

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE BENCH AT PUNE

O.A. 18/2023

Umesh Jagannath Phadte ... Applicant

Versus

Goa Coastal Zone Management

Authority ... Respondent

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT

NO. 1

I, DR. GEETA S. NAGVENKAR, Age: Adult, Occupation: Service, Working as the Member Secretary (GCZMA) of the Respondent No. 1 having my office at: 4th Floor, Dempo Towers, Patto, Panaji Goa; do hereby beg to state on solemn affirmation as under:

1. I say and submit that I have gone through the records of the present matter and after going through the relevant office records I am filing the present Affidavit. However, I should

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not be deemed to admit anything which is contrary to or inconsistent with what is stated hereinafter in the absence of specific denial.



2. The present Respondent is filing the reply with respect to all the judicial orders which were relied upon by it in its earlier affidavit dated 28th February 2023. By the present affidavit the Respondent has also mentioned the current position of the spot with respect to the alleged illegal structures standing thereon.

3. I say and submit that an O.A. 23/2014, Goa Paryavaran Savrakshan Sangharsh Samiti had filed an application before this Hon'ble Tribunal seeking enforcement of the order dated 2.11.2017 wherein the Tribunal had directed the present Respondent to take action against the temporary structures constructed along the Beaches Morjim, Mandrem, Galgibag and Agonda without specific permission from the present Respondent in the No Development Zone (NDZ). A copy of the said order is annexed herewith and marked as "Annexure A".



Venefreda P.P.B. Gracias
Advocate & Notary
Bardez-Goa

4. This Hon'ble Tribunal vide order dated 25.2.2019 in Ex. Appln No 01/2019, constituted a Three Member Committee comprising of The Deputy Conservator of Wild Life Goa, The Member Secretary, Goa State Pollution Control Board and The Member Secretary GCZMA, The Deputy Conservator of Wild Life as the Nodal Agency for the compliance and coordination. Accordingly, a report was to be furnished to this Hon'ble Tribunal within a period of one month. A copy of the above-mentioned order is annexed herewith and marked as "Annexure B".

5. I say and submit that the above-mentioned Committee, after carrying out the inspection noted that the Respondent No. 4, Dolphin Beach Resort, Oasis Restaurant and Bar-Robert Fernandes of Mandrem Village had carried out violation of 49 Sun Beds and Shades on the beach, temporary bamboo structure and permanent G+1 structure of 12 rooms. In view of these violations the present Respondent issued a Demolition Order bearing No. GCZMA/N/NGT Matter/19-20/01/185 dated 2.5.2019. A copy of the same is annexed herewith and marked as "Annexure C".



6. I say and submit that the Respondent No. 4 filed a petition before the Hon'ble High Court of Bombay at Goa along with the 'All Goa Private Property Shack/Hut Owners Association Vs. State of Goa wherein the Hon'ble High Court of Bombay at Goa passed an order dated 6.5.2019 granting stay in the matter, wherein it was observed as under:

"Pending the hearing and final disposal of this petition, to stay the effect and operation of the order of demolition dated 2.5.2019 issued by the Respondent No. 2 to various persons in Morjim, Mandrem and Agonda and direct the Respondent No. 2 to refrain from taking any coercive steps without following the Principles of Natural Justice."

A copy of this Order is annexed herewith and marked as **"Annexure D"**.

7. The present Respondent issued a Show Cause Notice bearing No. GCZMA/ N/NGT Matter/19-20/01/586 dated 16.5.2019. A copy of the show cause is annexed herewith and marked as **"Annexure E"**. The present Respondent has

given opportunity of hearing to all the parties concerned in various meetings.



8. I say and submit that the Hon'ble High Court of Bombay at Goa vide common order dated 28.6.2019 disposed of all the matters filed against demolition orders passed by the present Respondent against Shack/Huts/Cottages and directed as follows

“The petitions are accordingly disposed of by reserving liberty to the Petitioners to make written representations to the Respondent within a period of 2 weeks from today. Respondent No. 1 shall pass final orders on the show cause notices after considering such representations. It is also agreed by the Respondents that, in the event, the orders to be passed on the show cause notices are adverse to the Petitioners; they shall not be enforced for a period of 15 days from the communication of the orders. The statements of all the parties are accepted and the petitions are disposed of in the above Terms.”

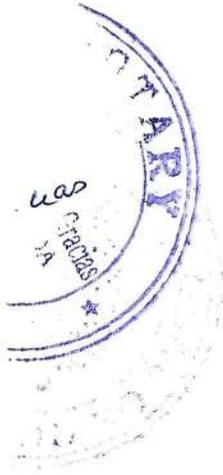
A copy of this order is annexed herewith and marked as

“Annexure F”.

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9. I say and submit that the present Respondent in its 207th GCZMA Meeting held on 13.7.2019 decided that:

“The Authority was of the opinion that this is a continuous process and merely because the Member Secretary /Chairman has been changes the decision which has been already taken during past meetings on the very same subject matter would not get changed and hence fresh personal hearings are not necessitated. Further the Authority noted that the Respondent (before the Authority) has preferred not to file any representation pursuant to the order dated 28.6.2019 passed by the Hon’ble High Court of Bombay at Goa. The Authority observed that the Respondent has mischievously and that to without the approval/NOC of the GCZMA placed 49 Sun Beds and shades on beach, temporary bamboo structure and permanent G+1 structures; 12 rooms which is in violation of NGT Pune (WZ) order dated 2.11.2017 and hence he should remove all illegal structures and pay a gross penalty of Rs. 1 Lakh i.e. he should pay penalty of Rs. 1 Lakh each for violation with regards to sunbeds, high intensity lights and high volume speakers respectively.”



12.I say and submit that the present Respondent after perusing the representation, documents and after hearing the parties, in its 217th Meeting decided that:

“The Authorities perused the documents and objections raised by Respondent examined the same in context of the violations reported by the Three Member Committee constituted by the Hon’ble NGT. Nowhere in the permissions are produced which are granted by Statutory Authorities has given him the authorization to establish a temporary bamboo structure and to place Sunbeds and shades on the beach. In so far as G+1 structure with 12 rooms the plans annexed to the permissions/ occupancy certificates do not sycronise with the violations recorded and existing on loco because 12 rooms structure is figuring in these permissions. The violations that have been done by the Respondent is much after 1991 which are against the permission so granted by the Statutory Authorities. The Authority thus deemed it fit to confirm the SCN by issuing directions to demolish the illegal structure and also impose penalty of Rs. 1 Lakh.”



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13.I say and submit that the Respondent No. 4 has paid the penalty of Rs. 1,00,000/- on 9.3.2020. The receipt of the same is annexed herewith and marked as **“Annexure J.”**



14.I say and submit that on 18.9.2020 the Talathi of Mandrem vide Letter No. Tal/MAN/GCZMA/2020 addressed a letter to Mamlatdar of Pernem stating that :

“Dolphin Beach Resort; Oasis Bar and Restaurant Robert Fernandes- has complied with the above order and has demolished the structure.”

A copy of this Letter is annexed herewith and marked as **“Annexure K.”**

15.I say and submit that the Mamlatdar of Pernem has vide Letter No. MAM/PER/A.K/GCZMA/2020/1403 dated 25.9.2020 has stated that a report was called for from the Talathi of Morjim and Mandrem and as per Talathi's report it is stated that the Respondent No. 4 has demolished and paid the penalty. A copy of this letter is annexed herewith and marked as **“Annexure L.”**

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16.I say and submit that the Deputy Collector and SDM Pernem- Sub Division Pernem vide Letter No. DCP/CRZ/Demolition Matter/2020 dated 30/09/2020 has submitted a compliance of the Impugned order of demolition, wherein at point 2 it was clearly stated that “Dolphin Beach Resort; Oasis Bar and Restaurant Robert Fernandes-has demolished and paid the penalty. The letter dated 30.9.2020 is annexed herewith and marked as **“Annexure M.”**



17.I say and submit that the present matter came up before this Hon'ble Tribunal on 6.3.2023 and vide order dated 6.3.2023, this Hon'ble Tribunal directed the present Respondent to upraise about the current position of the spot as to whether there are illegal structures standing. I say and submit that a site inspection was carried out by the present Respondent on 15.3.2023. The following structures are existing at the site.

- i. Ground plus one wooden structure abetting to the beach towards the landward side. P.C.C. and tiled flooring

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- ii. Bar Counter with kitchen permanent structure R.C.C. slab/Staircase
- iii. Behind the bar cottage permanent structure comprising of two rooms
- iv. Behind toilet was observed with water tank, Toilet is permanent structure
- v. Cottage of permanent nature comprising of 2 rooms
- vi. G+1 R.C.C. permanent structure villa comprising of 3 rooms on the first floor and 3 rooms on the Ground floor.
- vii. Stage was observed. It is in concrete /P.C.C.
- viii. Staircase of laterite to approach the shack from the beach
- ix. 27 Sunbeds were observed on the beach.

The site inspection report is annexed herewith and marked as “Annexure N.”

18.I say and submit that in view of the Impugned Demolition order with respect to temporary bamboo structures Sunbeds and shades on the beach, G+1 structure; 12 rooms- the present Respondent No.1 states that she had filed an





Affidavit dated 28/2/23 thereby stating that the Respondent No. 4 Dolphin Beach Resort has complied with the directions of Demolition based on the Compliance given by the Talathi of Mandrem, Mamlatdar of Pernem Taluka and the Deputy Collector and SDM Pernem Sub Division Pernem. However, based on the Order of the Hon'ble NGT dated 6/3/23 the Hon'ble NGT had directed the GCZMA to state the current position of the spot as to whether there is illegal structure standing thereon. The Respondent No. 1 thereafter conducted a site inspection on 15/3/23 and drew a report which is annexed as Annexure "N" to this Affidavit thereby confirming that the structures of G+1 still stands on the beach plus there are further violations as mentioned in the inspection report dated 15/03/2023 [as mentioned in Annexure N].



19.I say and submit that the present Respondent has granted permission for erection of temporary shack made of wood and/or natural/biodegradable material only in property bearing survey no. 267/36 of Mandrem Village, Pernem Taluka, Goa. The Permission is granted subject to the

condition specified therein. A copy of the permission is annexed herewith and marked as “Annexure O”.

20. I say and submit that the present Respondent is in receipt of a letter from Mr. Paulu Robert Fernandes Proprietor of Dolphin Beach Resort, Oasis Restaurant and Bar thereby submitting documents concerning compliance of the Demolition Order and concerning legality of the structure presently standing at site. This letter along with documents dated 18.3.2023 is annexed herewith and marked as “Annexure P”.

21. I say that the documents submitted by the Respondent which are annexed to this affidavit at Annexure P are the same documents submitted earlier and have also been considered before the Authority in its 217th GCZMA Meeting held on 4/12/2019 and 5/12/2019. I say that after the Authority taking on record these documents in its 217th GCZMA Meeting has passed the order for demolition dated 10/02/2020 thereby justifying that, *“The authority perused the documents and objections raised by respondent examined the same in context of the violations reported by*



the 3 members committee constituted by the Hon'ble NGT. Nowhere in the permissions are produced which are granted by statutory Authorities has given him the authorisation to establish a temporary bamboo structure and to place sunbeds and sheds on the beach. In so far as G+ 1 structure with 12 rooms the plans annexed to the permissions / occupancy certificates do not synchronise with the violations recorded and existing on loco because 12 rooms structure is not figuring in these permissions. The violations that have been done by the respondent is much after 1991 which are against the permission so granted by the statutory authorities. The authority thus deemed it fit to confirm the SCN by issuing directions to demolish the illegal structure and also impose penalty of Rs. 100000/-.

Order dated 10/12/2020 marked as Annexure 'B'

Solemnly Affirmed at Panaji on this the 21st day of March, 2023.



Gracias
 Venefreda C.P.P.B. Gracias
 Advocate & Notary
 Bardez-Goa

Solemnly Affirmed Before Me by
Dr. Geeta S. Nagvenkar
 Who is identified before me by

_____ at Calangute - Goa

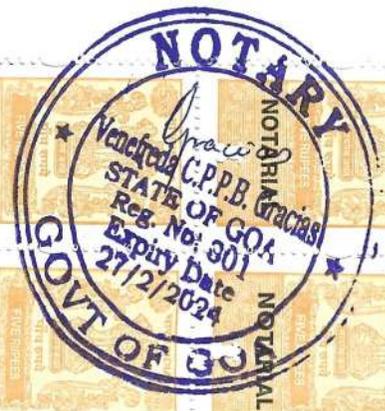
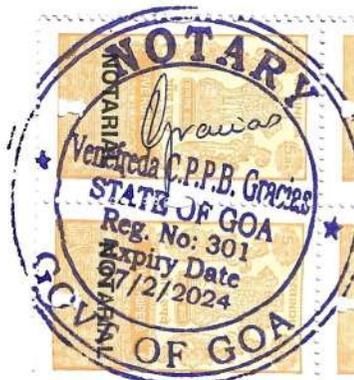
Sr No. 154/03/2023

Date: 21/03/2023

Gracias
 Venefreda C.P.P.B. Gracias
 Advocate & Notary
 Bardez-Goa

21/03/2023

DR. GEETA S. NAGVENKAR
 Member Secretary (GCZMA)
 the Respondent No. 1
 DEPONENT



**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE**

Application 23/2014(WZ)

M.A.235/2017

Goa Paryavaran Savrakshan Sangaharsh Samittee V/s The State of Goa & Ors

**CORAM: HON'BLE MR JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present:	Applicant/Appellant	:	Mr. Walawaikar Adv
	Respondent No.1-13, 74-76	:	Ms. Fawia Mesquita, Adv
	Respondent No.17	:	Mr.Chaitaniya Padgaonkar Adv
	Respondent No.24	:	Mr. Jitendra P. Supekar Adv
	Respondent No.25	:	Mr. Vineet Jhansi Adv
	Respondent No.32	:	Mr. Shivshankar Swaminathan Adv
	Respondent No.48,49,67	:	Mr. Shivshankar Swaminathan Adv
	Respondent No.71	:	Mr. Salil Saudagar Adv
		:	Mr. J. Abreu Lobo Adv

Date and Remarks	Orders of the Tribunal
Item No. 9 November 02, 2017 Order No.	<p align="center">Heard. Perused Record.</p> <p>The present Application has been moved for removal of structures standing in No Development Zone (NDZ) area i.e. within the area of 200m from HTL on the landward side in case of seafront and 100m along the intertidal Zone, water bodies or width of the creek, whichever is less along the beaches of Morjem, Mandre, Galgibag and Agonda of Goa for the purposes of saving environment, particularly, Turtle Nesting sites at these beaches, and for compensation on account of damage caused to the said Turtle Nesting sites, and for directions to ensure implementation of measures to save the said Turtle Nesting sites.</p> <p>In course of the proceedings, we had impleaded the parties, who are the Shack business owners/licenseses along the beaches of Morjem, Mandre, Galgibag and Agonda at the instance of Applicant, particularly, upon specific allegations that the said parties had erected Shacks/structures unlawfully in NDZ area along the protected Turtle Nesting sites of Morjem, Mandre, Galgibag and Agonda.</p> <p>Notices were issued to the parties and Respondent Nos. 24,32,48,49, 71 and 77 from amongst seventy seven (77) parties filed their replies. They have disputed the allegations that their structures have been unlawfully erected in NDZ area along the protected Turtle Nesting beaches at Morjem, Mandre, Galgibag and Agonda.</p> <p>Learned Counsel appearing on behalf of the Goa Coastal Zone Management Authority (GCZMA) submitted that GCZMA had taken action</p>

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2017
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against the offending structures and got some of these structures removed from the said areas. She further makes a statement that GCZMA would be taking action against all such structures falling in NDZ area along the beaches of Morjem, Mandre, Galgibag and Agonda, if they do not have any permission from GCZMA to erect such structures. She further makes a statement that any structure falling in intertidal zone i.e. beaches of Morjem, Mandre, Galgibag and Agonda as identified by the Department of Forest, Govt. of Goa and referred in the Report prepared by the National Centre for Sustainable Coastal Management (NCSCM) on carrying capacity of the beaches by providing Shacks and other temporary structures in the private areas as such Turtle Nesting sites identified by the Forest Department shall be removed in accordance of law. She invited our attention specifically to the affidavit of Deputy Conservator of Forest dated 8th July, 2016 filed in the present case in order to point out how the Forest Department in its Report on Turtle Nesting sites had evolved the Management techniques for conserving the Turtle Nesting sites.

Learned Counsel appearing on behalf of Respondent Nos.17, 24, 25, 32,48,49,67,71, 74 to 76 submit that none of their structures lie in the intertidal zone along the said beaches. However, they undertake to strictly abide by the recommendations of the Forest Department for conserving the Turtle Nesting sites along the said beaches. They further undertake that they would not have any structure of whatsoever nature in NDZ without any specific permission granted by GCZMA.

Learned Counsel appearing on behalf of the Applicant with reference to the Report of Forest Department annexed to the affidavit dated 8th July, 2016 submitted that there has been decline in nesting of Oil Ridley Turtles on Morjem beach and such further decline can even be observed in course of time, if the measures are not taken to protect the nesting sites. He therefore advocated strict compliance of the recommendations made by the Forest Department in that regard and to make the delinquents liable for deterrent compensation in case of any violation of such recommendations being detected.

Considering the menace of unregulated tourist activity along the beaches of Morjem, Mandre, Galgibag and Agonda, we and its parlous consequences on environment particularly, Turtle Nesting sites, it is necessary that deterrent environmental compensation is imposed on the delinquents, who are found violating the recommendatory measures suggested by the Forest Department for protection of Turtle Nesting sites.

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It is also necessary that no Shacks or temporary or any other structure is allowed to be raised in NDZ area without there being specific permission of GCZMA.

We, therefore, direct that:

- a) Respondent No.10 GCZMA shall take action against all such temporary structures or Shacks or any other structure found erected after 19.2.1991 in NDZ area along the beaches of Morjem, Mandre, Galgibag and Agonda without specific permission from GCZMA in accordance with law.
- b) The Applicant or any person will be at liberty to point out existence of any such unlawful structures in NDZ to GCZMA for action in accordance with law.
- c) Respondent No.10 GCZMA shall act expeditiously upon such complaint/s made by the Applicant or any person in respect of such unlawful structures/s.
- d) We further direct Respondent No.10 GCZMA to strictly enforce the recommendations made by the Forest Department for conservation of Turtle Nesting sites in the Report on carrying capacity of beaches, particularly, those suggested by the Forest Department as follows:
 - i) **No beach beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up;**
 - ii) **The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side;**
 - iii) **Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited.**
 - iv) **Movement of any automobile on the beach to be prohibited;**
 - v) **It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest department which monitors the entire coast.**

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- e) Anybody found violating these recommendations shall be liable to pay compensation of ₹1 Lakh for each violation and the compensation shall be recovered by GCZMA. In case, the amount of compensation is not paid by the delinquent/s his/their case shall be referred to the Tribunal for seeking necessary orders in that regard.
- f) We direct Respondent No.76 the Forest Department, Govt. of Goa to keep vigilance along the said beaches and report incidence of any violation of the said recommendations to GCZMA for further action.
- g) Respondent No.10 GCZMA shall promptly act upon the report made by Respondent No.76 Department of Forest, Govt. of Goa in respect of violations of their recommendations.
- h) In case of habitual violators of the said recommendations the GCZMA shall revoke the license granted to Shack owners/operators and remove/demolish shack/structure in accordance with law.
- i) Liberty granted to the Applicant to pursue specific complaints made against unlawful structures lying in NDZ area along the said beaches.

O.A.No.23 of 2014 along with M.A 235 of 2017 stand disposed off accordingly.

....., JM
(Justice U.D.Salvi)

....., EM
(Dr. Nagin Nanda)

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Execution Application Nos. 01/2019 (WZ) to 06/2019 (WZ)
IN
Original Application No. 23/2014 (WZ)

Goa Paryavaran Savrakshan Sangharsh Samitee

Applicant(s)

Versus

Goa Coastal Zone Management Authority & Ors.

