

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 129/2025 (WZ)

Colva Civic and Consumer Forum ...Applicant

*Versus*

GCZMA & Ors ...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 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 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 Appicant are put to strict proof as far as locus standi and maintainability of the OA is concerned. I say that the present Application is liable to be dismissed as not maintainable and the same is also barred by limitation under the NGT Act.
4. I say that the present Application which challenges the grant of NOC to respondent No.3 by the answering respondent under Section 14 of the NGT Act, is clearly impermissible and not maintainable in law. The statutory scheme of NGT Act does not permit any such challenge to the permissions granted by the Authority under Section 14 of the NGT Act.
5. I say that the present Appeal seeks to impugn the Permission/NOC dated 30.06.2025 (**"Impugned Permission"**) issued by the answering Respondent. I say that by virtue of the Impugned Permission, Respondent No. 3 herein has been granted approval to erect one temporary restaurant/shack admeasuring a total built-up area of 340.84 sq. mtrs., along with wooden bio-fencing having a length of 145.20 mtrs., to be constructed using wood and/or other natural and biodegradable materials, in the property bearing Survey No. 96/1, situated at Village Betalbatim, Salcete, Goa. I say that the said Impugned Permission has been issued only



after due compliance with the prescribed procedure, including the conduct of a site inspection by the competent authority.

*(The Impugned Permission dated 30.06.2025 is at page 87 of the Application.)*

6. I say that the property bearing Survey No. 96/1 of Village Betalbatim, Salcete, Goa (“**said property**”; “**subject property**”) falls within CRZ-III (No Development Zone), i.e., within 0–200 metres from the High Tide Line (HTL), as delineated in the CZMP prepared under CRZ Notification, 2011. I say that under the applicable CRZ framework, temporary and seasonal structures such as shacks/restaurants are permissible within CRZ-III areas, subject to prior approval of the Goa Coastal Zone Management Authority (GCZMA), and compliance with stipulated environmental safeguards.
  
7. I say that, prior in time, by Order dated 03.07.2019, Respondent No. 3 was directed to demolish all structures existing on the subject property on account of the same having been erected without obtaining requisite permissions from the answering Respondent. I further say that the said Order also mandated Respondent No. 3 to undertake restoration measures, including restoration of sand dunes, if any, in coordination with the Goa State Biodiversity Board (GSBB).  
*(The Order dated 03.07.2019 is at page 26 of the Application.)*
  
8. I say that the Coastal Zone Management Plan for the State of Goa, prepared under the CRZ Notification, 2011, was duly



notified on 08.09.2022, and the same constitutes the statutory and binding reference for determination of CRZ classifications and features. I say that a perusal of the notified CZMP indicates that no sand dunes are delineated, depicted or recorded in respect of the subject property. I say that in the absence of any such demarcation in the statutorily notified plan, the subject property cannot be treated or presumed to fall within any sand dune area.

Annexed hereto is the relevant extract of the CZMP 2011 marked as "Annexure A"

9. I say that a Joint Site Inspection was conducted on 06.01.2025 by officials of the GCZMA and GSBB in respect of the subject property. I say that the Joint Site Inspection Report records that the previously existing unauthorized structures had been demolished and that the site stood cleared. I say that the said report evidences due compliance with the earlier Order dated 03.07.2019.

*(The proceedings of Joint Site Inspection dated 06.01.2025 is at page 62 of the Application.)*

10. I say that the Order dated 03.07.2019 came to be passed at a time when the Coastal Zone Management Plan under the CRZ Notification, 2011 was not yet notified. I say that the subsequent notification of the CZMP on 08.09.2022 now provides the authoritative and binding delineation of coastal features. I say that a perusal of the notified CZMP does not indicate the existence of sand dunes within the subject



property. In such circumstances, any interpretation of the earlier directions as requiring the creation or introduction of sand dunes at the site, in the absence of their depiction in the statutorily notified plan, would not strictly align with the concept of “restoration” as contemplated in law, which necessarily presupposes reinstatement of an existing natural feature rather than its notional or assumed presence.

11. I say that thereafter, the answering Respondent received an application dated 04.03.2025 from Respondent No. 3 seeking permission to erect a temporary restaurant/shack on the subject property. I say that, pursuant thereto, a site inspection was conducted on 02.04.2025, and the application was duly placed for consideration before the GCZMA in its 452nd Meeting. I say that the Authority, upon due consideration of all relevant material, including the notified CZMP, the site inspection report, and the fact that no sand dunes are shown in the subject property, arrived at a decision to grant the Impugned Permission.
12. I say that in view of the foregoing facts and circumstances, it is evident that the Impugned Permission has been granted strictly in conformity with the CRZ Notification, 2011, the notified CZMP, and after due application of mind by the competent authority. I say that in view of the above, the present application is liable to be dismissed.



A handwritten signature in blue ink, consisting of a stylized, cursive script.

