

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

**MEMORANDUM OF APPEAL**

**APPEAL NO. 42 OF 2022**

Jose Fernandes & Anr.

... Appellants

Versus

Goa Coastal Zone Management  
Authority & Ors.

... Respondents

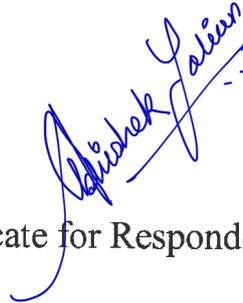
**INDEX**

<b>Sr.No</b>	<b>Exhibit</b>	<b>Particulars</b>	<b>Pg.no.</b>
<b>1.</b>		Affidavit in Reply on behalf of the respondent nos. 2 and 3	<b>697-704</b>
<b>2.</b>	<b>A</b>	Copy of the conversion sanad dated 22 <sup>nd</sup> November 2019, issued by the Collector of South Goa	<b>705-711</b>
<b>3.</b>	<b>B</b>	Copy of form-1 and Form-15 of the said land which shows the Answering Respondents to be the owners of the said land	<b>712</b>
<b>4.</b>	<b>C</b>	Copy of the Technical Clearance dated 21 <sup>st</sup> August 2020 with respect to the said project	<b>713-714</b>
<b>5.</b>	<b>D</b>	Copy of the construction license dated 9 <sup>th</sup> February 2021, issued by Village Panchayat with respect to the said project	<b>715-718</b>
<b>6.</b>	<b>E</b>	Copy of the order dated 10 <sup>th</sup> June 2021, with respect to the said project	<b>719-720</b>
<b>7.</b>	<b>F</b>	Copy of the NOC issued by Primary Health Centre,	<b>721-723</b>

		Chinchinim dated 6 <sup>th</sup> August 2021	
8.	G	Copy of the Construction License dated 14 <sup>th</sup> September 2021.	724-726
9.	H	Copies of photographs showing the current status of construction of the said project	727
10.	I	Copy of the reply filed by the Answering Respondents before the GCZMA.	728-746
11.	J	Copy of the CZMP 2011 map superimposed with the said land.	747

Mumbai:

Dated this      day of November 2022



Advocate for Respondent Nos. 2 and 3

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
MEMORANDUM OF APPEAL  
APPEAL NO. 42 OF 2022**

Jose Fernandes & Anr.

... Appellants

Versus

Goa Coastal Zone Management

Authority & Ors.

Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF THE  
RESPONDENT NOS. 2 AND 3**

I, Bina Bedi, the Respondent No.2 and Mr. Gurdeep Singh Bedi, the Respondent No.3 (collectively referred to as "Answering Respondents"), residing at House No. 209, Golf Links, Lodi Road, New Delhi 110 003, do hereby solemnly affirm and state as under:

1. The Answering Respondents have perused the captioned Appeal and are conversant with the contents, records and circumstances pertaining to the captioned Appeal from personal knowledge, pleadings filed in the Appeal and the records being maintained by the Answering Respondents. The Answering Respondents are the competent, authorised and able to file the present the present affidavit in Reply.
2. At the outset, the Answering Respondents state that the instant Affidavit is being filed for the limited purpose of opposing the reliefs as sought in the captioned Appeal. The Answering Respondents are dealing with the entire bogie of allegations raised in the captioned Appeal in a topic wise manner and expressly crave leave to file further detailed Affidavit(s) and/or para-wise reply along with the relevant documents, if circumstances so warrants.
3. At the outset, the Answering Respondents deny each and every averment made in the Captioned Appeal which is contrary to and/or inconsistent with that which is stated in the present Affidavit. The Answering Respondents humbly submits that nothing contained in the captioned Appeal shall be deemed to have been admitted by or on behalf of the Answering Respondents merely for want of specific traverse. The Answering Respondents further states that the averments made hereinbelow are in the alternative and without prejudice to one another.
4. At outset, the Answering Respondents state that the captioned Appeal as filed is not maintainable under Section 16(g) of the National Green Tribunal Act, 2010 ("NGT Act") and on this count alone the captioned Appeal deserves to be dismissed. The Answering Respondents have filed a separate



24 NOV 2022  
REG. ENT. No. 02

Interim Application seeking dismissal of the captioned Appeal on the ground of maintainability. The Answering Respondents adopt the stand taken by them in the said Interim Application and the averments of the said Interim Application be treated as a part of the present Affidavit, which is not being reproduced herein for the sake of brevity. The Answering Respondents state that the Interim Application on maintainability ought to be decided prior to considering the merits of the captioned Appeal.

