

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE

APPEAL NO. 633/2025 (WZ)

Shubhangi Arun Toraskar

...Applicant

Versus

GCZMA & Anr

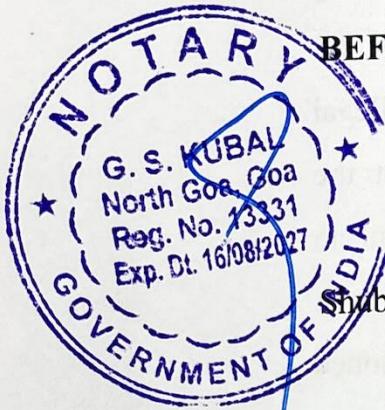
...Respondents

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.



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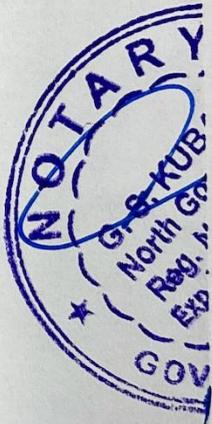
3. I say that the present appeal challenges the Order dated 05.11.2025 (“**Impugned Order**”) passed by the answering Respondent. I say that *vide* the Impugned Order the Appellant herein was directed to demolish the illegal structure erected by the Appellant herein. I say that the Impugned Order was 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 46 of the Appeal)

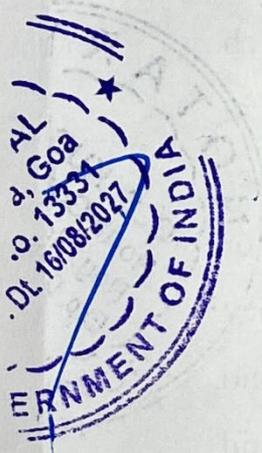
4. I say that Survey No. 119/1 of Village Siolim, Bardez, Goa (“**said Property; subject Property**”) falls within NDZ (CRZ) as per CZMP 2011. I say that according to CRZ regulations, no permanent construction is permitted within NDZ area, except for repair and reconstruction of structures that existed prior to 1991, subject to obtaining prior permission from GCZMA.

Annexed hereto is a photograph of the Impugned Structure marked as “**Annexure A**”

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.

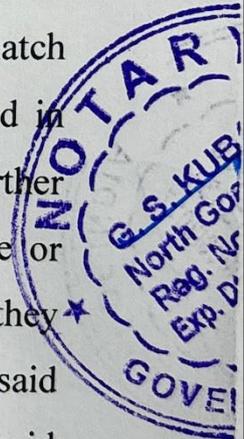


6. I say that the Appellant, in its reply filed before the Goa Coastal Zone Management Authority (GCZMA), has contended that the impugned structure situated in the subject property is a pre-1991 construction. In support of the said contention, the Appellant has relied upon a certificate dated 19.06.2024 issued by the Village Panchayat of Siolim stating that the house bearing House No. 387/A stands in the name of Karuna K. Korgaonkar and that previously the said House No. 387/A stood in the name of Vasant Toraskar and was subsequently transferred in the name of Mrs. Karuna K. Korgaonkar. The said certificate further records that House No. 387/A is situated at Danda, Siolim, Bardez. I say that the subject property in respect of which the illegal structure has been identified is situated in the area known as "Bailohudo" or "Bialo Uddo", Siolim, Bardez. The location described in the certificate dated 19.06.2024 is therefore entirely distinct from the subject property where the impugned construction has been found. It is pertinent to note that the certificate relied upon by the Appellant does not mention or identify the survey number of the property to which the said House No. 387/A pertains. Further, the Appellant has failed to establish any nexus, title, or connection whatsoever between himself and Mrs. Karuna K. Korgaonkar in whose name the said house is presently recorded. In the absence of any correlation between the property referred to in the said certificate and the subject property, the certificate dated 19.06.2024 is wholly insufficient to substantiate the claim that the impugned structure is a pre-1991 construction.



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7. The Appellant has further relied upon certain additional documents, including an Electricity Bill, which pertains to a house bearing No. 387/B situated at Dandawado-Gudem, Siolim. The Appellant has also produced a No Objection Certificate dated 08.11.2013 issued by the Directorate of Health Services granting no objection from the sanitary point of view for operating a restaurant in House No. 387/B at Danda, Siolim, Bardez. In addition, reliance has been placed upon a Registration Certificate dated 18.05.2016 issued by the Food and Drug Administration with respect to House No. 387/B at Danda, Siolim, Bardez. I say that the subject property where the impugned illegal structure has been erected is located in the locality known as "Bailohudo" or "Bialo Uddo", Siolim, Bardez, and not in "Dandawado", "Gudem" or "Danda" as described in the aforesaid documents. 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. It is further pertinent that none of the aforesaid documents disclose or refer to the survey number of the property to which they pertain, thereby rendering it impossible to correlate the said documents with the subject property. Moreover, the said documents are of the years 2013, 2016 and thereafter and are therefore post-1991 documents. 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



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the said documents is misplaced and devoid of evidentiary value in establishing the claim of a pre-1991 construction.