13. 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: 18.03.2026

DEPONENT

Identified by:

Solemnly affirmed before me by

Sachin S. De Sa

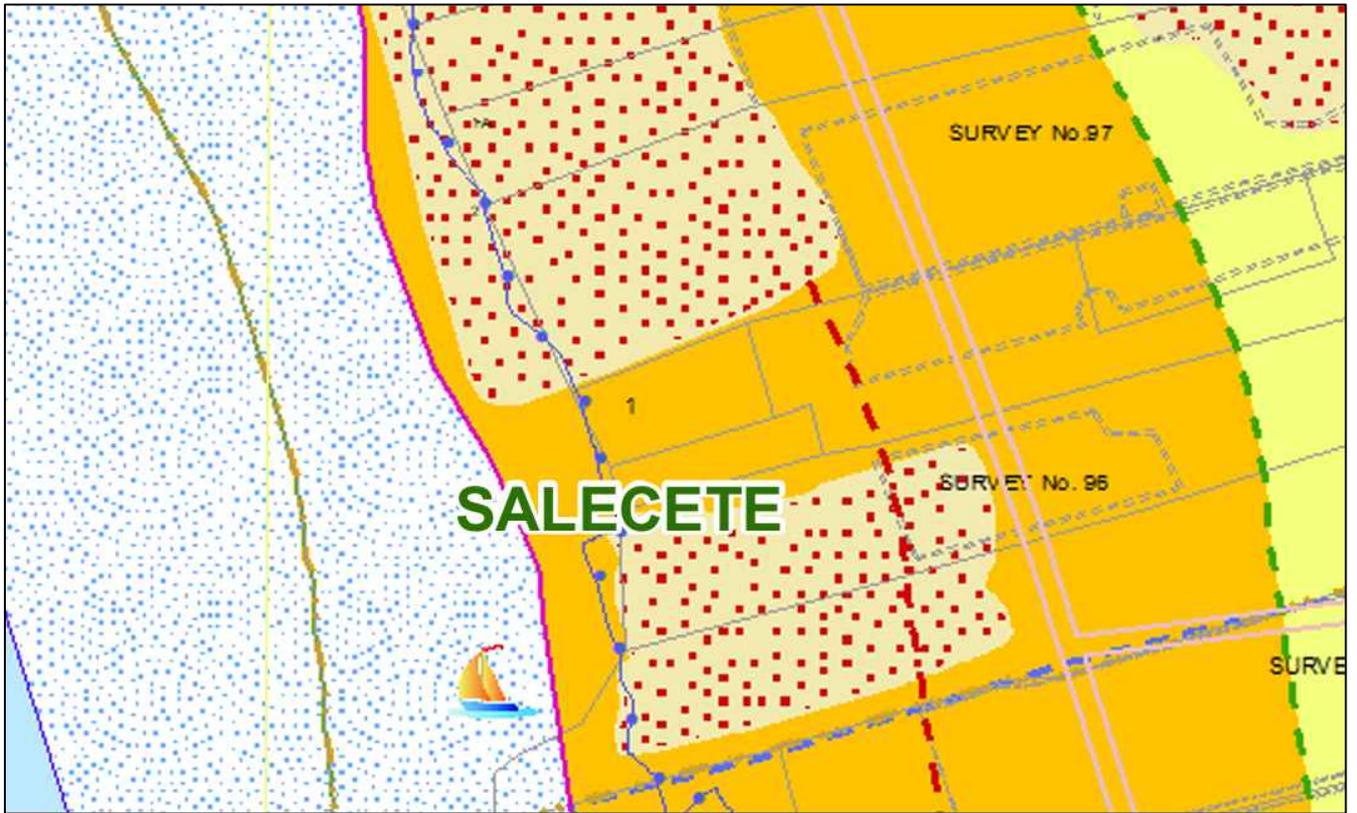
Reg. No: 08/1198 Date: 18-3-2026

known / Identified to me by.

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



# 233 ANNEXURE A



Legend		CRZ Lines	
	Lighthouse/Beacon		Hazard Line
	Multi Purpose Cyclone Shelter		100m CRZ line for Bays
	Fish Landing Centre/ Ramp		100 m Line in CRZ III Area
	Water Quality Monitoring Location - SW-II		200 m Line - NDZ
	Sluice Gate - Prior to 1991		500 m CRZ Line
	Road		CRZ Line for River or Creek
	Railway Line		Sand Dune Beyond 500m CRZ Line
	Seawall	<b>CRZ CATEGORY</b>	
	Bund - Prior to 1991	<b>CRZ - I</b>	
	High Tide Line		Mangrove - CRZ IA
	Low Tide Line		50m Mangrove buffer zone - CRZ IA
	Survey Plot		Sand Dune - CRZ IA
	Authorized Structure		Reserve Forest - CRZ IA
	Village Boundary		Mudflat - CRZ IA
	Municipal/Urban Boundary		Salt Marsh - CRZ IA
	Taluk Boundary		Nesting Ground of Bird - CRZ IA
	Boat Parking /Net Mending Area		Turtle Nesting Ground - CRZ IA
	Jetty/Shipyard/Ramp		Coral and Coral Reef - CRZ IA
	Fishing Ward Boundary		Archaeological and Heritage Site - CRZ IA
	Fishing Zone		Intertidal Zone - CRZ IB
	Fisherman Community Complex	<b>CRZ - II</b>	
	Khazan Land		CRZ Landward of HTL - CRZ II
	Aquaculture/Saltpan	<b>CRZ - III</b>	
	Waterbody		No Development Zone - CRZ III
<b>CRZ Lines</b>			200 to 500 m from HTL - CRZ III
		<b>CRZ - IV</b>	
			Waterbody - CRZ IVA
			Waterbody - CRZ IVB