



BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE BENCH, PUNE

EXECUTION APPLICATION NO. 9/2024 (WZ)

IN

ORIGINAL APPLICATION NO. 149/2024 (WZ)

Sagardeep Sirsaikar

...Applicant

*Versus*

GCZMA & Ors

...Respondent

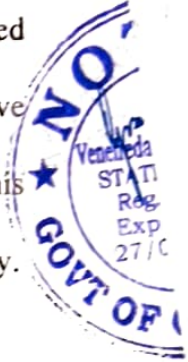
**AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT NO. 1**

**(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 4<sup>th</sup> 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 bringing on record certain facts. Nothing in the aforementioned application filed by the Applicant 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 this Hon'ble Tribunal *vide* Order dated 25.07.2024 in OA No. 149/2024 had directed the Respondent to dispose of the application filed by the Applicant after giving an opportunity of hearing to the person affected.

4. I say that in compliance of the same the Respondent has disposed of the said application *vide* order dated 26.08.2025.

Annexed hereto is a copy of the order dated 26.08.2025 marked as "Annexure A".

5. I say the said order dated 26.08.2025 has been uploaded online, which contains the list of the unauthorised structures.

6. I say that the directions of this Hon'ble Tribunal contained in order dated 25.07.2024 have been duly complied with. In view of the same, the present application may be disposed of.

7. I say that what has been stated in Paras 1 to 6 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: 27.08.2025



DEPONENT

Solemnly affirmed before me  
Sachin Desai  
 Who is identified before me by  
 Shri/Smt .....  
 .....At Panjim - Goa  
 Sr. No. 109/08/2025  
 Dated. 27/08/2025

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

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Science, Technology &amp; Environment, (Govt. of Goa)

4<sup>th</sup> Floor, Dempo Towers Patto, Panaji Goa.Website: [www.czma.goa.gov.in](http://www.czma.goa.gov.in)

Ref. No. GCZMA/N/ILLE-COMPL/20-21/40/2067

Date: 26/08/2025

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 READ WITH RULE OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

**WHEREAS**, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

**WHEREAS**, the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a report from the Mamlatdar of Pernem Taluka bearing No. MAM/PER/CI-II/A.K./III-Const/2020/1169 dated 06/08/2020; regarding Illegal construction of structure admeasuring an area of 2899sq mts used for commercial purpose; in the property bearing No 127/2 at Vithaldaswada, Morjim, Pernem and is functioning as Regalia Alphonso alias La- Alphonso.

**AND WHEREAS**, upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/N/ILLE-Compl/20-21/40/474dated 12/08/2019 a site Inspection was carried out on 06/11/2020.

**AND WHEREAS**, in the said Site Inspection of the Expert Member dated 17/09/2019 the Expert Member stated the illegalities carried out by the alleged violators.

**AND WHEREAS**, one Mr Sagardeep A Sirsaikar, has filed a complaint regarding permanent construction of La Alphonso Marina Beach Resort & Spa in Sy No 127/2 at Vithaldas Wada Morjim by Mr Gabrian Khaitan D'Souza and since it pertains to the violation wherein the Authority has already issued a Show Cause Notice.

**AND WHEREAS**, the Show Cause Notice bearing no GCZMA/N/ILLE-COMPL/20-21/40/1970 dated 25/02/2021 is issued to the Respondent.

**AND WHEREAS**, the matter was placed for hearing in the 310<sup>th</sup> GCZMA Meeting held on 17/06/2022, the proceedings at the hearing was that the Complainant Mr Sagardeep Sirsaikar was present. Respondent absent the Authority decided that since the Respondent has failed to remain present for the hearing and in view of major environmental damage being caused in the property under consideration; the property needs to be sealed. The Authority decided to Seal the premises untill further orders and posted the matter on 30/06/2022 at 3.00 p.m. for further hearing”.