5. It is well settled principle of law that a stranger cannot be permitted to interfere in any proceedings unless he satisfies the Court / Tribunal that he is an affected and/or aggrieved party. Section 16 of the NGT Act starts with the opening words "Any person aggrieved by....." a direction issued by the authorities can approach the Hon'ble Tribunal invoking its Appellate Jurisdiction. A bare perusal of the captioned Appeal would show that the Appellants are not "Aggrieved Persons" for the purpose of section 16 of the NGT Act nor is there a single averment in the captioned Appeal made by the Appellants with to substantiate that they are aggrieved persons. Therefore, this captioned Appeal deserves to be dismissed for want of *locus*.

6. The Answering Respondents state that without prejudice to the fact that the captioned Appeal is not maintainable under the NGT Act, even on merits the Appellants have failed to make out a case demanding any interference by this Hon'ble Tribunal, which are adumbrated in the following paragraphs:-

7. The Relevant facts with respect to the project being carried out by the Answering Respondents are as follows;

7.1. On 22<sup>nd</sup> November 2019, the Collector south Goa after due investigation was pleased to grant conversion sanad with respect to a part of the Answering Respondents property being survey nos. 147/18, 26, 28, 30, 32 and 34 of Village Cavelossim, Salcete Taluka – Goa under the provisions of the Goa Land Revenue Code 1968. As per conversion sanad, land admeasuring 660 sq.mtrs which is owned by the Answering Respondents is converted for residential purpose. The Answering Respondents are developing their personal bungalow on the said 660 sq mtrs. Hereto annexed and marked as **Exhibit-A** is a copy of the conversion sanad dated 22<sup>nd</sup> November 2019, issued by the Collector of South Goa.



7.2. On 27<sup>th</sup> November 2019, the Answering Respondents purchased an area of about 3075 sq.mts. which included Survey Nos. 147/18, 26, 28 and 30 of Village C Answering Respondents, Salcete Taluka – Goa. Therefore, an area of 660 sq.mtrs. bearing Survey Nos. 147/18, 26, 28 and 30 out of the larger land admeasuring 3075 sq.mtrs is developable as per the conversion order dated 22<sup>nd</sup> November 2019 and as per the extant law ("said land"). The Answering Respondents proposed to develop a residential bungalow for their personal use on the said land ("said project"). Hereto annexed and marked as **Exhibit-B** is a copy of form-1 and Form-15 of the said land which shows the Answering



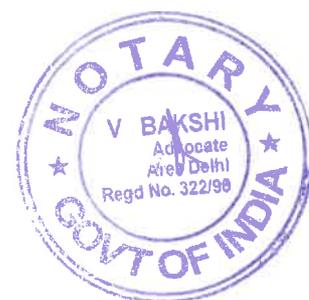
Respondents to be the owners of the said land.

699

- 7.3. On 21<sup>st</sup> August 2020 the Town and Country Planning Department after duly considering the said project from technical point of view and its feasibility as per prevailing law was pleased to grant Technical Clearance with respect to the said project. Hereto marked and annexed as **Exhibit-C** is a copy of the Technical Clearance dated 21<sup>st</sup> August 2020 with respect to the said project.
- 7.4. On 9<sup>th</sup> February 2021, the Village Panchayat after due deliberation and discussions and after duly considering the technical clearance was pleased to grant construction license to the Answering Respondents for developing the said project. Hereto annexed and marked as **Exhibit-D** is a copy of the construction license dated 9<sup>th</sup> February 2021, issued by Village Panchayat with respect to the said project.
- 7.5. On 10<sup>th</sup> June 2021, the Answering Respondents obtained technical clearance order with respect to the revised structure of the said project. Hereto annexed and marked as **Exhibit-E** is a copy of the order dated 10<sup>th</sup> June 2021, with respect to the said project.
- 7.6. On 6<sup>th</sup> August 2021, the Primary Health Centre, Chinchinim after taking site inspection of the said land came to the conclusion that the said land is appropriate for construction of a septic tank and that there would not be any issue from the sanitation point of view. Accordingly, the Primary Health Centre, granted NOC for the construction of the septic tank. Hereto annexed and marked as **Exhibit-F** is a copy of the NOC issued by Primary Health Centre, Chinchinim dated 6<sup>th</sup> August 2021.
- 7.7. On 14<sup>th</sup> September 2021, the Village Panchayat of Cavelossim, after due deliberation and discussion and considering the Technical clearance was pleased to grant construction license to the Answering Respondents with respect to the said project. Hereto annexed and marked as **Exhibit-G** is a copy of the Construction License dated 14<sup>th</sup> September 2021.
- 7.8. After after obtaining all the permissions from the authorities, the Answering Respondents commenced the construction of the said project as per the extant law, as on date, substantial construction is duly completed with respect to the said project. Hereto annexed and marked as **Exhibit-H** are copies of photographs showing the current status of construction of the said project.
- 7.9. In furtherance of developing the said project, the Answering Respondents have invested an amount of Rs.68,78,849/-.
8. Relevant facts pertaining to the issuance of the order