Respondent(s)

Date of hearing: 25.02.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant (s): Mr. S.M. Walwaikar and Mr. P.V. Shinde, Advocates

ORDER

1. This application seeks enforcement of order of this Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the said order, this Tribunal directed the Goa Coastal Zone Management Authority (GCZMA), respondent no. 1, to take action against temporary structures constructed along the beaches of Morjem, Mandre, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

2. Directions were also issued to respondent no. 1, GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites.

3. The directions are as follows:

- “i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjem is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up.*
- ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side.*
- iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited.*
- iv) Movement of any automobile on the beach to be prohibited.*
- v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast”.*

4. It was also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

5. According to the applicant, the above order has not been complied with.

6. Respondent nos. 4 to 11, La Palge, Boomerang Resort, Babu Huts and Pegan Café's, Ambica Concept, Micasa Beach Resort, D'Soule Lounge & Bar, Sky Club and Hotel Garage have constructed several NDZ offending structures on Turtle Nesting site, destroying sand dunes and sand vegetation since October, 2013. Commercial activities have been started without permission of the GCZMA. The GCZMA is not performing its duty as a regulatory body to remedy the illegalities.

7. In view of the above averments, we consider it necessary to ascertain the factual position by appointing a three members Committee comprising Deputy Conservator of Wildlife, Goa, Member Secretary, Goa State Pollution Control Board and Member Secretary, GCZMA. The nodal agency will be the Deputy Conservator of Wildlife for compliance and coordination. The factual and action taken report be furnished to this Tribunal within one month by e-mail at ngt.filing@gmail.com.

The applicant may furnish a set of papers to the above three authorities forthwith and file affidavit of service.

Copies of this order be sent to the above three authorities directly as well as through Chief Secretary, State of Goa by e-mail.

List for consideration of the report on 01.05.2019.

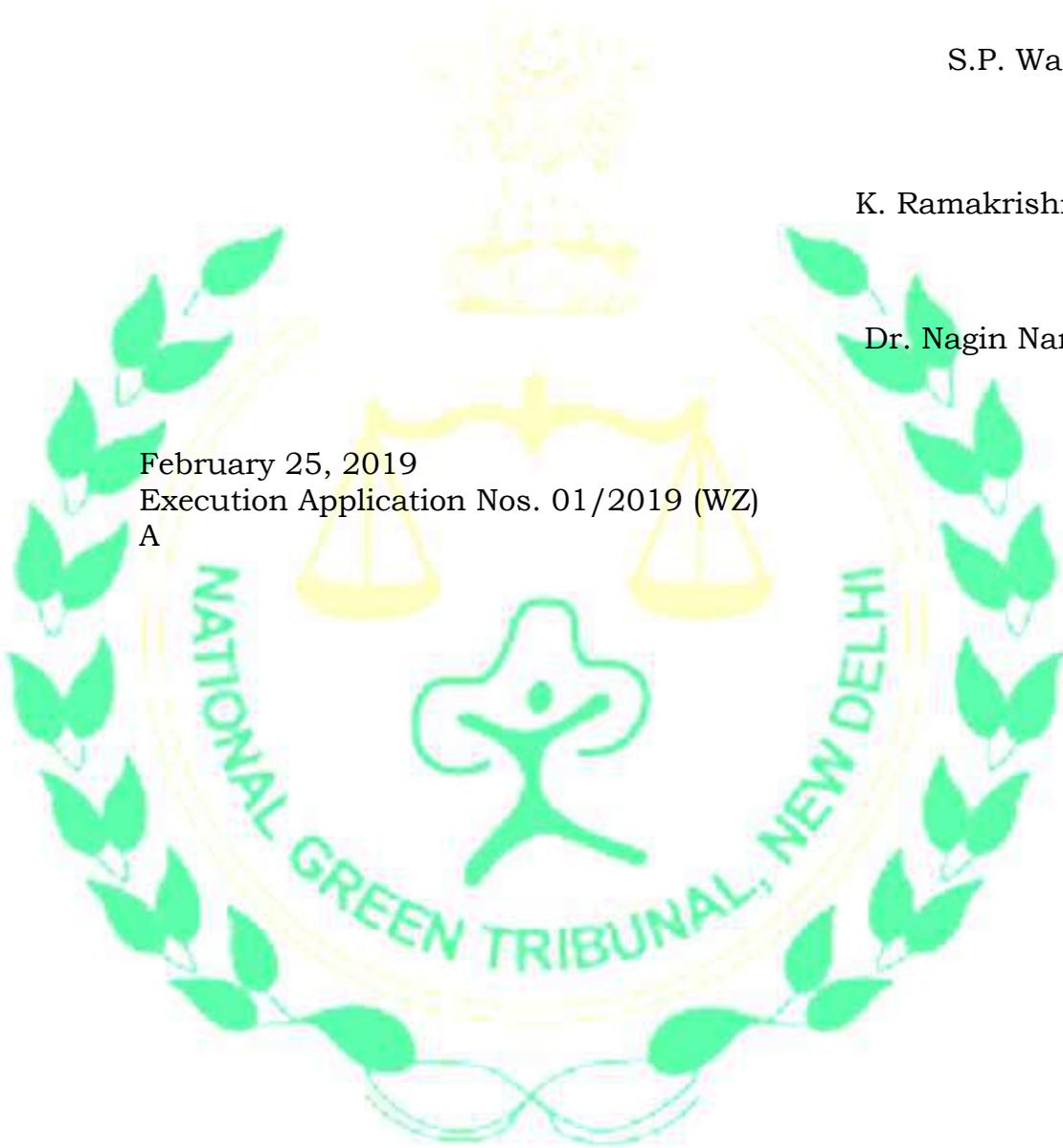
Adarsh Kumar Goel, CP

S.P. Wangdi, JP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 25, 2019
Execution Application Nos. 01/2019 (WZ)
A



GOA COASTAL ZONE MANAGEMENT AUTHORITY
 C/o Department of Science, Technology & Environment, (Govt. of Goa)
 1st Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.
 Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/NUT Matter/19-20/01/185

Date: 02/04/2019
 05

Demolition Order

Sub: Directions to demolish temporary Bamboo structure & Permanent G+1 structure; 12 rooms on the beach line which disturb the Turtle Nesting Sites.

Ref. : (1) Direction in the Matter Pending Before The National Green Tribunal, Principal Bench, New Delhi Execution Application Nos. 01/2019 (Wz) to 06/2019 (Wz) in Original Application No. 23/2014 (Wz); Original Application No. 25/2019 (Wz); Original Application No. 26/2019 (Wz).

WHEREAS, Goa Paryavaran Savrakshan Sangharsh Samitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

AND WHEREAS, the Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast".

AND WHEREAS, the Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Goa Paryavaran Savrakshan Sangharsh Samitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

AND WHEREAS, , the Hon'ble NGT vide order dated 25/02/2019, interalia appointed a three members Committee comprising of Deputy Conservator of Wildlife, Goa, Member Secretary, Goa State Pollution Control Board and Member Secretary, GCZMA. The nodal agency will be the Deputy Conservator of Wildlife for compliance and coordination. Accordingly a report was to be furnished to this Tribunal within one month.

AND WHEREAS, vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the three members Committee as constituted by the Hon'ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area in North Goa on the 12th March 2019 and 13th March 2019. The Said Committee carried out the site inspection for the area in South Goa on the 09th March 2019 and 11th March 2019 and 12th March 2019. The Committee submitted a report with regard to south Goa on 25/04/2019 and with regards to North Goa on 24/04/2019. The Reports were submitted on the giving details of the violations. The following alleged illegal construction resulting violation of CRZ Notification 2011 are noticed.

NAME OF THE VIOLATOR	VILLAGE	GPS READING	VIOLATION
Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes 9822163886	Mandrem	N 15° 39' 46.2" E 73° 42' 46.8"	49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms

AND WHEREAS, the said report was placed for discussion and deliberation in the 197th GCZMA meeting held on 26/04/2019 wherein the Authority decided that, "the Authority noted the report submitted by the three members Committee constituted by the Hon'ble NGT in terms of the order dated 25/02/2019. The Authority resolved to issue directions to demolish all the resorts / establishments which are operating without the approval / NOC/ Permission of GCZMA in terms of the Order passed by the NGT dated 2/11/2017. The Authority decided to issue impose a fine of a sum of Rs One Lakh for the violations noted as per the direction on order dated 2/11/2017".

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. 3324 (E) dated 26/10/2016 issued by the Ministry of Environment & Forests, Government of India, and in view of the directions issued by the Hon'ble National Green Tribunal in its orders dated 2/11/2017 and 25/02/2019 hereby directs the **Collector, North Goa, to demolish the all the structures being run in the name of Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes and remove Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes and restore the land to its original state within 7 days. Further, recover the expenses incurred for the same from Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes as the arrears of land revenue. Further, Collector NORTH is required to submit a compliance report in respect of compliance of afore stated directions to the GCZMA next day after demolition. Further, Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes is directed to pay a penalty/fine of rupees one lakh towards the damages in terms of the order of the NGT dated 2/11/2017 and 25/02/2019. The said fine/penalty is required to be paid in the office of the GCZMA C/o Department of Science, Technology and Environment (Govt. of Goa), 1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto, Porvorim, Bardez- Goa-403 521 via cheque/Demand Draft in favour of "GOA COASTAL ZONE MANAGEMENT AUTHORITY".**



(Ravi Jha, IAS)

Member Secretary (GCZMA)

To,

1. **The Collector & District Magistrate (North), Office of the Collector (North), Panaji-Goa... for executing the order.**
2. **Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes, resident of Mandrem to deposit penalty fine to the Authority.**

Copy to,

1. **The Superintendent of Police, Porvorim-Bardez, Goa with a request to depute Police personal for the purpose of the smooth functioning of the execution of the above order.**
2. **Prof. Suhas Ghodse, R/o. H.No. 5/25 A, Saket, near Pandurang Tulsi Mata Temple, Vodlem Bhat, Taleigao, Tiswadi-Goa (9075374807) ...with a request to make it convenient to remain present and identify the structure at the time of execution of this order .**

3. **Mr. Audhut J. Bhosle, R/o. 790, Opp. Mapusa Urban Co-Operative Bank, St. Agostinho, Santa-Cruz, Tiswadi-Goa (9518369146).....** with a request to make it convenient to remain present and identify the structure at the time of execution of this order.
4. The Dy. Conservator of forests (North) having office at Panaji With a request to make it convenient and remain present and identify the structure at the time of execution of this order.

IN THE HIGH COURT OF BOMBAY AT GOA

STAMP NUMBER MAIN NO. 1871 OF 2019

ALL GOA PRIVATE PROPERTY SHACK/
HUT OWNERS ASSOCIATION, THR. ITS
PRES., DHARMESH PRABHUDAS
SAGLANI.,

... Petitioner

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY AND 4 ORS.,

... Respondents

Mr. J. A. Lobo, Advocate for the Petitioner.
Mr. V. Sardesai, Additional Govt. Advocate for the
Respondents.

Coram:- P. D. NAIK, J.

Date:- 6th May 2019

P.C.:

Heard the learned Counsel for the Petitioner Mr. J.A. Lobo and Mr. Sardesai, learned Additional Govt. Advocate.

2. The learned Additional Govt. Advocate submits that the issues involved in this matter arise in several other matters and the learned Advocate General would be addressing the Court in all the matters. Hence, the matter be placed after summer vacation.

3. The learned Counsel for the Petitioner submitted that the petitioner is an Association known as "All Goa Private Property

Shack/Hut Owners Association" in the State of Goa. It is submitted that the action is initiated in accordance with the impugned order dated 2nd May, 2019, which was served upon the respective parties on 4th May, 2019. The said order seeks to demolish the structures. It is submitted that no show cause notice was issued to the parties, nor any hearing was conducted by the Authorities, which amounts to violation of the principles of natural justice.

4. Considering the urgency in the matter and in view of the demolition order dated 2nd May, 2019, the matter was placed before the Vacation Court.

5. In the circumstances, interim protection is granted to the members of the Petitioner in terms of prayer clause (c) till the next date. Prayer (c) reads as under :

"Pending the hearing and final disposal of this Petition, to stay the effect and operation of the Orders of Demolition dated 02/05/2019 issued by the Respondent No.2 to various persons in Morjim, Mandrem and Agonda and direct the Respondent no.2 to refrain from taking any coercive steps without following the

principles of natural justice."

6. In view of the above, stand over to 10th June, 2019. Issue notice to the respondents. Learned AGA waives notice on behalf of the respondents.

7. Learned AGA to communicate the present order to the concerned Authorities. Parties to act on duly authenticated copy of this order.

P. D. NAIK, J.

ssm.

GOA COASTAL ZONE MANAGEMENT AUTHORITY
C/o Department of Science, Technology & Environment, (Govt. of Goa)
1st Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.

Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/NGTMA/19-20/01/586

Date: 16/05/2019

**SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE ENVIRONMENT
(PROTECTION) ACT, 1986, READ WITH RULE 4 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, Goa Paryavaran Savrakshan Sangharsh Samitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

AND WHEREAS, the Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast".

AND WHEREAS, the Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Goa Paryavaran Savrakshan Sangharsh Samitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

AND WHEREAS, , the Hon'ble NGT vide order dated 25/02/2019, interalia appointed a three members Committee comprising of Deputy Conservator of Wildlife, Goa, Member Secretary, Goa State Pollution Control Board and Member Secretary, GCZMA. The nodal agency will be the Deputy Conservator of Wildlife for compliance and coordination. Accordingly a report was to be furnished to this Tribunal within one month.

AND WHEREAS, vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the three members Committee as constituted by the Hon'ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area in North Goa on the 12th March 2019 and 13th March 2019. The Said Committee carried out the site inspection for the area in South Goa on the 09th March 2019 and 11th March 2019 and 12th March 2019. The Committee submitted a report with regard to south Goa on 25/04/2019 and with regards to North Goa on 24/04/2019. The Reports were submitted on the giving details of the violations. The following alleged illegal construction resulting violation of CRZ Notification 2011 are noticed.

NAME OF THE VIOLATOR	VILLAGE	GPS READING	VIOLATION
Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes 9822163886	Mandrem	N 15° 39' 46.2" E 73° 42' 46.8"	49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms

AND WHEREAS, the said report was placed for discussion and deliberation in the 197th GCZMA meeting held on 26/04/2019 wherein the Authority decided that, "*the Authority noted the report submitted by the three members Committee constituted by the Hon'ble NGT in terms of the order dated 25/02/2019. The Authority resolved to issue directions to demolish all the resorts / establishments which are operating without the approval / NOC/ Permission of GCZMA in terms of the Order passed by the NGT dated 2/11/2017. The Authority decided to issue impose a fine of a sum of Rs One Lakh for the violations noted as per the direction on order dated 2/11/2017*".

AND WHEREAS, an order of demolition dated 02/05/2019 was issued against you by GCZMA.

AND WHEREAS, a Petition was filed before Hon'ble High Court of Bombay at Goa by All Goa Private Property Shack/Hut owners association, through its president., Dharmesh Prabhudas Saglani. v/s State of Goa, thr. The Chief Secretary and 4 ors. Wherein the Hon'ble High Court of Bombay at Goa passed an order dated 06/05/2019 granting stay in the matter, stating as follows:-

"Pending the hearing and final disposal of this Petition, to stay the effect and operation of the Orders of Demolition dated 02/05/2019 issued by the Respondent No.2 to various persons in Morjim, Mandrem and Agonda and direct the Respondent no.2 to refrain from taking any coercive steps without following the principles of natural justice."

NOW THEREFORE, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the GCZMA vide Order S.O. 3324 (E) dated 26/10/2016 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, hereby directs you to **SHOW CAUSE** as to why a direction to demolish the structures and to restore the land to its original condition should not be issued to you.

FURTHER TAKE NOTE THAT, you are required to file your reply along with construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA. Further you directed to remain present for the personal hearing or depute your duly authorized representative with all the documents, approved site plans and other related documents if any in support of your case/ structure before the Authority, 2nd floor, Conference Hall, Secretariat, Porvorim-Goa on ³⁰05/2019 at ~~2.30~~ ^{2.30} am/pm. Please take note that if you fail to submit your reply/appear along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

FURTHER TAKE NOTE THAT, this being compliance of the Hon'ble NGT order dated 02/11/2017, no adjournment in the case would be allowed.



(Ravi Jha, IAS)

Member Secretary (GCZMA)

To,

- 1. Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes**, resident of Mandrem *to appear before the Authority on aforesaid date & time.*
- 2. Goa Paryavaran Savrakshan Sangharsh Samitee** through the President, (**Bruno Rodrigues**) office at S-1, Renuka Residency, Behind KTC Bus stand, Fatorda, Margao-Goa 403601. *to appear before the Authority on aforesaid date & time.*

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITIONS NO.448/2019, 456/2019, 462/2019,
463/2019, 464/2019, STM No.1871/2019,
1873/2019, 1878/2019, 1881/2019,
1898/2019, 1899/2019, 1900/2019, 1901/2019,
1902/2019, 1903/2019, 1904/2019, 1905/2019 &
1907/2019**

WRIT PETITION NO.448/2019

Godwin Fernandes Petitioner
V/s
Member Secretary,
Goa Coastal Zone
Management Authority & Ors. Respondents

Mr. V. Menezes and Ms. S. Narvekar, Advocates for the petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondents No.1 to 5.

WITH

WRIT PETITION NO.456/2019

Mark Ephrem Fernandes Petitioner
V/s
Goa Coastal Zone
Management Authority & Ors. Respondents

Mr. Kaif Noorani, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondent No.5.

WITH

WRIT PETITION NO.462/2019

La Cabana Beach & Spa Petitioner
V/s
Goa Coastal Zone
Management Authority & Ors. Respondents

Mr. Sarvesh Malyekar, Advocate for the petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondents No.1 to 3.

**WITH
WRIT PETITION NO.463/2019**

Neil Fernandes Petitioner
V/s	
Goa Coastal Zone Management Authority & Ors. Respondents

Mr. A.D. Bhohe, Advocate for the petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondents No.1 to 3.

**WITH
WRIT PETITION NO.464/2019**

Alex Fernandes Petitioner
V/s	
The Member Secretary, Goa Coastal Zone Management Authority & Ors. Respondents

Mr. Nikhil A. Vaze & Mr. Luis Fernandes, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General and Ms. Priyanka Kamat,
Additional Government Advocate for Respondents No.1 to 3.

**WITH
STM 1871/2019**

All Goa Pvt. Property Shack / Hut Owners Association ...	Petitioner
V/s.	
State of Goa, through Chief Secretary & Ors.	...Respondents

Mr. J. Abreu Lobo, Advocate for the petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for the respondents.

WITH

STM No. 1873/2019

Jaydeep Rajebhosle ... Petitioner
V/s.
State of Goa, through
Chief Secretary & Ors. ... Respondents

Ms. V. Mendonca h/f. Shri Chaitanya Padgaonkar, Advocate for the petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar, Additional Government Advocate for respondents No.1, 2, 3, 4 and 5.

WITH

STM No. 1878/2019

Lezri Daniel D'Souza ... Petitioner
V/s.
State of Goa, through
Chief Secretary & Ors. ... Respondents

Ms. V. Mendonca h/f. Shri Chaitanya Padgaonkar, Advocate for the petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar, Additional Government Advocate for respondents No.1, 2, 3, 4 and 5.

WITH

STM No.1881/2019

Caridad G. D'Souza Petitioner
V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amey Phadte, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Pravin Faldessai, Additional Government Advocate for Respondents No.1 to 4.

WITH

STM No.1898/2019

Malcolm Simon D'Souza Petitioner

V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amey Phadte, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Pravin Faldessai,
Additional Government Advocate for Respondents No.1 to 4.

**WITH
STM No.1899/2019**

Annie Any Anna Fernandes Petitioner

V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amay Phadte, Advocate for the Petitioner.

Mr. D.J.Pangam, Advocate General with Mr. Arun A. S.
Talaulikar, Additional Government Advocate for Respondents No.1 to
4.

**WITH
STM No.1900/2019**

Conceisao Mendes Naronha Petitioner

V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amay Phadte, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Arun Talaulikar,
Additional Government Advocate for Respondents No.1 to 4.

**WITH
STM No.1901/2019**

Sharad P. Harmalkar Petitioner

V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amay Phadte, Advocate for the Petitioner.

WITH**STM No.1902/2019**

Ketaki Dharma Morje Petitioner
V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amay Phadte, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General with Ms. Priyanka Kamat,
Additional Government Advocate for Respondents No.1 to 4.

WITH**STM No.1903/2019**

Jose Valentino De Souza Petitioner
V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amay Phadte, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondents No.1,2,3, and 4.