**AND WHEREAS**, the matter was placed for hearing in the 315<sup>th</sup> GCZMA Meeting held on 07/07/2022, the proceedings at the hearing was that, “*Mr Sagardeep Sirsaikar present. Adv present on behalf of Respondent. Adv for Respondent informed the Authority that he had filed an application to recall the order of sealing and requested that the Site Inspection to be carried out.*”

**AND WHEREAS**, the matter was placed for hearing in the 315<sup>th</sup> GCZMA Meeting held on 07/07/2022, the Authority decided that, “*The Authority peruses the records and decided to carry out Site Inspection to identify the illegalities carried out by the Respondent, hence, decided to issue directions to the Deputy Collector to de-seal the property and further directed the Expert Members along with the DSLR to carry out a Site inspection and demarcate the illegalities carried out in the property bearing No 127/2 at Vithaldaswada, Morjim Pernem*”.

**AND WHEREAS**, the matter was placed for hearing in the 441<sup>st</sup> GCZMA Meeting held on 08/04/2025, the proceedings at the hearing, “*Sirsaikar present on behalf of Complainant and files letter of Authority. Respondent absent*”

**AND WHEREAS**, the matter was placed for hearing in the 441<sup>st</sup> GCZMA Meeting held on 08/04/2025, the Authority decided that, “*The Authority decided to carry out mapping of the structures and fixed the date for Site Inspection on 23/04/2025 at 11 am onwards and further hearing /report on 03/06/2025 at 3.30p.m.*”

**AND WHEREAS**, the meeting scheduled on 03/06/2025 was cancelled and matters were rescheduled to 10/06/2025 at 3.30p.m.

**AND WHEREAS**, the matter was placed for hearing in the 455<sup>th</sup> GCZMA Meeting held on 10/06/2025, the proceedings at the hearing, “*Sirsaikar present in person Respondent absent. Copy of the mapping is furnished to the Complainant*”.

**AND WHEREAS**, the matter was placed for hearing in the 455<sup>th</sup> GCZMA Meeting held on 10/06/2025, the Authority decided that, *"In view of granting principles of natural Justice the matter is adjourned and posted on 29/07/2025 at 3.30p.m"*.

**AND WHEREAS**, the Authority noted that on account of NGT matter decided to prepone the hearing and the notices of preponement were served to the parties' acknowledgement of which has been given.

**AND WHEREAS**, the matter was placed for hearing in the 466<sup>th</sup> GCZMA Meeting held on 17/07/2025, the proceedings at the hearing, *"Complainant present in person. Manager of the Respondent was present and admitted that he does not have permission from GCZMA, he sought time to argue the matter"*

**AND WHEREAS**, the matter was placed for hearing in the 466<sup>th</sup> GCZMA Meeting held on 17/07/2025, the Authority decided that, *"The Authority noted that since this is a direction matter a short date was given and the matter is posted on 24/07/2025 at 3.30p.m."*

**AND WHEREAS**, the matter was placed for hearing in the 468<sup>th</sup> GCZMA Meeting held on 24/07/2025, the proceedings at the hearing, *"Complainant present in person. Respondent absent."*

**AND WHEREAS**, the matter was placed for hearing in the 468<sup>th</sup> GCZMA Meeting held on 24/07/2025, the Authority decided that, *"The Authority granted opportunity and posted the matter for final arguments/orders on 29/07/2025 at 3. 30p.m"*

**AND WHEREAS**, the matter was placed for hearing in the 469<sup>th</sup> GCZMA Meeting held on 29/07/2025, the proceedings at the hearing, *"Complainant present. Respondent absent"*

**AND WHEREAS**, the matter was placed for hearing in the 469<sup>th</sup> GCZMA Meeting held on 29/07/2025, the Authority decided that, *"The Authority noted that the Talathi of Morjim had on 02/01/2020 submitted a report That Dilip Sakhwala has started illegal construction of a structure without obtaining any permission from the Competent Authority and that the structure is built for commercial use and is named as "LA ALPHONSO" in Sy No. 127/2 Morjim Village,*

*Subsequently, the GCZMA conducted a Site Inspection and it was noted that there were several illegal constructions. The Respondent filed reply and stated that the construction undertaken by him is legal, authorised and has consent to operate from the GSPCB, NOC for health services, registration certificate issued under Shops and Establishment Rules, Food Safety and Standards Authority of India, Food Safety Compliance, Registration Certificate from Tourism.*