- 8.1. On 13<sup>th</sup> December 2021 and 19<sup>th</sup> January 2022, the Appellants filed complaint against the Answering Respondents alleging that the construction of the said project has been carried out in furtherance of illegal filling of eco sensitive area and is being carried out on khazan lands.
- 8.2. On 21<sup>st</sup> January 2022, GCZMA, in furtherance of the complaint filed by the Appellants was pleased to issue a show cause-cum-stop work order under Section 5 of the Environment (Protection) Act, and Rule 4 of the Environment Protection Rules. The said show cause notice annexed as Annexure-A5 to the captioned Appeal.
- 8.3. On 3<sup>rd</sup> February 2022, the GCZMA in furtherance of the aforesaid complaint filed by the Appellants issued letters to all the affected parties and conducted a hearing. In the said hearing, the Appellants as well as the Answering Respondents were duly heard. In the said hearing, the Answering Respondents placed on record that the construction of the said project is being carried out only in an area admeasuring around 660 sq.mtrs. out of a larger property owned by the Answering Respondents, after duly obtaining conversion. The Answering Respondents further placed on record that they have duly obtained all requisite permissions for carrying out construction and the same are not challenged till date. The Answering Respondents further placed on record that the said land is not a khazan as per the applicable CZMP to the said project and submitted that the status of the said land can be ascertained by the GCZMA after holding a site inspection. After hearing both the parties, the GCZMA was pleased to permit the parties to file written reply and posted the matter on 24<sup>th</sup> February 2022.
- 8.4. On 24<sup>th</sup> February 2022, GCZMA decided to conduct a site inspection with respect to the said land to ascertain the status of the said land.
- 8.5. On 20<sup>th</sup> May 2022, the Answering Respondents filed their reply to the complaint before GCZMA and the Appellant filed the CZMP as available online. In the said meeting, GCZMA requested the Appellants to satisfy that the said land falls under khazan land as per the CZMP applicable to the said project. It is pertinent to note that in the said meeting, the site inspection report was made available to all the parties including the Appellants herein. Hereto marked and annexed as **Exhibit-I** is a copy of the reply filed by the Answering Respondents before the GCZMA.
- 8.6. On 20<sup>th</sup> May 2022, GCZMA issued a site inspection report after duly carrying out the site inspection of the said land. The said site inspection report is



8.7. On 2<sup>nd</sup> June 2022, the Authority duly examined all the records and documents produced before it by the Appellants as well as the Answering Respondents.

In the said meeting, GCZMA noted that the construction of the said project has been commenced by the Answering Respondents after obtaining all requisite permissions and as per the extant law. It was further observed that at the time of commencement of construction of the said project, the said land was not classified as khazan land as per CZMP then in force. As no part of the said land fell within Khazan land as per the then applicable CZMP, there was no legal impediment in carrying out construction of the said project. The authorities further observed that post the Answering Respondents commencing the construction of the said project, a draft CZMP was made available to the public with respect to Goa. As per the said draft CZMP, a small portion of the said project falls within Khazan land. In these premises the GCZMA came to the conclusion that the construction of the said project is not hit by the draft CZMP.