WITH**STM No.1904/2019**

Violeta Maria Fernandes Petitioner
V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amay Phadte, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General with Ms. Neha Kholkar,
Additional Government Advocate for Respondents No.1 to 4.

WITH**STM No.1905/2019**

Laxmikant Morje Petitioner
V/s
State of Goa, through

Chief Secretary & Ors.

.... Respondents

Mr. Amay Phadte, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondents No.1 to 4.

AND
STM No.1907/2019

Piuru Luis D'Souza

.... Petitioner

V/s

State of Goa, through

Chief Secretary & Ors.

.... Respondents

Mr. Amay Phadte, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Ms. Neha Kholkar,
Additional Government Advocate for Respondents No.1 to 4.

Coram :- S. C. GUPTE &
NUTAN D. SARDESSAI, JJ.

Date:- 28th June 2019

P.C.:

These Writ Petitions challenge demolition orders passed by Goa Coastal Zone Management Authority (GCZMA). The grievance of the petitioners before the Court is that the demolition orders were passed without complying with due process of law or following principles of natural justice. During the pendency of these petitions, in response to what transpired in Court in some other matter, the respondent issued Show Cause Notices to all the petitioners, who had complained of illegalities of the demolition orders passed in their cases. In pursuance of the Show Cause Notices, the petitioners have

appeared before the respondent and have shown cause. Considering the grievance of the petitioners, voiced across the bar at the hearing of the petitions, that they did not have a proper opportunity to present their case, this Court suggested that all the petitioners and their stakeholders who proposed to show further cause, can do so by filing written representation in furtherance of what they have already submitted before the respondent, whereafter final orders can be passed by the respondent on the Show Cause Notices. This suggestion was fairly accepted by petitioners on the one hand and by learned Advocate General on the other. Learned Advocate General states that the original demolition orders which are subject matters of challenge in these petitions may be treated as cancelled and withdrawn.

2. The petitions are accordingly disposed of by reserving liberty to the petitioners to make written representations to the respondent within a period of two weeks from today. Respondent No.1 shall pass final orders on the Show Cause Notices after considering such representations. It is also agreed by the respondents that, in the event, the orders to be passed on the Show Cause Notices are adverse to the petitioners, they shall not be enforced for a period of 15 days from the communication of the orders. The statements of all

parties are accepted and the petitions are disposed of in the above terms.

NUTAN D. SARDESSAI, J.
mv

S. C. GUPTE, J.

EXTRACT OF THE MINUTES OF THE 207th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 13/07/2019 (Saturday) at 11.30 AM. IN THE CONFERENCE HALL, 2ND FLOOR, CONFERENCE HALL, SECRETARIAT, PORVORIM – GOA.

**Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes
9822163886**

Decision: The Authority noted that the respondent has preferred not to file any representation pursuant to order dated 28/06/2019 passed by the Hon'ble High Court of Bombay at Goa. The Authority observed that respondent has mischievously and that too without the approval/NOC of the GCZMA placed 6 Sun beds, & 5 Tables on beach, High Volume Music system in violation of CRZ norms. Temporary Bamboo structure; constructed/ Erected without CRZ NOC; which is in violation of the NGT Pune (WZ) Order dated 02/11/2017 and hence he should pay penalty of Rs. 100000/-each for violation with regards to sunbeds, high intensity lights and high volume speakers respectively further directs respondent to demolish the illegal construction at site to pay a penalty of Rs. 100000/- with regards to sunbeds.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)
1st Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.

Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/NGT matter/19-20/01/1084

Date: 15/07/2019

DEMOLITION ORDER.

Sub: Directions to demolish structures/shack/huts cottages of Dolphin beach Resort Oasis Bar & Restaurant Robert

- Ref. : (1) Direction in the Matter Pending Before The National Green Tribunal, Principal Bench, New Delhi Execution Application Nos. 01/2019 (Wz) to 06/2019 (Wz) in Original Application No. 23/2014 (Wz); Original Application No. 25/2019 (Wz); Original Application No. 26/2019 (Wz).**
- (2) Minutes of the 197th GCZMA meeting held on 26/04/2019.**
- (3) Order of demolition dated 02/05/2019 issued by GCZMA.**
- (4) Minutes of 198th GCZMA meeting held on 10/05/2019.**
- (5) Show cause notice dated 16/05/2019 issued by GCZMA.**
- (6) Minutes of 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019.**
- (7) Order dated 28/06/2019 passed by the Hon'ble High Court of Bombay at Goa.**
- (8) Minutes of 207th GCZMA meeting held on 13/07/2019.**

WHEREAS, Goa Paryavaran Savrakshan Sangharsh Samitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

AND WHEREAS, the Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles

besides information sharing with staff of Forest Department which monitors the entire coast”.

AND WHEREAS, the Hon’ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Goa Paryavaran Savrakshan Sangharsh Samitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

AND WHEREAS, vide said order the Hon’ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Hon’ble NGT vide order dated 25/02/2019, interalia appointed a Three Members Committee comprising of Deputy Conservator of Wildlife, Goa, Member Secretary, Goa State Pollution Control Board and Member Secretary, GCZMA with Deputy Conservator of Wildlife as Nodal Agency for compliance and coordination. Accordingly a report was to be furnished to the National Green Tribunal (NGT) within one month.

AND WHEREAS, the Three Members Committee as constituted by the Hon’ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area in North Goa on 12th March 2019 and 13th March 2019. The Said Committee carried out the site inspection for the area in South Goa on the 09th March 2019, 11th March 2019 and 12th March 2019. The Committee submitted a report with regard to South Goa on 25/04/2019 and with regards to North Goa on 24/04/2019. The Reports gave details of the violations. The following alleged illegal construction resulting violation of CRZ Notification 2011 were noticed.

NAME OF THE VIOLATOR	VILLAGE	GPS READING	VIOLATION
Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes 9822163886	Mandrem	N 15° 39' 46.2" E 73° 42' 46.8"	49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure;12 rooms

AND WHEREAS, the said report was placed for discussion and deliberation in the 197th GCZMA meeting held on 26/04/2019 wherein the Authority observed as

follows: *“the Authority noted the report submitted by the Three Members Committee constituted by the Hon’ble NGT in terms of the order dated 25/02/2019. The Authority resolved to issue directions to demolish all the resorts / establishments which are operating without the approval / NOC/ Permission of GCZMA in terms of the Order passed by the NGT dated 2/11/2017. The Authority decided to issue impose a fine of a sum of Rs One Lakh for the violations noted as per the direction on order dated 2/11/2017”* .

AND WHEREAS, an order of demolition dated 02/05/2019 was issued against you by GCZMA.

AND WHEREAS, a Petition was filed before Hon’ble High Court of Bombay at Goa by All Goa Private Property Shack/Hut owners association, through its president., Dharmesh Prabhudas Saglani. v/s State of Goa, thr. The Chief Secretary and 4 ors. wherein the Hon’ble High Court of Bombay at Goa passed an order dated 06/05/2019 granting stay in the matter, stating as follows: *“Pending the hearing and final disposal of this Petition, to stay the effect and operation of the Orders of Demolition dated 02/05/2019 issued by the Respondent No.2 to various persons in Morjim, Mandrem and Agonda and direct the Respondent No.2 to refrain from taking any coercive steps without following the principles of natural justice.”*

AND WHEREAS, the abovementioned orders passed by Hon’ble High Court were placed for discussion and deliberation in the 198th GCZMA meeting held on 10/05/2019 wherein the authority decided as follows : *“The authority hence resolved to issue show cause notices to all the violators calling upon them for personal hearing and thereafter decide the matter”* .

AND WHEREAS, a show cause notice cum hearing notice dated 16/05/2019 was issued to you by GCZMA directing the respondent to file reply and hearing in the matter.

AND WHEREAS, the matter was heard and decided in the 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019. The proceedings in the matter during abovementioned meetings can be seen as follows: *“Advocate Shri. S.M. Walwaikar appeared on behalf of complainant Goa Paryavaran Savrakshan Sangharsh Samitee on 17/05/2019. He made general arguments with regard to computation of fines on a per day basis of operation of structures and regard to recovery of environmental compensation. On 17/05/2019 hearing he submitted an application on behalf of*

complainant seeking leave to dispense with the personal attendance in rest of cases scheduled for 04/06/2019 and 06/06/2019 as his arguments remain the same in all the cases. The said application filed by Complainant was allowed.

AND WHEREAS, in the **203rd GCZMA meeting held on 04/06/2019 and 06/06/2019 it was decided as follows:** *“The Authority heard the arguments raised by the respondent objecting the present hearing and also reply filed by the respondent. The authority noted that the personal hearing granted to the parties is complete. The final orders would be issued as per the directions of Hon’ble High Court of Bombay at Goa in Stamp Number Main No. 1871 of 2019 filed by All Goa Private Property Shack/Hut Owner’s Association v/s State of Goa”.*

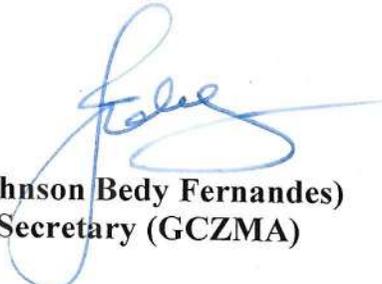
AND WHEREAS, the Hon’ble High Court of Bombay at Goa vide common order dated 28th June 2019 while disposing all the matters filed against demolition orders passed by Goa Coastal Zone Management Authority (GCZMA) against shack/huts/cottages interalia directed as follows: *“The petitions are accordingly disposed of by reserving liberty to the petitioners to make written representations to the respondent within a period of two weeks from today. Respondent No.1 shall pass final orders on the Show Cause Notices after considering such representations. It is also agreed by the respondents that, in the event, the orders to be passed on the Show Cause Notices are adverse to the petitioners; they shall not be enforced for a period of 15 days from the communication of the orders. The statements of all parties are accepted and the petitions are disposed of in the above Terms”.*

AND WHEREAS, all the representations filed by petitioners were placed for final decision in the **207th GCZMA meeting held on 13/07/2019:** *The Authority was of the opinion that this is a continuous process and merely because the Member Secretary/Chairman has been changed the decision which has been already taken during past meetings on the very same subject matter would not get changed and hence fresh personal hearings are not necessitated. Further the Authority noted that the respondent has preferred not to file any representation pursuant to order dated 28/06/2019 passed by the Hon’ble High Court of Bombay at Goa. The Authority observed that respondent has mischievously and that too without the approval/NOC of the GCZMA placed **49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure;12 rooms;** which is in violation of the NGT Pune (WZ) Order dated 02/11/2017 and hence he should remove all illegal structures and pay a gross penalty of Rs.1,00000/- i.e **he should pay penalty of Rs. 100000/-each for violation with regards to sunbeds, high intensity lights and high volume speakers respectively.***

sole

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. 3324 (E) dated 26/10/2016 issued by the Ministry of Environment & Forests, Government of India, and in view of the directions issued by the Hon'ble National Green Tribunal in its orders dated 2/11/2017 and 25/02/2019 hereby directs the respondent to pay a penalty of Rs. 100000/- *with regards to sunbeds* and further directs respondent to demolish the illegal construction stated above within a period of 15 days failing which the **Collector, North Goa, shall remove all the structures i.e 49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms pertaining to Dolphin beach Resort Oasis Bar & Restaurant Robert, Mandrem** after expiry of 15 days interms of decision taken in **207th GCZMA meeting held on 13/07/2019**. Further, recover the expenses incurred for the same from **Dolphin beach Resort Oasis Bar & Restaurant Robert, Mandrem** as the arrears of land revenue. The **Collector North Goa** is required to submit a compliance report in respect of compliance of afore stated directions to the GCZMA a day after such exercise. The penalty of **Rs. 100000/-** be paid by Cheque/D.D drawn in favour of Goa Coastal Zone Management Authority.

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


**(Johnson Bedy Fernandes)
Member Secretary (GCZMA)**

To,

1. **The Collector & District Magistrate, (North), Office of the Collector (North), Panaji-Goa.... for executing the order and ensure compliance of the order.**
2. **The Deputy Collector & S.D.O of Pernem, having office at Pernem... to assist the Collector for executing the order and compliance.**
3. **Dolphin beach Resort Oasis Bar & Restaurant Robert, Mandrem..... for complying with the direction.**
4. **The Superintendent of Police, Porvorim, Bardez-Goa with a request to depute Police personnel for the purpose of the smooth functioning of the execution of the above order.**

5. **The Member Secretary, Goa State Pollution Control Board, Saligao, Bardez-Goa...***to act independently against violators with regards to violations consent to operate/establish.*
6. **Mr. Prabhakar Shirodkar, Expert member GCZMA, Tiswadi-Goa(9326101601) ...***with a request to make it convenient to remain present and identify the structure at the time of execution of this order .*
7. **Mr. Audhut J. Bhosle, R/o. 790, Opp. Mapusa Urban Co-Operative Bank, St. Agostinho, Santa-Cruz, Tiswadi-Goa (9518369146).....***with a request to make it convenient to remain present and identify the structure at the time of execution of this order .*

Copy to:

1. **Goa Paryavaran Savrakshan Sangharsh Samitee** through the President, (**Bruno Rodrigues**)office at S-1, Renuka Residency, Behind KTC Bus stand, Fatorda, Margao-Goa 403601...*for information only.*
2. **The Scientific Assistant, GCZMA...***to upload copy of this order on GCZMA website immediately.*

Item Nos. 10-42

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Appeal No. 69/2019 (WZ)
WITH
Appeal No. 70/2019 (WZ)
WITH
Appeal No. 71/2019 (WZ)
WITH
Appeal No. 72/2019 (WZ)
WITH
Appeal No. 73/2019 (WZ)
WITH
Appeal No. 74/2019 (WZ)
WITH
Appeal No. 75/2019 (WZ)
WITH
Appeal No. 76/2019 (WZ)
WITH
Appeal No. 77/2019 (WZ)
WITH
Appeal No. 78/2019 (WZ)
WITH
Appeal No. 79/2019 (WZ)
WITH
Appeal No. 80/2019 (WZ)
WITH
Appeal No. 81/2019 (WZ)
WITH
Appeal No. 82/2019 (WZ)
WITH
Appeal No. 83/2019 (WZ)
WITH
Appeal No. 84/2019 (WZ)
WITH
Appeal No. 85/2019 (WZ)
WITH
Appeal No. 86/2019 (WZ)
WITH
Appeal No. 87/2019 (WZ)
WITH
Appeal No. 88/2019 (WZ)
WITH
Appeal No. 89/2019 (WZ)
WITH
Appeal No. 90/2019 (WZ)
WITH

Appeal No. 91/2019 (WZ)
 WITH
 Appeal No. 92/2019 (WZ)
 WITH
 Appeal No. 93/2019 (WZ)
 WITH
 Appeal No. 94/2019 (WZ)
 WITH
 Appeal No. 95/2019 (WZ)
 WITH
 Appeal No. 96/2019 (WZ)
 WITH
 Appeal No. 97/2019 (WZ)
 WITH
 Appeal No. 98/2019 (WZ)
 WITH
 Appeal No. 99/2019 (WZ)
 WITH
 Appeal No. 100/2019 (WZ)
 WITH
 Appeal No. 101/2019 (WZ)

Rishal Sawhney

Appellant

Versus

Goa Coastal Zone Management Authority & Anr.

Respondent(s)

WITH

Albino Madeira

Appellant

Versus

Goa Coastal Zone Management Authority & Anr.

Respondent(s)

WITH

Mayank Dube

Appellant

Versus

Goa Coastal Zone Management Authority & Anr.

Respondent(s)

WITH

Sandesh Korgaonkar

Appellant

Versus

Goa Coastal Zone Management Authority & Anr.

Respondent(s)

WITH		
Victor Dias		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Jose Gregory D'Souza		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Raghoba Shetgaonkar		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Casiano Edy D'Souza		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Dinesh Kumar		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Ladu Shetgaonkar		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		

Gopal Shetgaonkar		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Antony Lobo		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Sandeep Shirodkar		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Sandeep Shetgaonkar		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Albert D'Souza		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Viraj Harmalkar		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		

Robert Paulu Fernandes	Appellant
Versus	
Goa Coastal Zone Management Authority & Anr.	Respondent(s)
WITH	
Viraj Harmalkar	Appellant
Versus	
Goa Coastal Zone Management Authority & Anr.	Respondent(s)
WITH	
Mukund Gad	Appellant
Versus	
Goa Coastal Zone Management Authority & Anr.	Respondent(s)
WITH	
Umesh Shetgaonkar	Appellant
Versus	
Goa Coastal Zone Management Authority & Anr.	Respondent(s)
WITH	
Ratnakar Shetgaonkar	Appellant
Versus	
Goa Coastal Zone Management Authority & Anr.	Respondent(s)
WITH	
Lezri Daniel D'Souza	Appellant
Versus	
Goa Coastal Zone Management Authority & Anr.	Respondent(s)
WITH	

Girija Shiva Shetgaonkar	Appellant
Versus	
Goa Coastal Zone Management Authority & Anr. WITH Dennis Britto	Respondent(s) Appellant
Versus	
Goa Coastal Zone Management Authority & Anr. WITH Lakhan Kharbe	Respondent(s) Appellant
Versus	
Goa Coastal Zone Management Authority & Anr. WITH Shri Agnelo D'Souza	Respondent(s) Appellant
Versus	
Goa Coastal Zone Management Authority & Anr. WITH Sanjay Kargaonkar	Respondent(s) Appellant
Versus	
Goa Coastal Zone Management Authority & Anr. WITH Sanjay Kargaonkar	Respondent(s) Appellant
Versus	
Goa Coastal Zone Management Authority & Anr. WITH	Respondent(s)

Patrick Brito		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Xavier Britto & Ors.		Appellant(s)
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Vinayak Harmalkar		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Dattaraj Sawant		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)
WITH		
Caridad G. D'Souza		Appellant
	Versus	
Goa Coastal Zone Management Authority & Anr.		Respondent(s)

Date of hearing: 17.10.2019

CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
 HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
 HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. J.A. Lobo and Mr. Shankar Swaminathan, Advocates in Appeal nos. 76/2019, 80/2019, 81/2019, 83/2019, 99/2019 and 100/2019.
 Mr. Jitendra P Supekar and Mr. Shivshankar Swaminathan, Advocates in

Appeal nos. 70/2019 to 74/2019, 94/2019 and 98/2019.

Mr. Abhijit Gosavi, Mr. Amay Phalke, Mr. Athnain Naik, Mr. Shivshankar Swaminathan, Mr. Gajendra Singh Negi and Mr. Ivo D'Costa, Advocates in Appeal Nos. 75/2019, 77/2019 to 79/2019, 81/2019, 84/2019 to 88/2019, 92/2019, 93/2019, 95/2019 to 97/2019, 99/2019 and 101/2019.

For Respondent (s): Ms. Fawia M. Mesquite, Advocate for GCZMA.

ORDER

1. These Appeals are taken up together as common questions arise having regard to the fact that the Appeals are directed against identical orders passed by the Goa Coastal Zone Management Authority (GCZMA).
2. The learned counsel for the Applicants submit that the facts and circumstances obtaining in the present case are identical to the ones in Appeal Nos. 58/2019 (WZ) to 64/2019 (WZ) which was taken up by the Tribunal on 17.09.2019 and were allowed by a common order granting liberty to the Appellant to file additional representations, if any, before the GCZMA within a period of one week from the date of the order.
3. Ms. Fawia M. Mesquite, learned counsel for the GCZMA does not dispute the position.
4. In view of this, order dated 17.09.2019 passed in Appeal Nos. 58/2019 (WZ) to 64/2019 (WZ) shall apply in full force to the present case also. For convenience order is reproduced below:

1. *The only grievance in this batch of Appeals is that the GCZMA while passing the impugned order did not grant them an opportunity of personal hearing after the case was referred to the authority by the Bombay High Court at Goa vide order dated 28.06.2019 while disposing off a batch of writ petitions challenging the earlier order of GCZMA.*
 2. *We are satisfied that the matter should be heard by the GCZMA as the impugned order does not appear to be in the spirit of the order date 08.06.2019 of the Bombay High Court at Goa by which liberty was granted to the petitioner to make written representation to the authority and the authority was directed to pass final orders after considering such representation. It also directs that in the event the orders of show cause were adverse to the appellant, such order shall not be enforced for a period of 15 days from the communication of the order. This in our view would inherently include an opportunity of hearing.*
 3. *The appeal is thus allowed, granting liberty to the appellant to file additional representations, if any, within a period of one week from hence. The GCZMA shall hear and dispose of the matter within a period of eight weeks thereafter. Consequently, the impugned order is set aside.*
 4. *These appeals stand disposed off in terms of the above with no order as to costs."*
5. The Appeals stand disposed off in terms of the above directions with no order as to costs.
 6. Let the Appellants appear before the GCZMA on 19.11.2019 at 03:00 PM as suggested by the learned counsel of the GCZMA.