*That the Authority mapped all the Structure on site in the property bearing Sy No 127/2 of Morjim Village and it is seen that there are several G+1 structures plotted along with shed, swimming pool, well, plinth platform structural members pavers, wooden platform, bamboo fencing all carried out in the property without obtaining any permission from the GCZMA. These violations are depicted on the Plan drawn by the DSLR when survey was conducted on 06/11/2020, 16/11/2020 and 17/11/2020.*

*The Respondent via their letter dated 07/04/2025 clearly states that they need time and to postpone the matter. The very fact they sent this letter proves that they knew that there was a Show Cause Notice issued against them for the illegal constructions and they failed to file any reply to substantiate that the structures on site in the property bearing sy no 127/2 were legal and erected with valid permission. Subsequently the Authority conducted yet another Site Inspection on 23/04/2025 and have noted additional structures illegally erected by the Respondents. When the Respondent were called for personal hearing they admitted that they have no valid permissions from the GCZMA, hence based on fact of admission by the Respondent the Authority issues directions of demolition to be carried out of all the structures in the property bearing Sy. No. 127/2 of Morjim as per the DSLR plan dated 23//04/2025.*

**NOW THEREFORE,** the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 6071 (E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, hereby directs to **demolish all the structures shown in the survey plan dated 23/04/2025 of the property bearing Sy No. 127/2 of Morjim Village which include demolition of Illegal construction of a structure admeasuring**

an area of 2899 sq mts; used for commercial purpose (HOTEL) in the name and style of "LA-ALPHANSO", Illegally constructed massive structure including a big hall with a capacity of more than 300 people, Illegal construction of a mini conference room; Illegally constructed a beach side restaurant / high raised platform, two stories residential rooms which were seen in the property *belonging to* DILIP SAKHWALA PROPRIETOR OF LA ALPHANSO, GABRIEL CAITAN D'SOUZA, ANTHONY JOSE D'SOUZA, MINGUEL D'SOUZA, as decided in the 469<sup>th</sup> GCZMA meeting held on 29/07/2025; and further to restore the land to its original condition, within 30 days from the date of receipt of this order. The Dy. Collector & S.D.O, Bardez, Goa to verify if the said structures are demolished as per these directives failing which the concerned Deputy Collector/ S.D.O shall **demolish all the structures shown in the survey plan dated 23/04/2025 of the property bearing Sy No. 127/2 of Morjim Village which include demolition** Illegal construction of a structure admeasuring and area of 2899 sq mts; used for commercial purpose (HOTEL) in the name and style of "LA-ALPHANSO", Illegally constructed a massive structure including a big hall with a capacity of more than 300 people, Illegal construction of a mini conference room; Illegally constructed a beach side restaurant / high raised platform, a lawn, Number story of two residential rooms were seen in the property all, to enable restoration of land to its original state within 15 days and recover the expenses incurred from DILIP SAKHWALA PROPRIETOR OF LA ALPHANSO, GABRIEL CAITAN D'SOUZA, ANTHONY JOSE D'SOUZA, MINGUEL D'SOUZA, as the arrears of land revenue. Further, Dy. Collector & S.D.O, Bardez, Goa is required to submit a compliance report in respect of above directions to the GCZMA within next 3 days of expiry of the aforementioned time period of 30 days.

**For and on behalf of the  
Goa Coastal Zone Management Authority**



**Sachin S Desai  
Member Secretary GCZMA**

To,

1. Dilip Sakhwala proprietor of La Alphanso.
2. Gabriel Caitan D'Souza
3. Anthony Jose D'Souza
4. Minguel D'Souza

All 1 to 4 To be served through the Secretary, Village Panchayat of Morjim, Pernem-Goa.

Copy to:

1. **The Collector & District Magistrate (North), Office of the Collector (North), Panaji -Goa... for information and necessary action.**
  
2. **The Dy. Collector & S.D.O of Pernem having office at Pernem, Goa.... for executing the order and ensure compliance of the order.**