8.8. On 15<sup>th</sup> June 2022, GCMZA in exercise of the prayers conferred under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment Rules 1986 was pleased to discharge all proceedings against the Answering Respondents after carrying out necessary investigation and due deliberation and discussion qua the said land and the said project. The said order is impugned in the captioned Appeal.

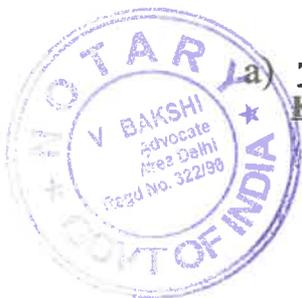
9. A close perusal of the captioned Appeal and reading the same in its entirety shows that the Appellants have sought to challenge the impugned order on the following grounds:

- A) The said project is being developed on Khazan land;
- B) A site inspection was carried out without hearing the Appellants.



**THE SAID PROJECT IS BEING DEVELOPED ON KHAZAN LAND;**

1. The Answering Respondent states that pursuant to duly obtaining all requisite permissions under law, the construction of the said project has commenced and substantial construction is complete. It is pertinent to note that at the time of commencing of the construction of the said project as well as the grant of permissions for the said project, CZMP 1991 was in force and applicable to the said land as well as the said project. Admittedly, as per CZMP 1991, the said land does not fall under Khazan land and is completely developable as per the extant law for residential purposes. Accordingly, after duly verifying the status of the land, the authorities granted permission to



the Answering Respondent to carry out construction of the project, in pursuance thereof the Answering Respondent commenced construction.

702

2. The GCZMA placed the Draft CZMP 2011 in the public domain. As per the draft CZMP 2011, a small portion of the said land i.e. Survey No.147/28 is classified as Khazan land under CZMP 2011. It is pertinent to note that CZMP 2011 was notified by the Ministry of Environment, Forest and Climate Change only on 6<sup>th</sup> September 2022. Hereto annexed and marked as **Exhibit-J** is a copy of the CZMP 2011 map superimposed with the said land.
3. It is well settled and is no more *res integra* that a draft CZMP is not applicable until and unless it is notified. Infact, the planning authority is under obligation to grant all permissions as per the prevailing CZMP and cannot withhold the permissions on the ground of a draft CZMP. It is furthermore well settled that a CZMP after being notified is not applicable retrospectively and will not affect any construction for which permission have been granted prior to CZMP being notified and construction has commenced in furtherance thereof.
4. In the instant case, admittedly, the development permissions with respect to the said project was granted prior to the CZMP 2011 (6<sup>th</sup> September 2022) being notified and was granted as per CZMP 1991. Admittedly as per CZMP 1991 the said land is developable and does not fall under Khazan land. Furthermore, admittedly the Answering Respondent have commenced the construction and have infact completed substantial construction in furtherance of permissions obtained with respect to the said project prior to CZMP 2011 being notified. Therefore, CZMP 2011 which was notified on 6<sup>th</sup> September 2022 cannot be made applicable to the said project as the same is governed by CZMP 1991 and the construction of the said project is permissible as per the extant law including Town and Country planning Act, 1974, conversion sanad dated 22<sup>nd</sup> November 2019 and the Development plan with respect to the said land.
5. In these premises, after due deliberation, the GCZMA was pleased to discharge and/or withdraw the show case notice and thus there is absolutely no grounds for interference of the order dated 15<sup>th</sup> June 2022 challenging in the captioned appeal.



**b) SITE INSPECTION WAS CARRIED OUT WITHOUT HEARING THE APPELLANTS.**

1. The Answering Respondent states that without prejudice, even assuming that the Appellants were not present during the site inspection, their absence has absolutely no bearing on the site inspection report as well as the order of the GCMA dated 15<sup>th</sup> June 2022;

1.1. GCZMA is an expert body and is entrusted with the

duty protecting coastal areas including the mangroves. The GCZMA conducted site inspection on 23<sup>rd</sup> March 2021 qua the said land. Accordingly, GCZMA prepared a report dated 20<sup>th</sup> May 2022. The said report is annexed as Annexure-A12 to the captioned Appeal. A bare perusal of the report shows that GCZMA has super imposed the said land on the CZMP 2011.