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

17th October, 2019
Appeals No. 69/2019-101/2019(WZ)
avl

FORM
Sec Rule 22(i)
RECEIPT

ORIGINAL
CLASS 3

No. 38

Received from Dolphin Beach Resort Oasis / Resort dated 09/03/2020
with letter No. Mandrem - Goa

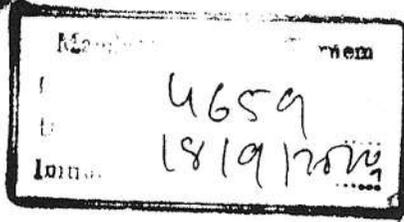
dated 09/03/2020 the sum of ₹ 100000/-
Rupees One lakh only in cash/by

cheque/by Bank draft on account of penalty charges ref no - CRCZMA/N/
payment of penalty charges ref no - CRCZMA/N/

NGT matter / 19-20/01/2413 dt - 10/02/2020
DD - 000378

100000/-





No. TAL/MAN/GCZMA/2020,
Office of the Talathi of
Mandrem, Pernem, Goa.
Date :- 02/09/2020.
18

To,
The Mamlatdar of Pernem,
Pernem, Goa.

Sub. :- Compliance to order of demolition passed by GCZMA

Ref. no. 1) GCZMA/N/NGT-Matter/19-20/01/489 dated :- 20/08/2020.

2) DCP/GCZMA/2020/1904 dt 15/9/2020

Sir,

With reference to the above mention subject, as per my site inspection on 18/08/2020, it is seen that as per the demolition order passed by the GCZMA in pursuance to the direction issued by the Hon'ble NGT, I am submitting my report as below for the Mandrem village :-

1. Dolphin Beach Resort Oasis Bar & Restaurant Robert Fernandes- Has complied with the above order and has demolished the structure.
 2. La-Plage Restaurant and Shiva Cottage through Girija Shetgaonkat/Sandesh- Has complied with the above order and has demolished the structure, and above health etc. papers has paid etc. generally (copy enclosed) etc.
- This is for your kind information.

[Handwritten Signature]

TALATHI OF MANDREM

Dox / nun Beach Resort - 0 as is Bar & Rest - present

162



W. A. W. W. W.

29/9/2020



OFFICE OF THE MAMLATDAR AND EXECUTIVE
MAGISTRATE OF PERNEM TALUKA, PERNEM-GOIA.

Government Office Complex, Pernem-Goa.

Ph. No.:- 2201223/2201411 Fax No. 2201223 Email :- mam-pernem.goa@nic.in

No: -MAM/PER/A.K/GCZMA/2020/1403

Dated:- 25/09/2020

To,
The Deputy Collector & SDO
Pernem Sub Division
Pernem Goa.

Sub:- Compliance to order of demolition passed by GCZMA
Ref.:- No. DCP/GCZMA/2020/1904 dated 15/09/2020

Sir,

With reference to above cited subject, it is to inform that report has been called from the Talathi of Morjim & Mandrem Saza. The said Talathis reported that the below mentioned person has demolished the structure at Morjim and Mandrem village. (Copy of Talathis report alongwith Photographs and Receipts enclosed for ready reference)

Sr No.	Name of the applicant	Village	Remark
1	Sea Green Beach shack through its owner Sanjay Korgaonkar	Morjim	Demolished and penalty paid
2	Dolphin beach Resort Oasis Bar 7 Restaurant Robert Fernandes	Mandrem	Demolished and penalty paid
3	La-Plage Restaurant and Shiva Cottage through Girija Shiva Shetgaonkar/Sandes	Mandrem	Demolished and penalty paid

Yours faithfully,


(Anant R. Malik)
Mamlatdar of Pernem Taluka
Pernem-Goa

Encl: As above

HC
Pernem
GCZMA
2

NGT MATTER
MOST URGENT

No. DCP/CRZ/Demolition Matter/2020
Office of the Dy. Collector & SDO,
Pernem Taluka
Pernem - Goa.

Date:- 30.09.2020

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
1st floor, Pt. Deendayal Upadhyay Bhavan,
Pundalik Nagar,
Alto Porvorim-Goa.

Sub: Compliance of order of demolition passed by GCZMA.

Sir,

With reference to the above cited subject, as per the direction issued by your good office, find enclosed herewith the report alongwith enclosures as listed below:-

Sr. No.	Name of the violator	Village	Status
1	Sea Green Beach Shack through its owner Sanjay Korgaonkar	Morjim	Demolished and penalty paid
2	Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes	Mandrem	Demolished and penalty paid
3	La-Plage Restaurant and Shiva Cottage through Girija Shiva Shetgaonkar/ Sandes	Mandrem	Demolished and penalty paid

Yours faithfully,

(Ravishankar Nipanikar)
Deputy Collector & SDM,
Pernem-Sub Division,
Pernem-Goa.

Encl: as above.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment, (Govt. of Goa)
4th Floor, Dempo Tower, Pato Plaza,
Panaji-Goa 403001

PROCEEDINGS OF SITE INSPECTION

FILE NO:- GCZMA/N/NGT Matter/19-20/01/2796 13/03/23

DATE: 15/03/2023

SUB: Notice Pertaining to cases before the Hon. National Green Tribunal in
i Original Application No. 18/2023 (WZ)
ii Order dated 6/03/2023

REF: GCZMA/N/NGT Matter/19-20/01/2796

Village: Mandrem Taluka: Pernem Survey: 267/36 Sub.Div.No. _____

Parties/Officers Present:-

1. Mrs. Radha B. Rao, expert Member. (Signature) 15/3/23 4:30 p.m.
2. Mr. Satish Kumar FSO/GCZMA (Signature) 15/3/23 4:32 p.m.
3. Mr. Deyendra Ganekar, FSO/GCZMA. (Signature) 15/03/2023.
4. Mr. Robert Fernandes, owner of Dolphin Beach Resort - Oasis Restaurant & Bar. refused to sign

Brief description of proceedings:-

Site inspection commenced at 3:15 pm on 15/03/2023.
In the presence of the above parties.

- It has been observed by us that the exists.
1. Ground +1 wooden structure abutting to the beach towards the backward side. P.C.C & tiled flooring.
 2. Bar Counter with kitchen permanent structure R.C.C slab/staircase
 3. Behind the bar cottage permanent structure comprising of 2 rooms
 4. Behind toilet was observed with wall tank, toilet is permanent
 5. Cottage of permanent nature comprising of 2 rooms.
 6. G+1 R.C.C permanent structure villa. comprising of 3 rooms on the 1st floor & 2 rooms on the Gz. floor
 7. Stage was observed. It is on concrete/P.C.C.
 8. Staircase of laterite to approach the shack for the beach.

Photographs have been clicked at site are attached.
Inspection was concluded @ 4:30 p.m on 15/3/23.
@ 10:00 27 sunbeds were observed on the beach.

(Signature)
[Expert Member]

.1.





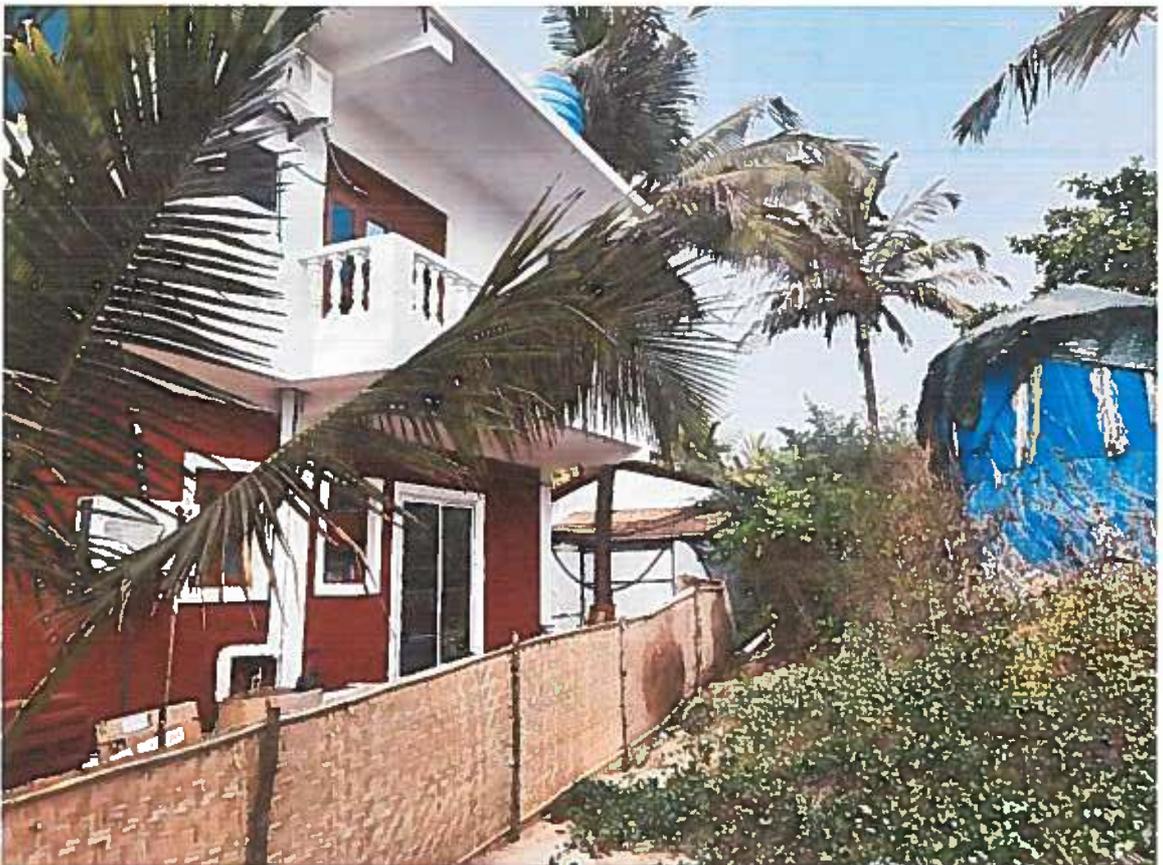
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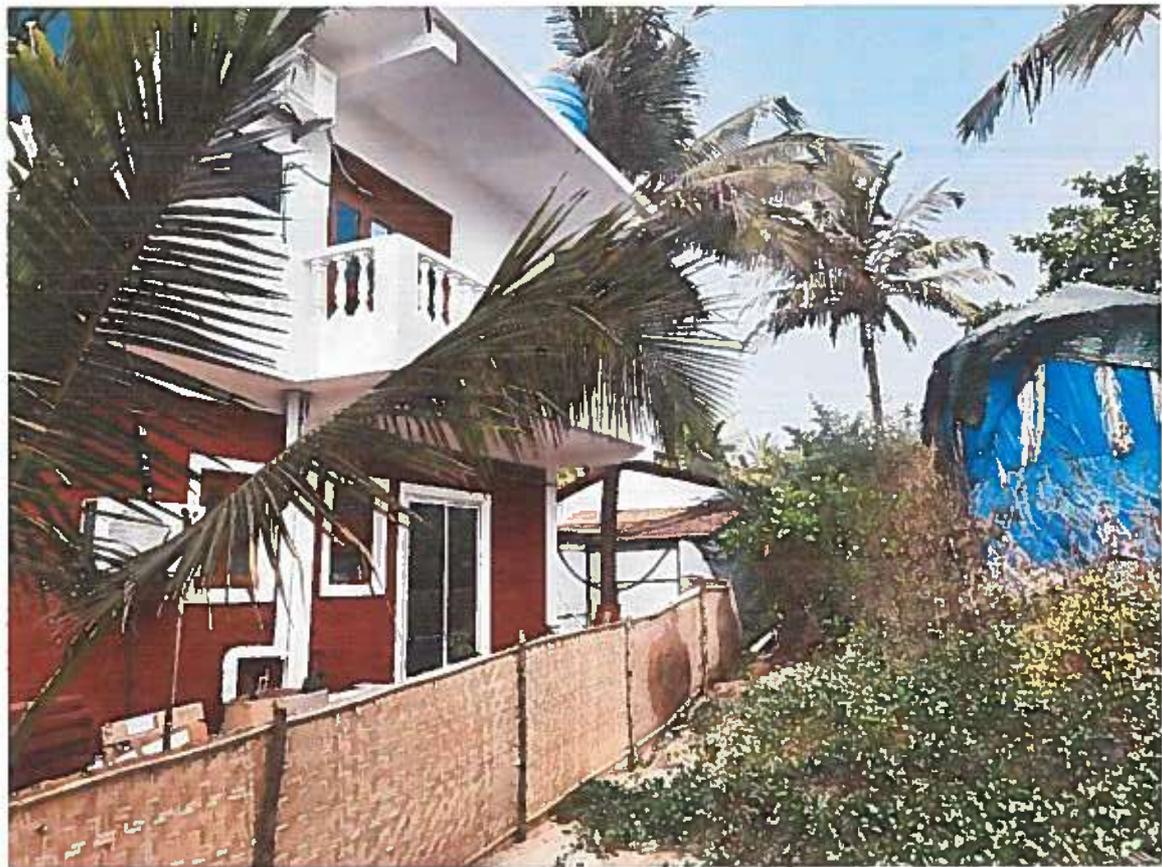


.4.











GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)
1st Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.
Email: dir-ste goa@ nic. in, goacoastal zone @ gmail. com.

Ref. No. GCZMA/N/Shack-Hut-Cott-Tent/20-21/35/1579

Dated: 12/01/2021

To,

Mr. Paulu Robert Fernandes,
Junaswada – Mandrem,
Pernem – Goa.

Sub: Permission/Approval for erection of temporary Shack in the property bearing Survey No. 267/36 of Mandrem Village, Pernem Taluka in terms of CRZ Notification, 2011 as amended.

Ref: 1. Your application no. nil dated 05/08/2020.
2. CRZ Notification, 2011 as amended from time to time.

With reference to your application on the above mentioned subject, it is hereby conveyed that the Goa Coastal Zone Management Authority (herein after referred to as 'the GCZMA', in short) has examined your proposal in its 239th GCZMA Meeting held on 10/12/2020 in accordance with the provisions of the Para 8 (v) (3).CRZ (iii) of Goa of CRZ Notification 2011 as amended issued by the Ministry of Environment, Forests & Climate Change, Government of India. Accordingly, after detailed deliberation and discussion, the authority decided to grant approval for erection of temporary shack made of wood and /or natural/biodegradable material only in the property bearing Sy. No. 267/36 of Mandrem Village, Pernem Taluka, Goa. A shack & huts having an total area of 166.00 sq.mtrs is approved (as per enclosed plan) subject to the conditions as specified in the Beach Carrying Capacity Report and further compliance of following conditions:-

1. The provisions of the CRZ Notification 2011, (as amended), should be strictly adhered to by you. No activity in contravention to the provisions of the CRZ Notifications shall be carried out.
2. The applicant shall take all requisite environmental safeguard to ensure that there would not be any environmental degradation in this area.
3. The traditional access, right of way, easement shall not be blocked by the applicant.
4. The proposed temporary seasonal structure should be made of wooden material and as per the recommendation of Beach Carrying Capacity report. No cement / concrete should be used for flooring. No structure of permanent nature shall be erected/constructed.
5. In the event of any change in the project profile, a fresh reference shall be made to the GCZMA.
6. The GCZMA may stipulate any additional conditions subsequently if deemed necessary, for environmental protection which shall be complied with.
7. The office of the GCZMA reserves the right to revoke this recommendation / clearance without prior intimation of non compliance of any one or more of the aforesated conditions.

-2-

8. You are required to obtain all the requisite permissions / licences / NOC etc from the competent Authorities before actual operation of the said temporary structure/ enabling activities. This NOC is issued without prejudice to any other permission as required under the law including that of ownership of the property, property dispute, easement rights, court case etc. As such, prior to the erection and operation of the aforementioned 'temporary seasonal structures, it will be incumbent upon the applicant to obtain all the requisite permission / NOC / licences etc from the Authorities / Departments for any other authority as required under the law including from the local authority, Goa State Pollution Control Board, Revenue Authority, Department of Tourism, etc.
9. Regular site inspections shall be carried by the team comprises of the Expert Members of the GCZMA and or other Authorities / Departments to ensure compliance of aforesaid condition. In case of any non compliance of the terms and conditions stipulated above, the action as deemed fit including that of demolition of structure, disconnection of Power / Water supply will be taken.
10. The said structures should be one meter above the ground on stilts of wooden poles wherever possible. However the ground clearance should not be more than 1.5 m.
11. The applicant will not transfer by any mode his premises to any other person.
12. This permission stands automatically revoked in case of any illegal/unlawful/immoral acts done by the applicant/proponent and or agent, lawful power of attorney holder , authorized person, any person acting for on behalf of the applicant/proponent in the said structures.
13. Further this approval also shall stand automatically revoked in case of any standing order of court of law/tribunal, arbitrator, quasi-Judicial authority etc. in force and suppressed by the applicant/proponent or otherwise.
14. All temporary structures shall maintain a standard buffer of a minimum of 3 m from adjacent huts/tents/cottages.
15. Appropriate use of renewable energy such as solar and wind energy to be used wherever possible.
16. Potable water requirement for domestic and tourist population has to be made available. The quality of water to be supplied should meet the national standard. Measures like rain water harvesting should also be encouraged to have access to clean and potable water.



17. Separate bins for different types of solid wastes(source segregation of solid wastes biodegradable and non bio-degradable) shall be provided by the operator. It will be the responsibility of the plot owner to dispose the waste generated from their plots to the respective bins. The Municipality/Village Panchayat or the contractor appointed by the Department of Tourism, as the case may be, shall collect waste from time to time and hand over the non- biodegradable waste to the Goa Waste Management Corporation. Solid waste to be transported to the solid Waste Management Facility at Calangute by the Village Panchayats in North Goa whereas in South Goa it will be responsibility of the owner/authorized representative to dispose the same by composting/biogas plant or to transport to the piggeries for the biodegradable waste.'
18. In case the property on which these structures are permitted to be erected has several title holders any dispute/objection to this permission by any such title holder/holders, this permission shall stand revoked. This permission would be withdrawn in case an objection from owners regarding lease is filed before GCZMA. No hearing in the matter shall be allowed.
19. The validity of this permission is for 5 years from the date of issue or period of lease whichever is earlier. This permission should abide by the Notification dated 3rd May 2017 S.O 1393(E) issued by Ministry of Environment, Forests and Climate Change.
20. The applicant has to pay annual fee of Rs. 10000/- for shack and Rs. 10000/- for huts to GCZMA at the beginning of the tourist season month of October every year during the validity of this NOC. The fee may be revised by GCZMA.
21. All the structures shall be of ground floor in nature.
22. For private plots abutting the beach, a minimum set back of 3 mts from the survey boundary shall be kept by the applicant.
23. You should not barricade the proposed site.
24. In case of lease, the permission is conditional on the period of lease only and on the consent of the land owner.
25. All the other conditions as mentioned in Beach Carrying Capacity report w.r.t. FAR, construction material, spacing between huts, consent to establish from SPCB etc. shall have to be followed by the applicant.
26. This permission is liable to be revoked, if it is found, at any stage, that the application contained false information / wrong plans / calculations / documents / misleading or false information, etc. or documents not submitted as called for in this application.
27. The applicant shall submit a revised plan for an area not exceeding 166.00 Sq.mtrs. within three weeks from date of receipt of this permission to the Authority.



