" is an area towards the beach side and the "Dando" is area towards the road side both having distance of one kilometer apart. I say that electricity bill relied upon by appellant stated energization date is 02/07/2016 and mentions address at Navembhatt, Danda Siolim which is another mismatch. I say that as far house tax receipt is concerned that the same is pertains to House No. 256/3B.



8. There is therefore a clear and material mismatch in the description and location of the property reflected in the documents relied upon by the Appellant. I say that the documents relied upon Appellant are complete mismatch and contrary to case pleaded by him before the answering respondent thereby rendering it impossible to correlate the said documents with the subject property. As such, they do not in any manner establish that the impugned structure existing in the subject property is a structure constructed prior to the year 1991. Consequently, the reliance placed by the Appellant on the said documents is misplaced and devoid of evidentiary value in establishing the claim of a pre-1991 construction.
9. I say that the Appellant has failed to produce any cogent, reliable and convincing material/documents to show that the Impugned Structure is pre-1991 structures. I say that the

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

Appellant is put to strict proof of the same. I say that the Appellant herein has failed to produce any permission from this authority and any competent authority pertaining to the said impugned structure.

10. I say that in view of the above, the present appeal is liable to be dismissed.
11. I say that what has been stated in Paras 1 to 10 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: 11.03.2026




DEPONENT

Solemnly affirmed before me

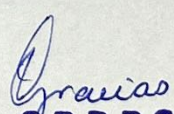
Sachin S. Desai

Who is identified before me by

_____ At Calangute - Goa

Sr. No. 126/03/2026

Date. 11/03/2026


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