8. 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 Appellant is put to strict proof of the same. I say that the Appellant herein has failed to produce any permission from this authority pertaining to the said impugned structure.
9. I say that in view of the above, the present appeal is liable to be dismissed.
10. I say that what has been stated in Paras 1 to 9 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: 09.03.2026

DEPONENT

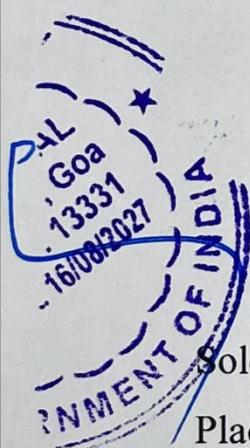
Solemnly affirmed before me by

Sachin Desai

Reg. No: 08/1063 Date: 9.3.2026

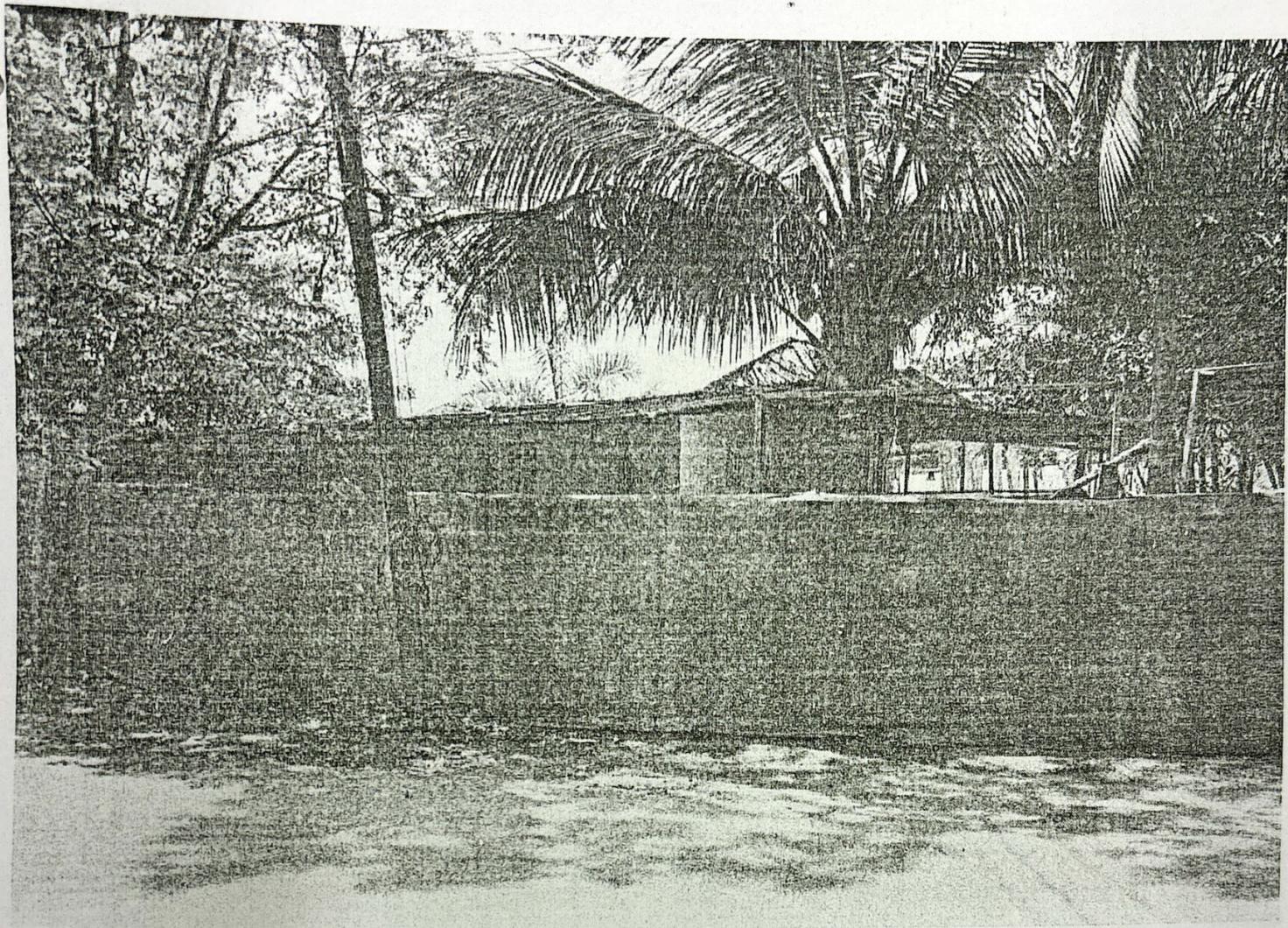
known / Identified to me by.

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



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Annexure A



Structure of Shubhangi A. Torankar and Namdev D. Torankar
in Sy No 119/1, P. Village (Pohm)