-4-

28. Any appeal against this provisional permission shall lie with the Hon'ble National Green Tribunal, if preferred within 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

Yours faithfully,

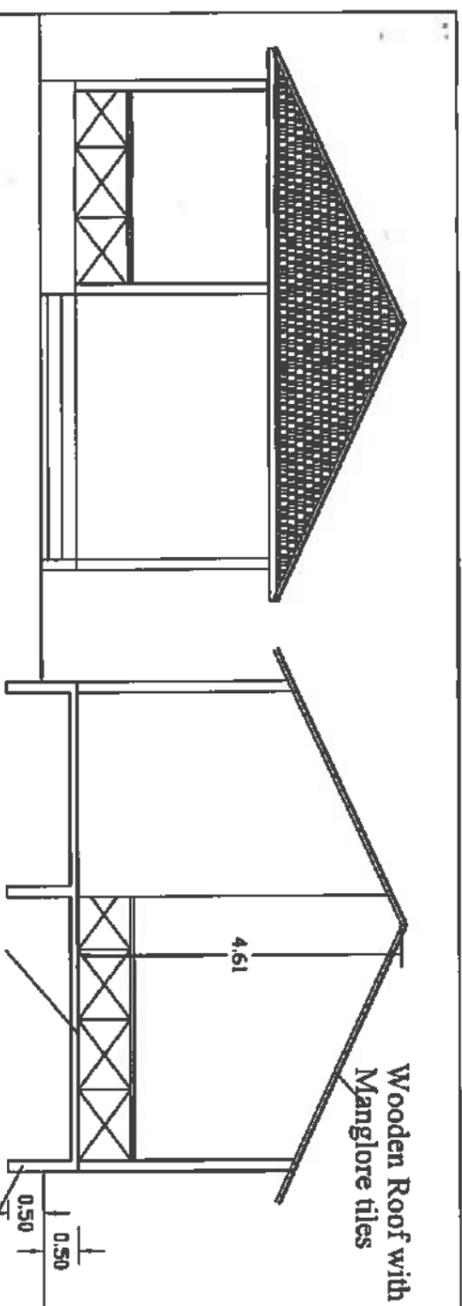


(Dasharath M. Redkar)
Member Secretary (GCZMA)

Encl: As above

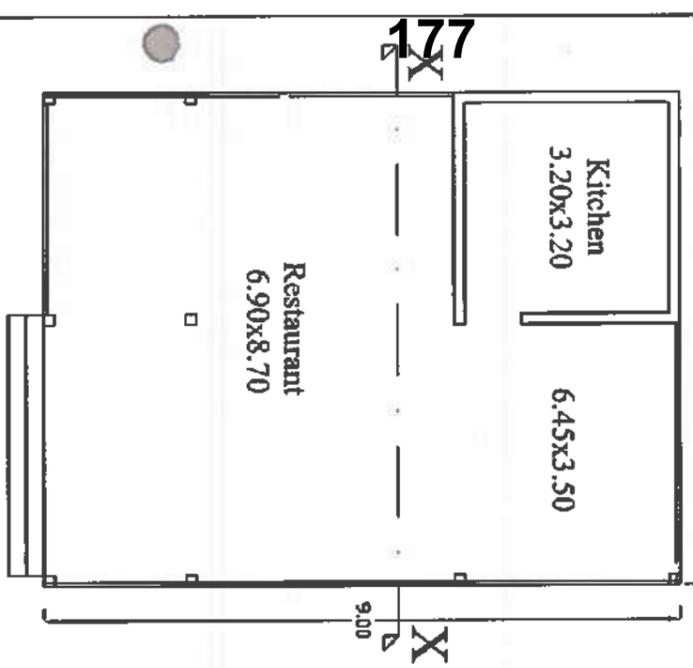
Copy to:

1. **P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information.**
2. **The Chairman, District Level Committee, Collectorate building, Panaji-Goa for kind information.**
3. **The Director, Department of Tourism, Government of Goa, Patto Panaji Goa.... for information and necessary action.**
4. **The Member Secretary, Goa State Pollution Control Board, Saligao-Goa..... for information and necessary action.**
5. **The Commissioner of Commercial Taxes, Vikrikar Bldg. M.G. Road, Panaji-Goa.... for information and necessary action.**
6. **The Dy. Collector & SDO, (Pernem), Pernem Goa.... for information**
7. **The Secretary, Village Panchayat of Mandrem, Pernem Talukafor information and necessary action.**

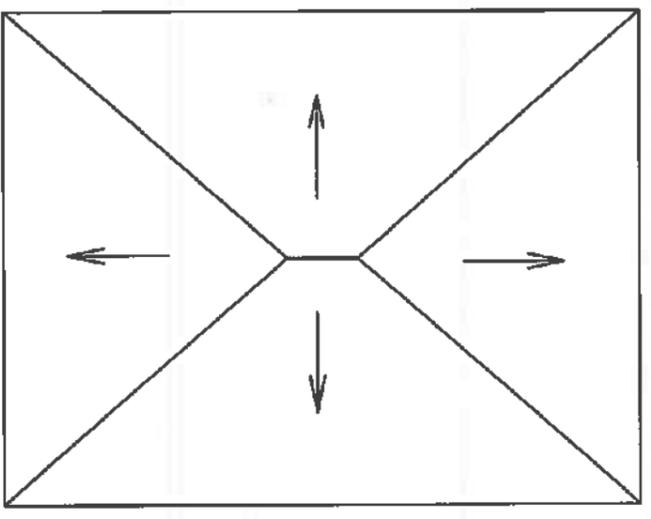


Elevation
scale- 1:100

Section - X X
scale- 1:100



Plan of Shack
scale- 1:100



Roof Plan
scale- 1:100

Area Statement	
Area of Plot	2589.00 sq.m
Area of Proposed Huts	
A	63.00 sq.m
B Kitchen	42.00 sq.m
C Store	61.60 sq.m
D	198.30 sq.m
E	69.09 sq.m
F	2.25 sq.m
Area of Existing structure	
as per sur. plan	103.00 sq.m
Total Area	539.24 sq.m
F.A.R Consumed	20.82

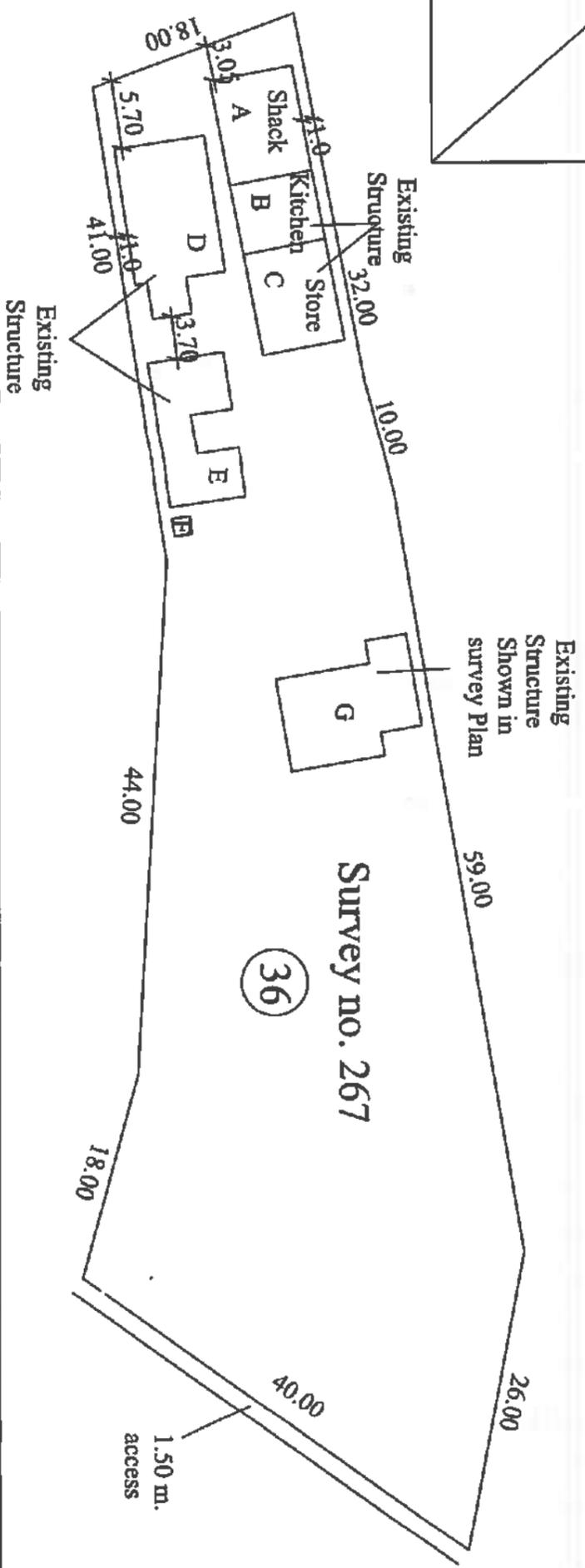
Owner

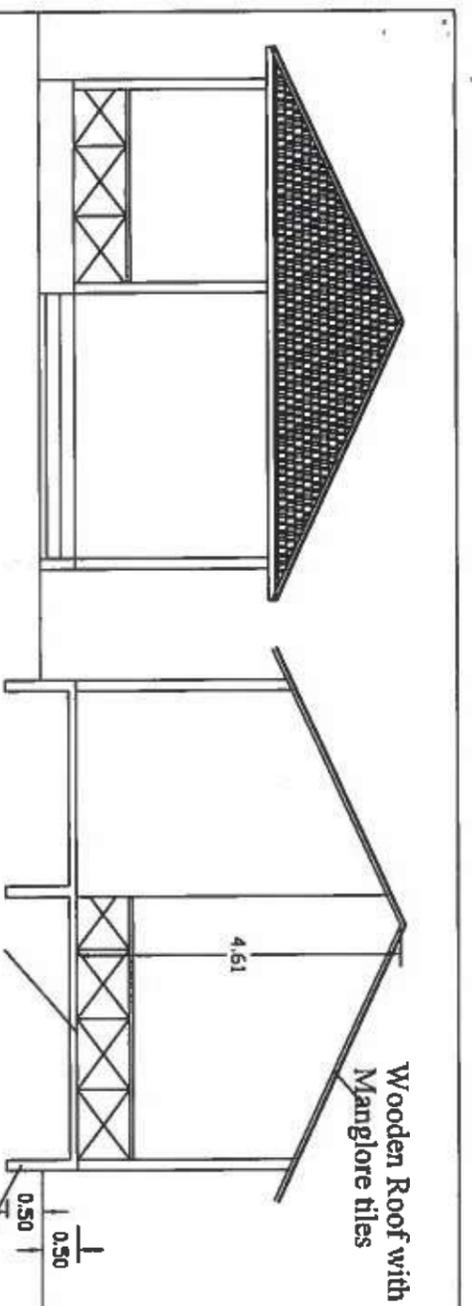
Engineer.

[Signature]
S.K. Shakaparkar
Civil Engineer
PWD Reg - 350/96
ER/0061/2016
Sialim Goa

Plan Showing Proposed Beach Shack For Tourist Season Situated At Mandrem Pernem Goa In Sur. no. 267/36

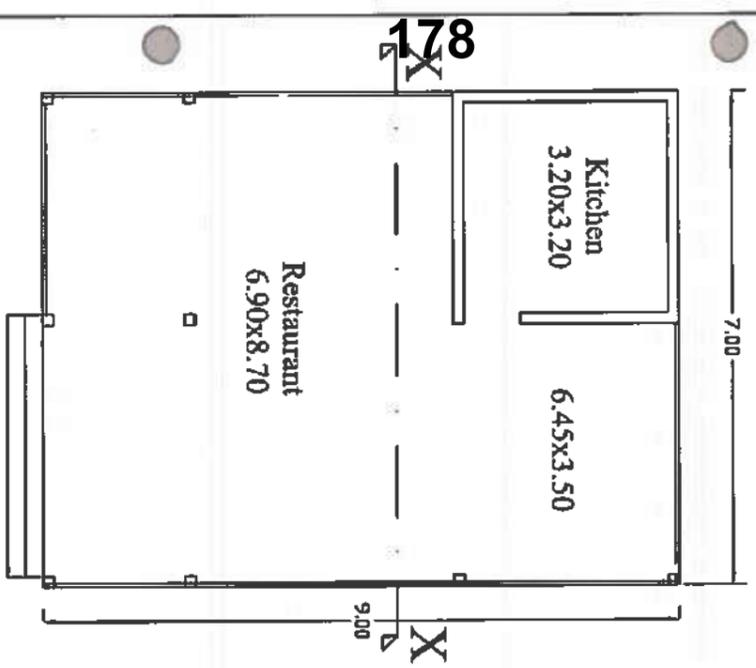
NO. Gazeta/N/Shack-Hut-Coff-tent/26-21/85/1579
dt. 12/01/2021
Arabian Sea



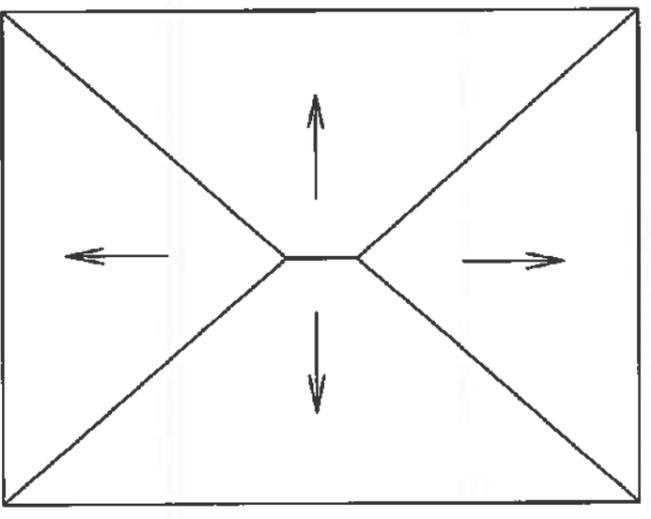


Elevation
scale- 1:100

Section - X X
scale- 1:100



Plan of Shack
scale- 1:100



Roof Plan
scale- 1:100

Area Statement	
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B Kitchen	61.60 sq.m
C Store	198.30 sq.m
D	69.09 sq.m
E	2.25 sq.m
F	
Area of Existing structure	G
as per sur. plan	103.00 sq.m
Total Area	539.24 sq.m
F.A.R Consumed	20.82

Owner

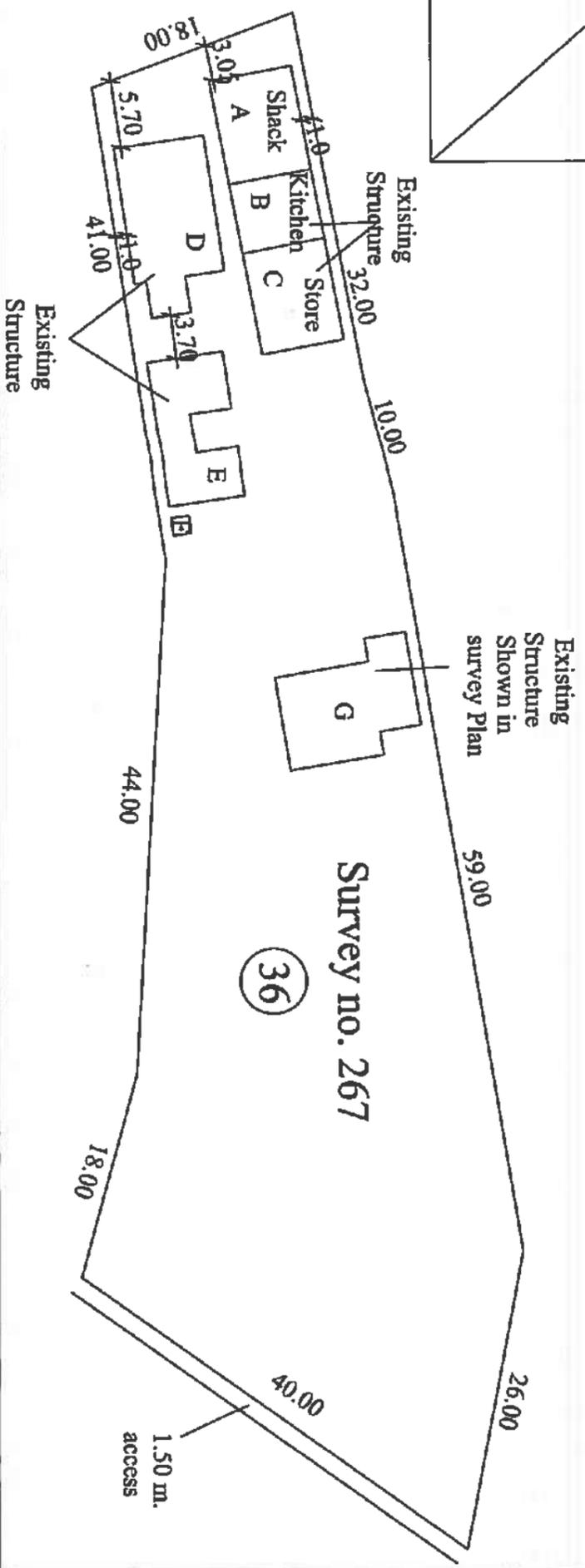
Engineer.

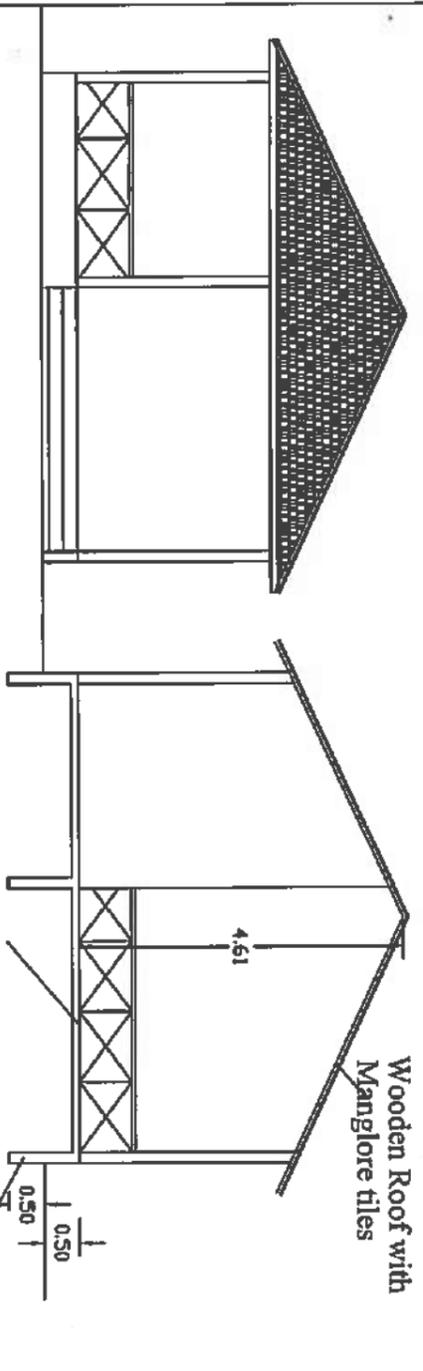
S.M. Shahapudhan
Civil Engineer
PWD Reg - 350/96
ER/0061/2016
Siolimn Goa

Plan Showing Proposed Beach Shack For Tourist Season Situated

At Mandrem Pernem Goa In Sur. no. 267/36

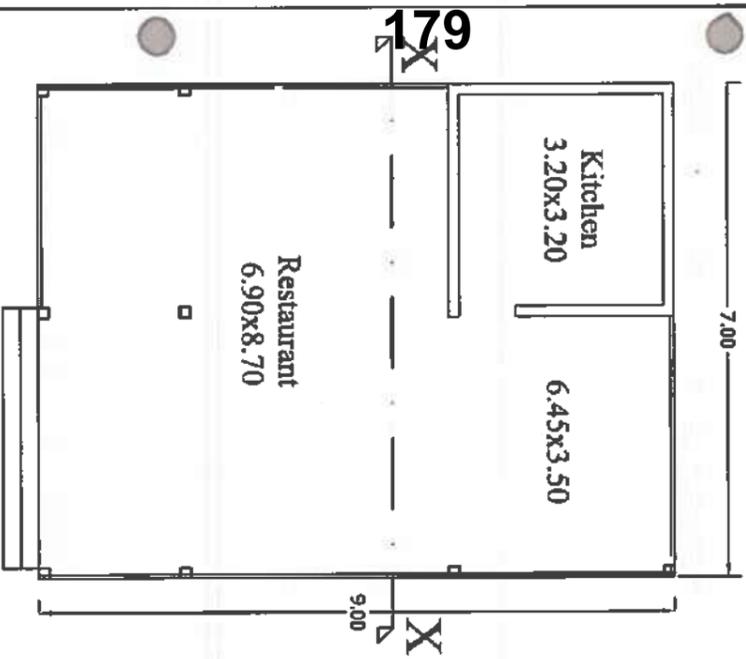
No. 61 ezma/N/Shack-Hut-Cott-Tent/20-21/35/1579
dt. 12/01/2021
Arabian Sea



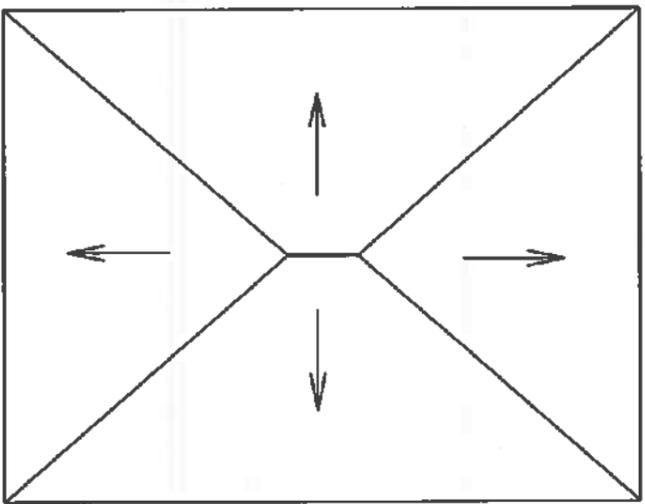


Elevation
scale- 1:100

Section - X X
scale- 1:100



Plan of Shack
scale- 1:100



Roof Plan
scale- 1:100

Area Statement	
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E	2.25 sq.m
F	
Area of Existing structure as per sur. plan	103.00 sq.m
Total Area	539.24 sq.m
F.A.R Consumed	20.82

Owner

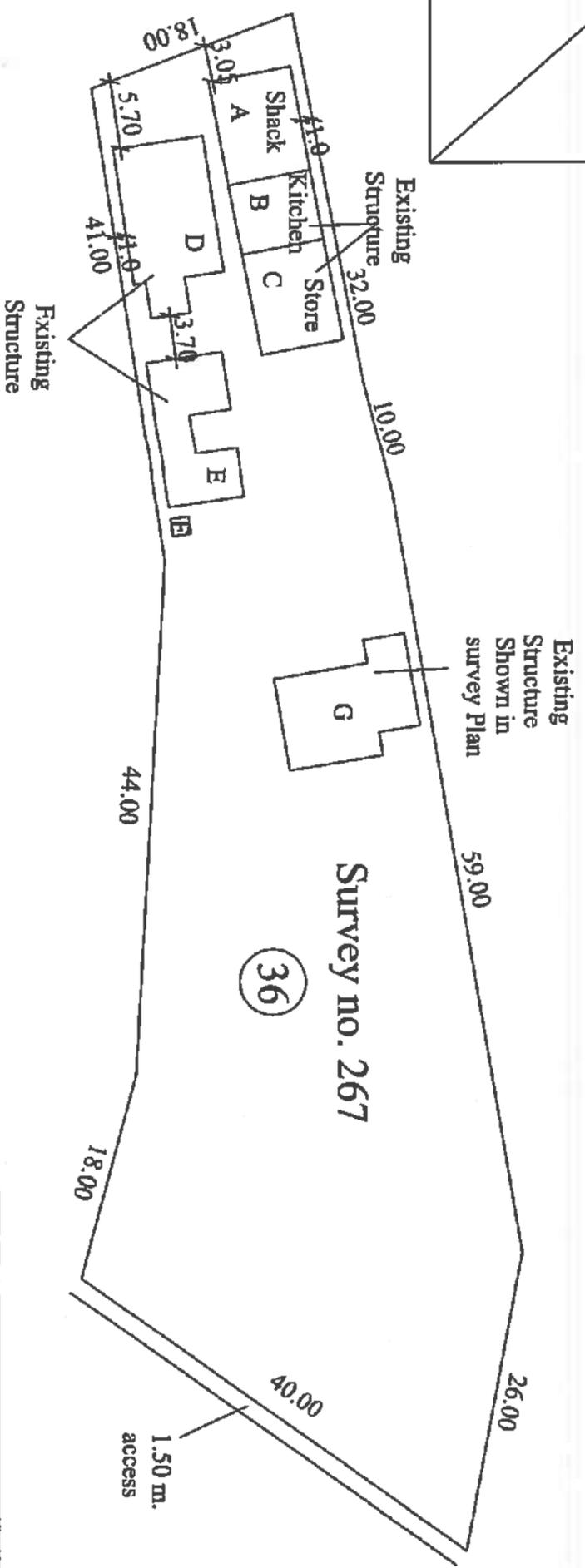
Engineer.

S.K. Shahapurkar
Civil Engineer
PWD Reg - 350/96
EP/0001/2016
Silim Goa

Plan Showing Proposed Beach Shack For Tourist Season Situated

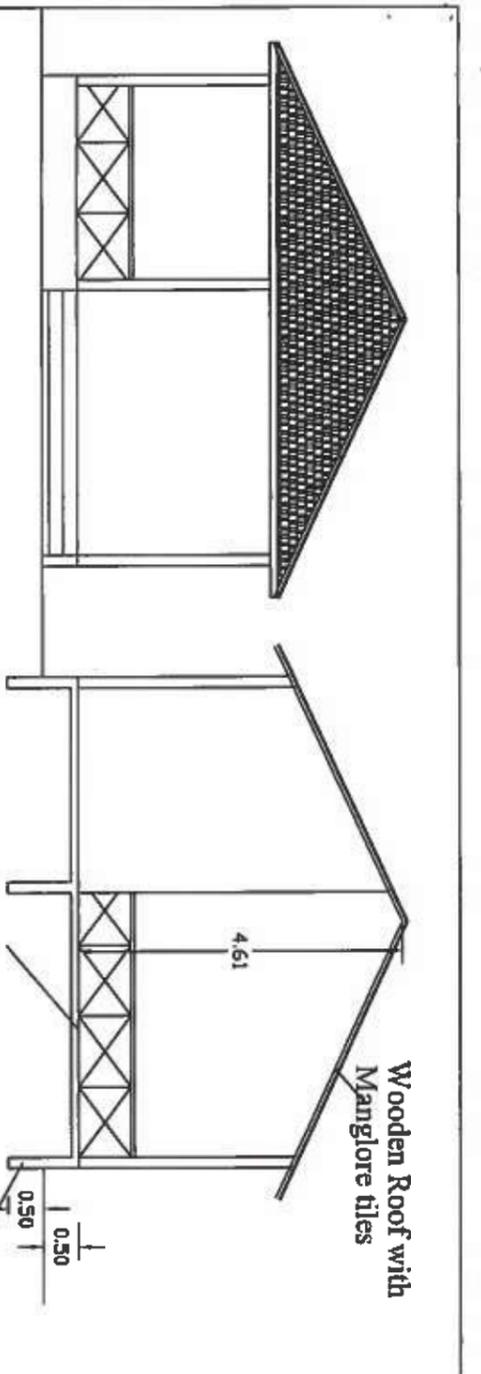
At Mandrem Pernem Goa In Sur. no. 267/36

No. G022MA/N/Shack-Hut-Cott-Tent/20-21/35/1579
dt. 12/01/2021
Arabian Sea



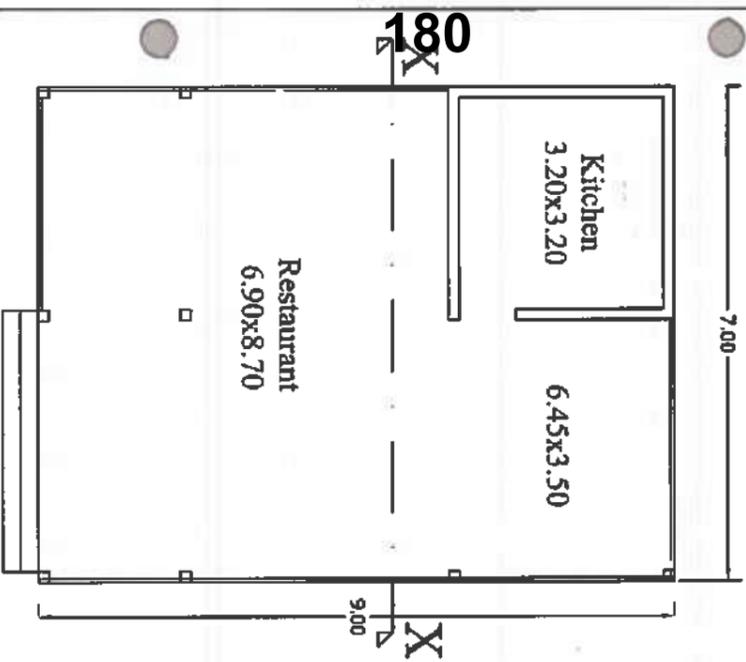
Survey no. 267

36

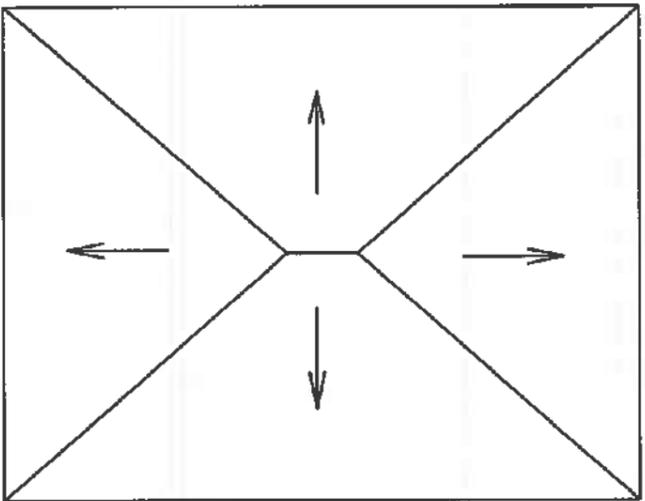


Elevation
scale- 1:100

Section - X X
scale- 1:100



Plan of Shack
scale- 1:100



Roof Plan
scale- 1:100

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Owner

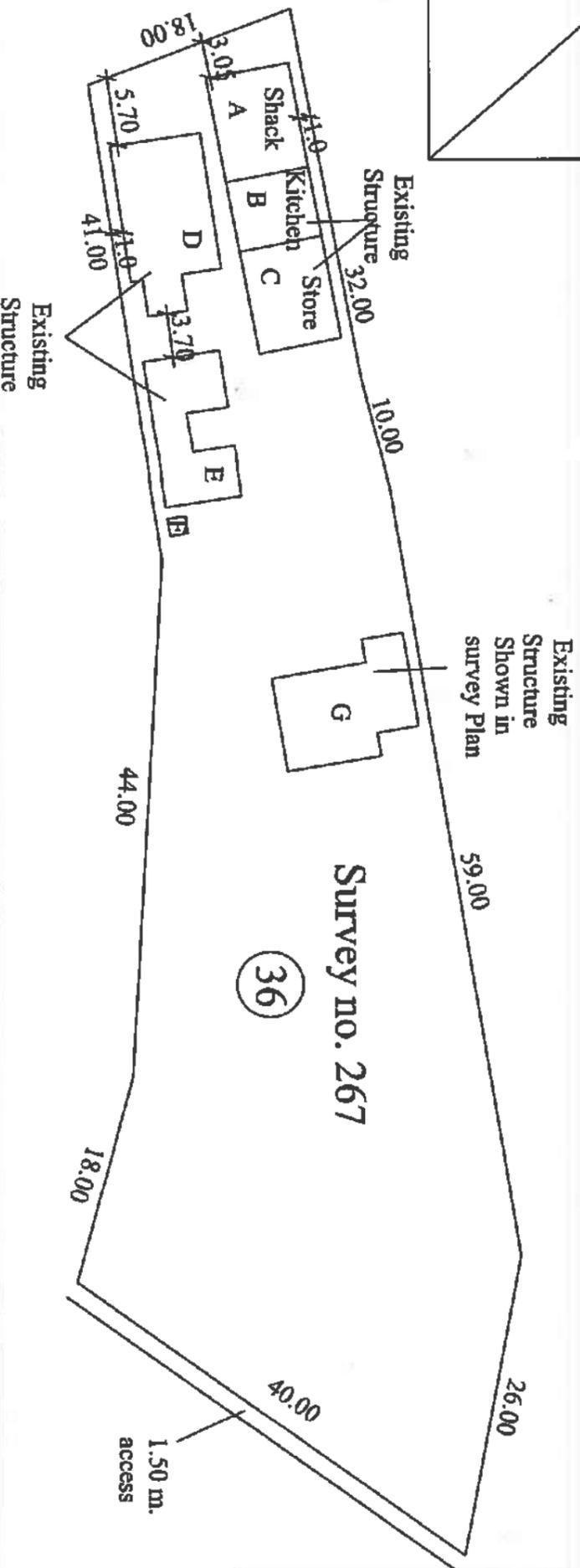
Engineer.

S. M. Shaktapathan
Civil Engineer
PWD Reg - 350/96
ER/0061/2016
Siolim Goa

Plan Showing Proposed Beach Shack For Tourist Season Situated

At Mandrem Pernem Goa In Sur. no. 267/36

No. GrzmX/N/Shack-Hut-Cott-Tent/20-21/35/1579
dt. 12/01/2021
Arabian Sea



N-15°39'46.35"
E-78°42'47.42"

18.03.2023

From:
MR. PAULU ROBERT FERNANDES
proprietor of Dolphin Beach Resort
Oasis Restaurant Bar
Junaswaddo, Mandrem-Goa.

To,
THE MEMBER SECRETARY,
The Goa Coastal Zone Management Authority
4th Floor, Dempo Towers,
Patto, Panaji- Goa (403521)

REF.: 1. Site Inspection Notice bearing Ref. NO.GCZMA/N/NGT
Matter/19-20/01/2796, dated 13.03.2023.
2. Site Inspection conducted on 15.03.2023.

SUB.: Documents in respect of Dolphin Beach Resort Oasis
Restaurant Bar, concerning compliance of the demolition
order and concerning legality of the structure presently
standing at site.

Respected Madam,

1. As you are aware inspecting team of your good office conducted site inspection of the undersigned structures situated at Junaswaddo, Mandrem Goa on 15.03.2023. Since the undersigned was not aware as regards the exact reason and occasion for the site inspection which was being conducted, the undersigned inquired with the officials of the site inspection team regards the reason for which the site inspection was being carried out. In response thereto the inspecting team informed the undersigned that one Mr. Umesh Phadte had filed an Original Application bearing No.18/2023(WZ) purportedly claiming non-compliance with respect to certain demolition order in respect of the structures

of the undersigned. The undersigned informed the inspecting team that it appears that whoever has filed the complaint appears to have deliberately suppressed material fact and not presented the complete set of facts to the Hon'ble NGT. The undersigned requested the inspecting team to kindly provide the copy of the Original Application filed by said Mr. Umesh Phadte so as to enable to undersigned to appropriately respond to whatever allegations which have been made in the said application. To which the inspecting team informed the undersigned that presently they do not have copy of the application and the undersigned can certainly approach the office of the GCZMA and make a request for the said copy.

2. Further, the inspection team showed certain photographs which has been annexed by the Applicant in the said OA to suggest that the demolition order has not been complied by the undersigned. **At this stage, the undersigned informed the inspecting team that infact the demolition order has being duly complied by the undersigned and whatever photographs have been attached do not relate to the photographs of the undersigned structure/location. The photographs were compared by the inspecting team with the factual position at the loco and they also came to a conclusion findings that the photographs attached by the Mr. Umesh Phadte do not match the position at the site.**
3. The undersigned informed the inspecting team that he had already demolished three huts and restaurant in compliance with the orders passed by the GCZMA and also paid the

requisite fine in respect of the order passed by the authority. The inspecting team was shown the photographs of demolition which was done and also the receipt of payment of fine. The copies of the photographs demonstrating the demolition/removal of structure and the receipt of fine paid by the undersigned were duly given to the GCZMA officials on 17.03.2023.

4. Further, the undersigned also informed that whatever structures are present at the site are completely legal structure which are in accordance with the approval granted by the GCZMA and/or existing structure which are in existence prior to the coming into force of CRZ Notification. In this context it is pertinent to note that after removing the structures *interms* of demolition order passed by the GCZMA, the undersigned duly applied for the permission to the GCZMA *vide* application dated 05.08.2020 in terms of the CRZ notification. **Interms of the said application the GCZMA was pleased to grant permission dated 12.01.2021 bearing No. issued in the name of the undersigned. The said approval was granted *interms* of duly approved plan. The permission and the plan approved thereto clearly showed the existing permanent structures which are in existence from the year 1984. The existing permanent structure at site bearing House No.436 and 419 are in existence for last more than five decades and there are relevant documents which clearly show the existence of the said structures. The structures in question are in existence since birth of the undersigned. At this stage the undersigned requested the inspecting team to grant some time**

to produce all the documents and to hand over the same to the inspecting team if some time was granted to the undersigned, the inspecting team informed the undersigned that he can collate all the documents in respect of his structures and submit the same to the office of the GCZMA for necessary verification. Accordingly, the undersigned is submitting all the documents, namely permission dated 02.01.2021 alongwith the approved plans and the fee paid; the documents demonstrating existence of the permanent structure bearing House No.436 & 419 in Mandrem Village prior to the year 1991, which are marked as Annexure A-Colly.

5. It is pertinent to note that in respect of demolition order and/or verification of the compliance of the same, the site verification was carried out for the first time by the inspecting team of GCZMA on 15.03.2023 and no inspection was ever conducted on earlier occasion by GCZMA. The site inspection carried out by the officials of the GCZMA would clearly reveal the correct factual position in respect of structure standing at site, which structures are in accordance with approval granted and/or existed much prior to the coming in the force of CRZ Notification. Also, the inspecting team has duly verified that the permanent structure consist of only 5 rooms and not 12 rooms as alleged. During the inspection, the inspecting team have also done panchanama of one additional structure which infact belong to the sister of the undersigned namely, Jonita Fernandes, whose structure is an old and existing structure which is duly reflected on the survey plan. **Further, the inspecting team have verified at the site that the structures**

directed to be removed have duly will removed by the undersigned.

6. The fact that the undersigned had complied with the demolition order is also evident from the communication dated 19.01.2023 issued by GCZMA, wherein GCZMA had directed all the defaulters to pay the fine and remove the structure, in which list the name of the undersigned was not reflected, rightly so since the undersigned had duly complied with the order of this Hon'ble authority.
7. The undersigned most respectfully request your good office that in the event there are any allegations *qua* the legality of the undersigned structures, the undersigned is ready and willing to produce and demonstrate the legality of the structure if this Hon'ble authority grants an opportunity to the undersigned. Such a request is made in consonance with the judgment of the Hon'ble NGT in the case of *Sesa Goa Ltd. vs. GCZMA*, wherein the Hon'ble NGT has laid down the guidelines for conducting hearing in respect of any allegations of illegality *qua* the CRZ Notification. The said judgment clearly laid down that opportunity of proper hearing should be given by the authority in the event any allegations of the illegality are made. The undersigned most humbly request your good office to afford the undersigned an opportunity to present his case to demonstrate that firstly, there is no illegality in respect of structures of the undersigned at site and as regards the demolition order the same has been duly complied by the undersigned.

In the above conspectus, the undersigned most humbly request your good office to kindly take into consideration the aforesaid facts and so also all the documents annexed hereto before proceedings further in the matter and the undersigned once again reiterates his request for an opportunity for presenting his case before this Hon'ble authority, wherein the undersigned would be able to demonstrate that the structures of the undersigned at the site are interms of the permission granted by the GCZMA and/or the structures are in existence prior coming into force of CRZ Notification.

Thanking you in anticipation.

Yours faithfully,



MR. PAULU ROBERT FERNANDES



सत्यमेव जयते

GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मंदि, ता. पेडणे - गोवा

Ref. No.

VPH/RPF/436/ 83-89.

Date 31.3.1983.

OCCUPANCY CERTIFICATE

This is to certify that Shri / Shrimati ROBERT PAULU FERNANDES.
resident of Junaswada, Mandrem is having a Residential House
bearing No. 436, situated at Junaswada, Mandrem
in Pernem Taluka Goa, in property known as ATOLCHRACHO MURVO KADIL
surveyed under No. 267/36. in our Panchayat Jurisdiction.

Further Certifying that Shri ROBERT PAULU FERNANDES is
Occupying the said premises bearing No. 436 situated at Junaswada,
Mandrem, Pernem from month of March, 1983.



M. S. Parab
Secretary
Village Panchayat, Pernem-Goa
Pernem Goa



Certified that this is a True Copy
Pernem in 11/06/2019

A. A. Shetgaonkar
M. S. PARAB@
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1259/2019

NOTARIAL

NOTARIAL

NOTARIAL

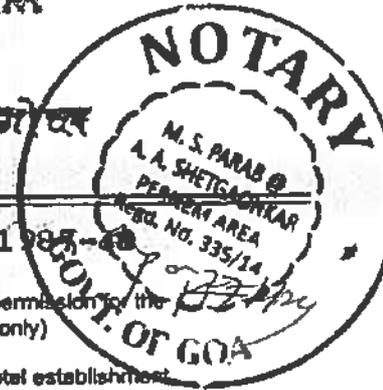


सत्यमेव जयते

GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मद्रि, ता. पेडणे - गोवा



Regd. No. VPM/RPF/436 Permit No. 7/87-88. Year 1987-88

- 1) The Goa Daman And Diu Village Panchayat (regulation of building) rule 1971. Rule 3(2)b, permission for the construction of Kaccha House at the Estimated cost of Rs. 10,000/- (Rupees Ten Thousand only)
- 2) The Goa Government grant of loan for houses under the paying guest scheme and small hotel establishment rule 1978.

PERMISSION FOR THE ERECTION/RE-ERECTION OF BUILDING

Permission under Sec. 83 of the Goa, Daman and Diu, Village Panchayats Regulation (Amendment) Act, 1989 is hereby granted to Shri/Smt. ROBERT PAULU

FERNANDES, resident of Junaswada, Mandrem.

for the ~~erection/re-erection~~ of building, as described below in the locality of ATOD CHORACHO MORVO KADIL in ward Junaswada, of Mandrem, as per specification shown, in the attached plan, with following conditions.

DESCRIPTION OF ~~ERECTION/RE-ERECTION~~

~~Reconstruction of existing residential house bearing~~
~~No. 436, situated at Junaswada, Mandrem in the property~~
~~known as " ATOD CHORACHO MORVO KADIL " surveyed under~~
~~No. 267/36,~~ **CONDITIONS**

1. Repair should be within Plinth level without changing original structures
2. Proper set back as shown in the plan are to be maintained
3. Traditional Access should be maintained.
4. There is excess road to the party concerned
5. This Gram Panchayat reserve the right to revoke any permit issued by this Gram Panchayat if any irregularities are found, such as false statement mis-representation of any material passed, approved or shown in the application on which the permit was based.

This permission shall be valid for ever till the construction work started and completed thereon from the date of issue of this permission. He has paid the respective fees to the tune of Rs. 500/- (Five hundred Only) by receipt No. 007, dtd. 31.12.1987.

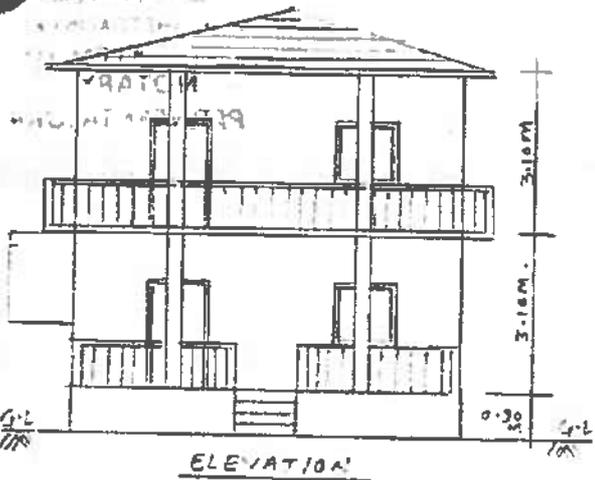
This carries the embossed seal of this Panchayat office of the village Panchayat of Mandrem on 31.12.1987.

Date: 32.12.1987.

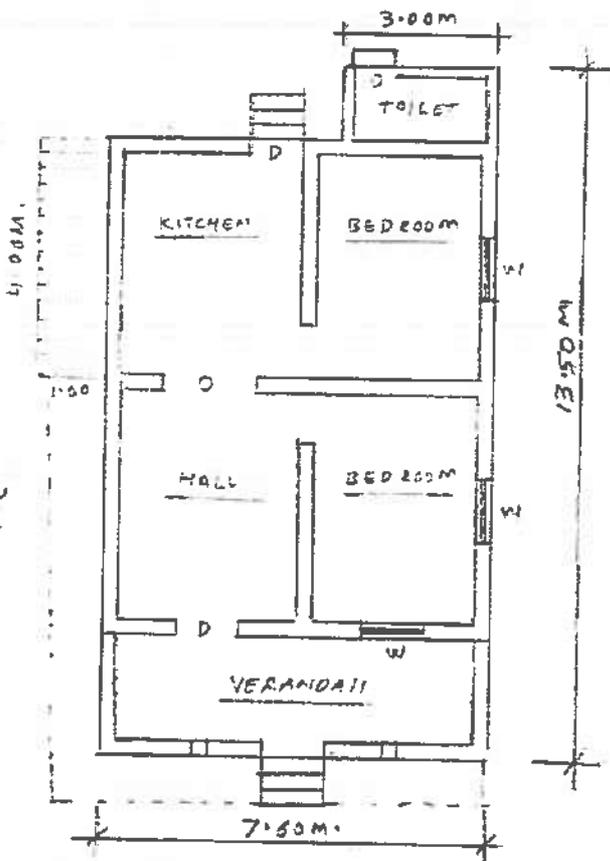
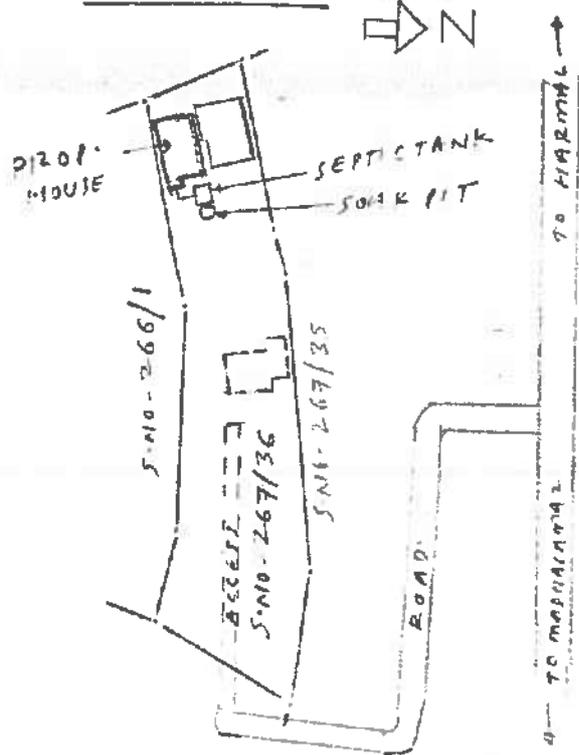
V. P. Mandre
Secretary
V. P. Mandre
Pernem-Goa

J. J. J. J.
Sarpanch
Village Panchayat Mandrem
Village Panchayat Mandrem
Pernem - Goa





SITE PLAN



TYPICAL GROUND'S FIRST FLOOR PLAN



Plan showing existing premises No. 436 is approved and passed for reconstruction by the Panchayat on 31-12-87

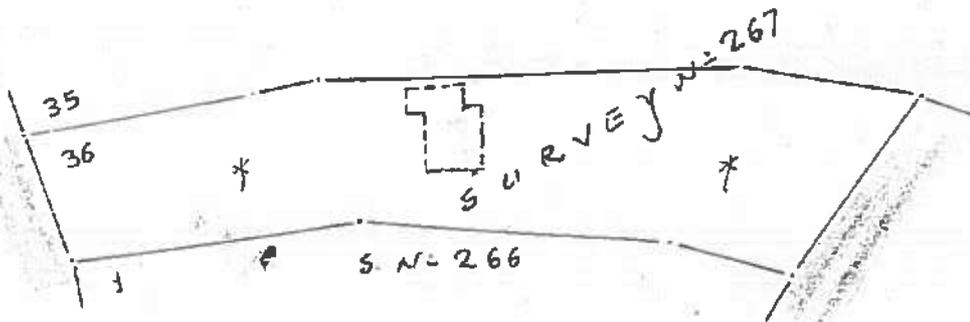
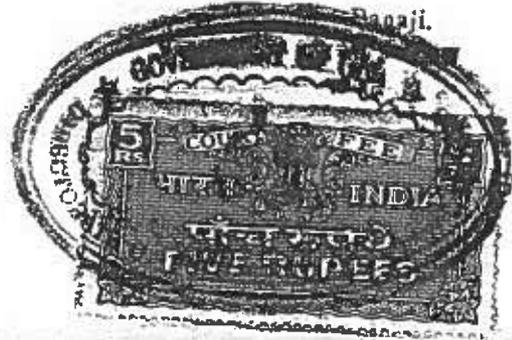
[Signature]
Secretary
V.P. Mandrem

GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT &
LAND RECORDS

PLAN
SHOWING THE PLOTS SITUATED
AT MANDREM VILLAGE
OF PERNEM TALUKA
S. NO./SUB DIV. NO. 267/36
SCALE-1: 1000



Waji
14/8/2003
Inspector of Surveys &
Land Records
Panaji.



CHECKED BY

AMS
D. M. M. S.
14.8.03

TRACED FROM P.T. SHEET NOS. Gat book.
OF Mandrem VILLAGE ON 14.8.2003.
BY: C. A. Wadgaonkar
W. M. S.

FORM No. 4

RECEIPT

H.N. 436

Receipt Book No. 9

Receipt No.

The Village Panchayat Member

Received with thanks from Robert Pardo
Fernandes

Rupees Seventy Five only (Rs. 75/-)

on account of House Tax 1984-85 to 1988-89

Date 31-12-1987

Reference to

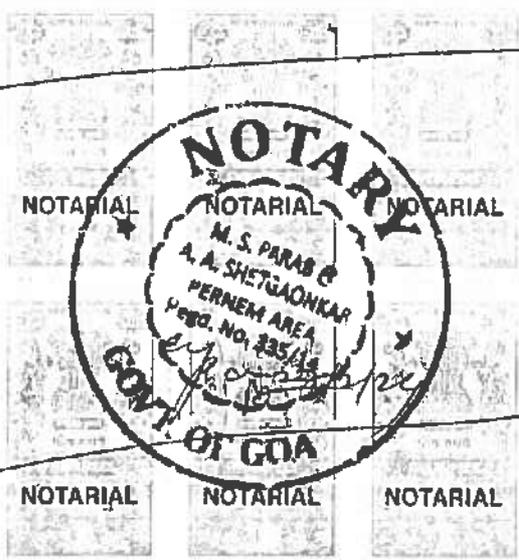
Book

Page No.



V. P. Mandre
Secretary
V. P. Mandre
Pernem Goa

Signature and Designation of Issuing Officer



Certified that this is a True Copy
Pernem on 11/06/2019

M. S. PARAS &
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1261/2019

FORM No. 1

RECEIPT

Receipt Book No. 9

Receipt No. 1111

The Village Panchayat Mandre

Received with thanks from Robert Puroche

for

Rupees Thirty only Rs 30/-

on account of Light Tax 1984-85 to 1985-89

Date 31-12-1987

Reference to

Book

Page No.



Secretary
V. P. Mandre
Puroche

Signature and Designation of issuing Officer

FORM No. 4

RECEIPT

M.N. 136

Receipt Book No. 7

Receipt No.

To Village Panchayat, Mandrem

Received with thanks from Robert Pereira Fernandes

Amount Five hundred and no. 00/100

on account of Reconstruction Fee

Date 31-12-1987

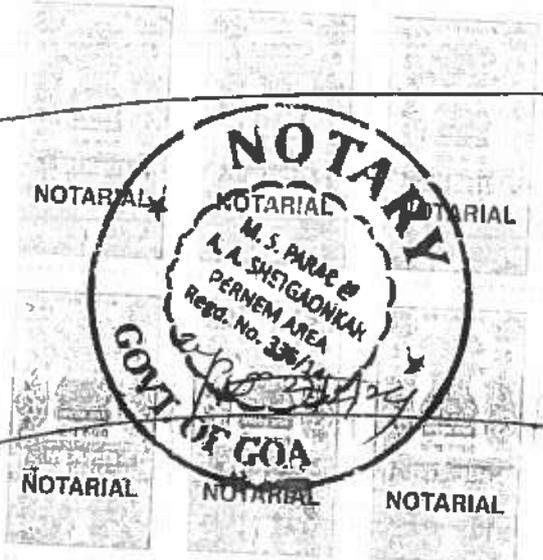
Reference to cash book

Page No.



Signature of V. P. Mandre, Secretary, Pernem Goa.

Signature and Designation of issuing Officer



Certified that this is a True Copy Pernem in 11/06/2019

M. S. PARAK & A. A. SHETGAONKAR B.COM. LLB NOTARY PERNEM TALUKA

Reg. No. 1262/2019



सत्यमेव जयते

GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मान्द्रे, ता. पेडणे - गोंया

Ref No VPM/PRE/ 419/88-89.

Date 31.3.1989.

OCCUPANCY CERTIFICATE

This is to certify that Shri / ~~Shrimati~~ PAULU ROBERT FERNANDES

resident of Junaswada, Mandrem, is having a Residential House

bearing No. 419, situated at Junaswada, Mandrem

in Pernem Taluka Goa, in property known as ATOD CHORACHO MORVO KADIL

surveyed under No 267/36, in our Panchayat Jurisdiction.

Further Certifying that Shri PAULU ROBERT FERNANDES is

Occupying the said premises bearing No 419 situated at Junaswada,

Mandrem, Pernem from month of March, 1989.



Mandrem
31-3-1989
Secretary
V. P. Mandre

Village Panchayat Pernem-Goa.
Pernem Goa

Certified that this is a True Copy
Pernem on 11/06/2019

Pareel
M. S. PARAB@
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1247/2019.





GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मन्दि, ता. पेडणे - गोवा

Ref. No. VPM/FRF/419/88-89.

Date 4.5.1988PERMIT NO. 15/88-89.

The permission is granted to Shri BAULU ROBERT FERNANDES, resident of JUNASWADA, Mandrem Goa under sec. 2 Amendment of Rule 3 clause (1)b (ii) of the notification No. 1/18 (10) 84 LAND Date 18 Nov. 1986, issued by the under Secretary (F and A) secretariat Panjim for the reconstruction of Katcha house as described below in the locality ATOD CHORACHO MORVO in the JUNASWADA Mandrem, Pernem re-construction of building per for the specification shown in the attached plan with following conditions.

Description of Katcha House.

Reconstruction of existing house bearing No. 419, situated at JUNASWADA, Mandrem in the property known as ATOD CHORACHO MORVO KADIL, Surveyed under No. 267/36, at the estimated cost of Rs. 25,000/-

Conditions

- 1) To limit himself to the plan approval and statement therein.
- 2) The reconstruction shall be as per plan approved by the Village Panchayat and condition imposed on it.
- 3) To inform the Panchayat as soon as the reconstruction is completed.
- 4) The reconstruction permission shall be revoked :
 - a) If the construction work is not as per the plan approval and statement therein.

If there is any false statement or any mis representation of any material passed, approved, or shown in the application on which the permission was based,

This permission is granted vide Goa Government grant of loans for houses under the paying guest scheme and small Hotel establishment Rules 1978 to obtain loan for reconstruction.

This permission shall be valid for ever till the construction work started and completed thereon from the date of issue of this permission. He has paid the respective fees to the tune of Rs. 500/- (Rs. Five hundred only) by receipt No. 001, dtd. 4.5.1988

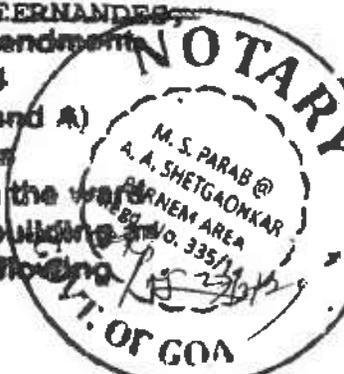
This carries the embossed seal of this Panchayat office of the Village Panchayat of Mandrem, on 4.5.1988.

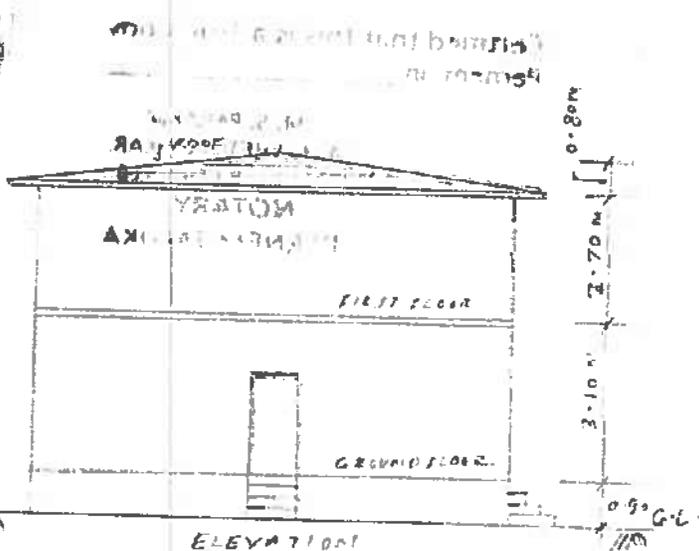
Sarpanch

Sarpanch
Village Panchayat Mandrem
Pernem - Goa

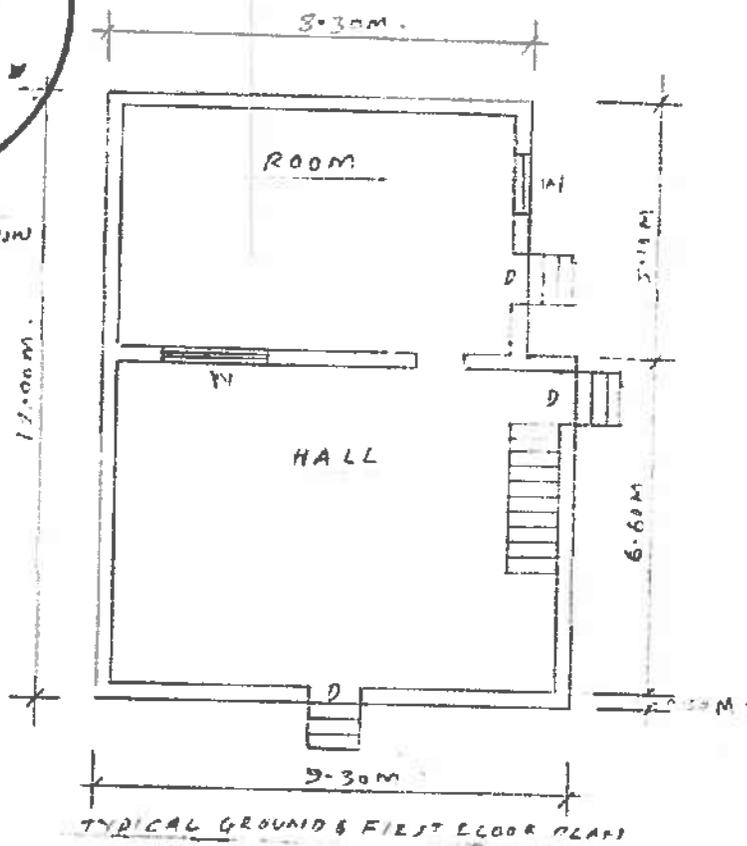
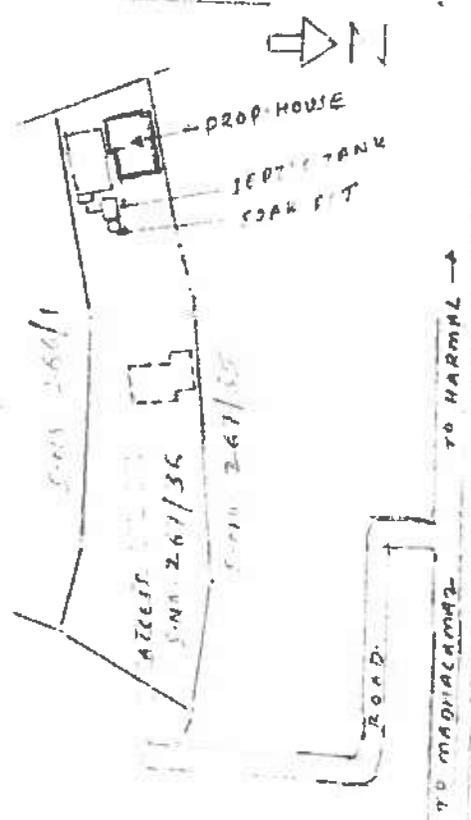


Secretary
Secretary
V. P. Mandre
Village Panchayat Mandrem
Pernem - Goa





SITE PLAN



Plan showing existing premises No. 419 is approved and passed for reconstruction by the Panchayat on 4-5-1988

Secretary
V. P. Mandre

FORM No. 4

RECEIPT

Receipt Book No. 3

Receipt No. 1

To Village Panchayat Mandrem

Received with thanks from Prakash Robert

Fernandes

Sum of Five hundred only Rs. 500/-

on account of Religious Donation Fee

Date 4-5-1988

Reference to

Page No.

Page No.



V. P. Mandre

Secretary
V. P. Mandre
Pernem-Goa.

Name and Designation of Issuing Officer



Certified that this is a True Copy
Pernem on 11/06/2019

M. S. Parab
M. S. PARAB
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1248/2019

... to them, communicate
... to the Village Panchayat or to the
applicant concerned, as the case may be, within one

#

Cont...2/-

FORM No. 4

RECEIPT

H.N. 419

Receipt Book No. 3

Receipt No. 003

The Village Panchayat Mandrem

Received with thanks from Patel Robert
Fernandes

Rupees Twenty only Rs. 20/-

on account of Light Tax 1984-85 to

Date 1-5-1988 1988-89

Reference to

Page No.



[Handwritten Signature]

Secretary
V. P. Mandre
Pernem-Goa

Name and Designation of Issuing Officer

FORM No. 4

RECEIPT

H.N. 479

Receipt Book No. 3

Receipt No. 002

The Village Panchayat Mandrem

Received with thanks from Peacolu Robert
Fernandes

Rupees Fifty only Rs. 50/-

on account of House Tax 1984-85 to

Date 4-5-1988 1988-89

Reference to

Page No.



[Signature]
Secretary
V. P. Mandre
Pernem-Goa.

Signature and Designation of Issuing Officer



Certified that this is a True Copy
Pernem in 11/06/2019

[Signature]
M. S. PARAB
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

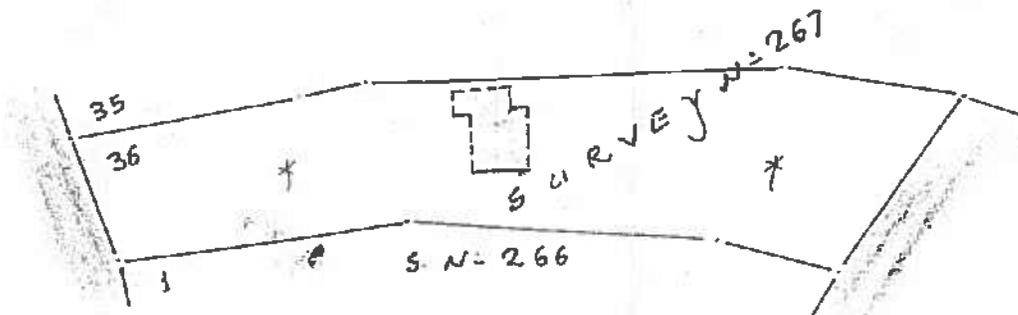
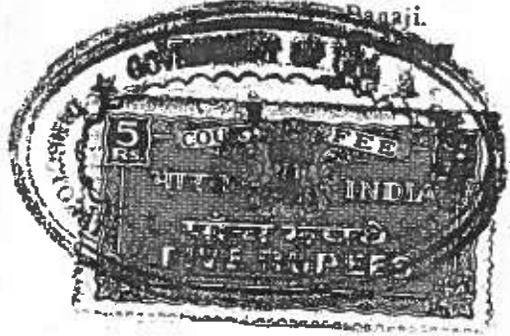
Reg. No. 1249/2019

GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT &
LAND RECORDS

PLAN
SHOWING THE PLOTS SITUATED
AT MANDREM VILLAGE
OF PERNEM TALUKA
S. NO./SUB DIV. NO. 267/36
SCALE-1: 1000



Waji
14/8/2003
Inspector of Surveys &
Land Records
Panaji.



CHECKED BY

BMS
D. N. N. K.
D. Manoj
14-08-03

TRACED FROM R.T. SHEET NOS. Gat book.
OF Mandrem VILLAGE ON 14.8.2003.
BY: C. A. Wajaji
Waji

14/8/2003

751c

GOA COASTAL ZONE MANAGEMENT AUTHORITY
 C/o Department of Science, Technology & Environment, (Govt. of Goa)
 1st Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.
 Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/NGT matter/19-20/01/2413

Date: 10/02/2020

DEMOLITION ORDER.

Sub: Directions to demolish structures/shack/huts cottages of Dolphin beach Resort Oasis Bar & Restaurant Robert

- Ref. : (1) Direction in the Matter Pending Before The National Green Tribunal, Principal Bench, New Delhi Execution Application Nos. 01/2019 (Wz) to 06/2019 (Wz) in Original Application No. 23/2014 (Wz); Original Application No. 25/2019 (Wz); Original Application No. 26/2019 (Wz).
- (2) Minutes of the 197th GCZMA meeting held on 26/04/2019.
- (3) Order of demolition dated 02/05/2019 issued by GCZMA.
- (4) Minutes of 198th GCZMA meeting held on 10/05/2019.
- (5) Show cause notice dated 16/05/2019 issued by GCZMA.
- (6) Minutes of 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019.
- (7) Order dated 28/06/2019 passed by the Hon'ble High Court of Bombay at Goa.
- (8) Minutes of 207th GCZMA meeting held on 13/07/2019.
- (9) Minutes of the 217th (GCZMA) held on 04/12/2019 and 05/12/2019

WHEREAS, Goa Paryavaran Savrakshan Sangharsh Samitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

AND WHEREAS, the Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles

besides information sharing with staff of Forest Department which monitors the entire coast".

AND WHEREAS, the Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Goa Paryavaran Savrakshan Sangharsh Samitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

AND WHEREAS, vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Hon'ble NGT vide order dated 25/02/2019, interalia appointed a Three Members Committee comprising of Deputy Conservator of Wildlife, Goa, Member Secretary, Goa State Pollution Control Board and Member Secretary, GCZMA with Deputy Conservator of Wildlife as Nodal Agency for compliance and coordination. Accordingly a report was to be furnished to the National Green Tribunal (NGT) within one month.

AND WHEREAS, the Three Members Committee as constituted by the Hon'ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area in North Goa on 12th March 2019 and 13th March 2019. The Said Committee carried out the site inspection for the area in South Goa on the 09th March 2019, 11th March 2019 and 12th March 2019. The Committee submitted a report with regard to South Goa on 25/04/2019 and with regards to North Goa on 24/04/2019. The Reports gave details of the violations. The following alleged illegal construction resulting violation of CRZ Notification 2011 were noticed.

NAME OF THE VIOLATOR	VILLAGE	GPS READING	VIOLATION
Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes 9822163886	Mandrem	N 15° 39' 46.2" E 73° 42' 46.8"	49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure;12 rooms

AND WHEREAS the said report was placed for discussion and deliberation in

the 197th GCZMA meeting held on 26/04/2019 wherein the Authority observed as

follows: *"the Authority noted the report submitted by the Three Members Committee constituted by the Hon'ble NGT in terms of the order dated 25/02/2019. The Authority resolved to issue directions to demolish all the resorts / establishments which are operating without the approval / NOC/ Permission of GCZMA in terms of the Order passed by the NGT dated 2/11/2017. The Authority decided to issue impose a fine of a sum of Rs One Lakh for the violations noted as per the direction on order dated 2/11/2017"*.

AND WHEREAS, an order of demolition dated 02/05/2019 was issued against you by GCZMA.

AND WHEREAS, a Petition was filed before Hon'ble High Court of Bombay at Goa by All Goa Private Property Shack/Hut owners association, through its president., Dharmesh Prabhudas Saglani. v/s State of Goa, thr. The Chief Secretary and 4 ors. wherein the Hon'ble High Court of Bombay at Goa passed an order dated 06/05/2019 granting stay in the matter, stating as follows:-*"Pending the hearing and final disposal of this Petition, to stay the effect and operation of the Orders of Demolition dated 02/05/2019 issued by the Respondent No.2 to various persons in Morjim, Mandrem and Agonda and direct the Respondent No.2 to refrain from taking any coercive steps without following the principles of natural justice."*

AND WHEREAS, the abovementioned orders passed by Hon'ble High Court were placed for discussion and deliberation in the 198th GCZMA meeting held on 10/05/2019 wherein the authority decided as follows : *"The authority hence resolved to issue show cause notices to all the violators calling upon them for personal hearing and thereafter decide the matter"*.

AND WHEREAS, a show cause notice cum hearing notice dated 16/05/2019 was issued to you by GCZMA directing the respondent to file reply and hearing in the matter.

AND WHEREAS, the matter was heard and decided in the 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019. The proceedings in the matter during abovementioned meetings can be seen as follows: *"Advocate Shri. S.M. Walwaikar appeared on behalf of complainant Goa Paryavaran Savrakshan Sangharsh Samitee on 17/05/2019. He made general arguments with regard to computation of fines on a per day basis of operation of structures and regard to recovery of environmental compensation. On 17/05/2019 hearing he submitted an application on behalf of*

complainant seeking leave to dispense with the personal attendance in rest of cases scheduled for 04/06/2019 and 06/06/2019 as his arguments remain the same in all the cases. The said application filed by Complainant was allowed.

AND WHEREAS, in the 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019 it was decided as follows: *"The Authority heard the arguments raised by the respondent objecting the present hearing and also reply filed by the respondent. The authority noted that the personal hearing granted to the parties is complete. The final orders would be issued as per the directions of Hon'ble High Court of Bombay at Goa in Stamp Number Main No. 1871 of 2019 filed by All Goa Private Property Shack/Hut Owner's Association v/s State of Goa"*.

AND WHEREAS, the Hon'ble High Court of Bombay at Goa vide common order dated 28th June 2019 while disposing all the matters filed against demolition orders passed by Goa Coastal Zone Management Authority (GCZMA) against shack/huts/cottages interalia directed as follows: *"The petitions are accordingly disposed of by reserving liberty to the petitioners to make written representations to the respondent within a period of two weeks from today. Respondent No.1 shall pass final orders on the Show Cause Notices after considering such representations. It is also agreed by the respondents that, in the event, the orders to be passed on the Show Cause Notices are adverse to the petitioners; they shall not be enforced for a period of 15 days from the communication of the orders. The statements of all parties are accepted and the petitions are disposed of in the above Terms"*.

AND WHEREAS, all the representations filed by petitioners were placed for final decision in the 207th GCZMA meeting held on 13/07/2019: *The Authority was of the opinion that this is a continuous process and merely because the Member Secretary/Chairman has been changed the decision which has been already taken during past meetings on the very same subject matter would not get changed and hence fresh personal hearings are not necessitated. Further the Authority noted that the respondent has preferred not to file any representation pursuant to order dated 28/06/2019 passed by the Hon'ble High Court of Bombay at Goa. The Authority observed that respondent has mischievously and that too without the approval/NOC of the GCZMA placed **49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms**; which is in violation of the NGT Pune (WZ) Order dated 02/11/2017 and hence he should remove all illegal structures and pay a gross penalty of Rs.1,00000/- i.e **he should pay penalty of Rs. 100000/-each for violation with regards to sunbeds, high intensity lights and high volume speakers respectively.***

AND WHEREAS GCZMA vide order dated 15/07/2019 directed the respondent to demolish the illegal construction stated above within a period of 15 days Further, recover the expenses incurred for the same as the arrears of Land Revenue.

AND WHEREAS, The Alleged Violator has approached the Hon'ble High Court and Hon'ble National Green Tribunal wherein the Hon'ble Courts have in some matters stayed the Order and in some matters have set aside the Orders passed by the GCZMA with directives to hear the parties and reconsider the case and pass respective orders in terms of law.

AND WHEREAS, the matter was placed in the 217th GCZMA Meeting held on 04/12/2019 and 05/12/2019 for personal hearing. *“Adv Abhijit Gosavi appeared in 16 matters and initially advanced common arguments which are applicable to all of them. He began with by relying upon the judgment passed by the Hon'ble NGT in the matter of Sesa Goa Ltd v/s State of Goa and stated that when there aren't any prescribed rules that have been laid down to decide upon any references or complaints before the authority more precisely in the CRZ notification of 1991 or 2011, the Hon'ble NGT in the case mentioned supra has lucidly laid down the procedures to be followed and adopted by the authority before taking any decision. He read out the excerpts of the said judgement and argued to convince the authority that before undertaking any inspection of an offending structure the authority has to ensure that the alleged violator has to be first served with a prior notice of inspection, the inspection has to be done in the presence of the violator, a panchanama has to be drawn with a sketch in the presence of independent witnesses, a copy of the inspection report needs to be given to the alleged violator, thereafter a notice is to be issued for hearing and upon hearing the violator a final decision has to be taken. This ratio has been laid down because the authority was not following any procedures and were at times whimsical in their approach to decide any matter. Standardization of the procedure so as to meet the ends of justice which is in consonance with the principles of natural justice is what is laid down by the NGT is what Adv Gosavi focused upon.*

He thereafter stated that in all of these cases a re-inspection has to be done as the 3 member committee has committed grave errors by stating that no CRZ approvals have been granted when inspite of the fact some of the structures do have the approvals. He question as to how GPS readings can form part of the procedure for identification of structures when each and every property of the State of Goa has been properly identified

by means of survey numbers. He stated that the entire report contains falsities because of various misnormers. He hence stated that re-inspection is the first criterion that needs to be done by this authority either on its own motion or through the District Level Committee”.

AND WHEREAS, in the 217th GCZMA Meeting held on 04/12/2019 and 05/12/2019 for personal hearing, the Authority decided that, “In so far as the arguments of the Ld Counsel for the above common respondent is concerned, the authority decided to give its decision upon deliberating on the fact as to whether there is any need to undertake any re-inspection in the matter as has been strenuously argued by their counsel. In the first place they stated that by going through the backdrop of the proceedings, it first commenced on the fact that upon declaration of Turtle nesting sites for the endangered olive ridley breed that were happening in the various parts of Goa the beaches of Agonda, Galgibag, Mandrem and Anjuna were notified and on these beaches no such activity should be permitted which would disturb the endangered Olive Ridley Turtles. The activity of placing sun-beds, bright lights and high volume speakers including erection of unauthorized shacks and huts pose a hindrance for the turtles. It is because of this that the Hon'ble NGT took cognizance of the large scale violations to protect the endangered species because of the petition filed by Goa Parvyavaran Savrakshan Manch. The Hon'ble NGT itself thereafter constituted a 3 member committee to personally visit the beaches and identify the violators along with the violation done by them and hence to cast aspersions on this committee by the authority would tantamount to mean that the authority was hand in gloves with the violators. Secondly, the question of issuing any prior notice upon the violator without knowing as to who the violator is doesn't arise but nevertheless after the report was prepared by the 3 member committee a show cause notice was definitely served upon the violators indicating the nature of violation and hence on this count the principles of natural justice gets fulfilled. The authority was thus of the opinion that the need to have a re-inspection in all of the cases may not arise and hence the general proposition of the respondent counsel for the above violators was not accepted”.

AND WHEREAS, in the 217th GCZMA Meeting held on 04/12/2019 and 05/12/2019 for personal hearing in this current case, the proceedings are as follows, “Adv. Gosavi appeared on behalf of respondent and submitted that offending structures pointed out in the SCN are prior to 1991 for which purpose he has his possession the occupancy certificate issued on 31/3/1988. The offending structures are located in survey no. 267/36 which bears H. No. 436. He produced the permission for reconstruction of residential house bearing no. 436 and he also produced the plan which comprises of ground + one storeyed structure. He also stated that the suit structure is also mentioned on promulgated survey plan that was initially prepared in 1974-75 which once again indicates that the structure does not attract provisions of CRZ Notification 1991. The house tax receipts and survey plan have also been placed on record by him. Apart from

this he has also produced another occupancy certificate of structure bearing No. 419 located in the very same property comprising of ground plus one storeyed structure comprising of hall and room. Based on the documents produced he stated that the alleged offending structure does not attract any of the provisions of CRZ Notification 1991. Besides this, he has placed on record the registration of establishment certificate issued by labour Inspector Pernem dated 14/02/2001 in the name and style of Oasis Restaurant and the NOC issued by village Panchayat Mandrem to start a bar & restaurant dated 3/11/2004. He hence prayed that the Show cause notice be dropped and no action be initiated against him".

AND WHEREAS. in the 217th GCZMA Meeting held on 04/12/2019 and 05/12/2019 for personal hearing in this current case. The Authority decided that, "The authority perused the documents and objections raised by respondent examined the same in context of the violations reported by the 3 members committee constituted by the Honble NGT. Nowhere in the permissions are produced which are granted by statutory Authorities has given him the authorisation to establish a temporary bamboo structures and to place sunbeds and sheds on the beach. In so far as G+ 1 structure with 12 rooms the plans annexed to the permissions /occupancy certificates do not synchronise with the violations recorded and existing on loca because 12 rooms structure is not figuring in these permissions. The violations that have been done by the respondent is much after 1991 which are against the permission so granted by the statutory authorities. The authority thus deemed it fit to confirm the SCN by issuing directions to demolish the illegal structure and also impose penalty of Rs. 100000/-".

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. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, and in view of the directions issued by the Hon'ble National Green Tribunal in its orders dated 2/11/2017 and 25/02/2019 hereby directs the respondent to pay a penalty of Rs. 100000/- **with regards to sunbeds** and further directs respondent to demolish the illegal construction stated above within a period of 15 days failing which the Collector, North Goa, shall remove **all the structures i.e 49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms** pertaining to Dolphin beach Resort Oasis Bar & Restaurant Robert, Mandrem after expiry of 15 days interms of decision taken in 217th GCZMA meeting held on 04/12/2019 and 05/12/2019. Further, recover the expenses incurred for the same from Dolphin beach Resort Oasis Bar & Restaurant

Robert, Mandrem as the arrears of land revenue. The **Collector North Goa** is required to submit a compliance report in respect of compliance of afore stated directions to the GCZMA a day after such exercise. The penalty of **Rs. 100000/-** be paid by Cheque/D.D drawn in favour of Goa Coastal Zone Management Authority.

For and on behalf of the
Goa Coastal Zone Management Authority


10/12/2020
(Johnson Bedy Fernandes)
Member Secretary (GCZMA)

O/C

To,

1. **The Collector & District Magistrate, (North), Office of the Collector (North), Panaji-Goa.... for executing the order and ensure compliance of the order.**
2. **The Deputy Collector & S.D.O of Pernem, having office at Pernem... to assist the Collector for executing the order and compliance.**
3. **Dolphin beach Resort Oasis Bar & Restaurant Robert, Mandrem..... for complying with the direction.**
4. **The Superintendent of Police, Poryorim, Bardez-Goa with a request to depute Police personnel for the purpose of the smooth functioning of the execution of the above order.**
5. **The Member Secretary, Goa State Pollution Control Board, Saligao, Bardez-Goa...to act independently against violators with regards to violations consent to operate/establish.**

Copy to:

1. **Goa Paryavaran Savrakshan Sanghush Samitee** through the President, **(Bruno Rodrigues)** office at S-1, Renuka Residency, Behind KTC Bus stand, Fatorda, Margao-Goa 403601...for information only.
2. **The Scientific Assistant, GCZMA... to upload copy of this order on GCZMA website immediately.**