1.2. It is pertinent to note that boundaries of the said land and/or of CZMP 2011 and/or CZMP 1991, would not change merely by presence of the Appellants on site. Therefore, the presence of the Appellants, at the time of site inspection has absolutely no relevance or bearing on the site report and/or order dated 15<sup>th</sup> June 2022.

1.3. It is further pertinent to note that GCZMA had duly given a copy of the said report to the Appellants and the Appellants were permitted to file an Affidavit post receiving the said report. Therefore, the contention of the Appellants that they were not heard with respect to the site inspection report is completely false and misplaced.

1.4. The Answering Respondent further states that the site inspection being carried out by an expert body has a presumptive value. Relying on the site inspection report GCZMA came to a conclusion that the said land is not a khazan land as per CZMP 1991 and further only a small portion of the said land i.e. Survey No.147/28 falls under Khazan land as per draft CZMP 2011. The Appellants were duly given an opportunity to satisfy the GCZMA as to how CZMP 2011 will be applicable to the said construction. Therefore, the contention of the Appellants that the site inspection report and/or order dated 15<sup>th</sup> June 2022 is violative of principle of natural justice and is passed without hearing the Appellant is completely false, bogus and misplaced.

In light of the facts stated herein above, the Answering Respondent state that the appellants have failed to make out even a prima-facie case, leave alone a strong and cogent case, wherein interference of this Hon'ble Court is warranted in the captioned appeal and thus the captioned appeal deserves to be dismissed.

Solemnly affirmed at Delhi )  
Dated this \_\_\_th day of November 2022 )  
Respondent No.2 and 3

*(Signature)*  
Advocates for Respondent No.2 and 3

*(Signature)*  
E. S. Bedi



Before me,

**VERIFICATION**

I, Bina Bedi and Mr. Gurdeep Singh Bedi residing at House No. 209, Golf Links, Lodi Road, New Delhi 110 003, do hereby verify and declare that the statements made in the aforesaid Para's are true and correct to the best of my knowledge and information and I believe the same to be true and that nothing material has been concealed therefrom.

Solemnly affirmed on this 24 day NOV 2022 )  
of the November 2022 at Delhi.

709

Deponent No.1  
Deponent No.2

*Pinakhi*  
*E. S. Bedi*



REG. ENT. NO. 632 / 24 NOV 2022

ATTESTED  
*Oh*  
Notary Delhi

24 NOV 2022

EX-"A"

705



OFFICE OF THE COLLECTOR, SOUTH GOA DISTRICT

Room No: 449, Fourth Floor,

Matanhy Saldanha Administrative Complex, Margao- Goa.

Phone No: 0832-2794431

Fax No: 0832-2794402

No.AC-II/SAL/SG/CONV/113/2016/12977

Date: 22 / 11 / 2019

- READ: 1. Application U/s 32 of Land Revenue Code, 1968.  
 2. No.AC-II/SAL/SG/CONV/113/2016/8685 dated 25/07/2018  
 3. Application dated 03/10/2019 from Mr. Ravinder Jain, Director of M/S. Water Mark Properties Pvt. Ltd., request for rectification of sanad.



S A N A D

S C H E D U L E - II

See Rule 7 of the Goa, Daman & Diu Land Revenue

(Conversion of Use of Land non-agricultural Assessment Rules, 1969)

Whereas, an Application has been made to the Collector of South Goa (hereinafter referred to as "the Collector" which expression shall include any Officer whom the Collector shall appoint to exercise and perform his duties and powers under this grant) under Section 32 of the Goa, Daman & Diu Land Revenue Code, 1968 (hereinafter referred to as "the said Code" which expression shall, where the context so admits include the Rules and Orders there under) M/S. Watermark Properties Pvt. Ltd., C/o. Antonio P. Diniz, Shop No.107, D Bldg. 1<sup>st</sup> floor, Osia Complex, Margao-Goa being the occupant of the plot registered land under Survey No. 147/2, 4, 6,8,10,16,18,26,28 & 30 of Cavelosim Village Salcete Taluka, Goa, (hereinafter referred to as the "applicant" which expression shall, where the context so admits include his heirs, executors, administrators and assigns) for the permission to use the plots of Land (hereinafter referred to as the "said plot") described in the Appendix I hereto, forming under Survey No. 147/2, 4, 6,8,10,16,18,26,28 & 30 of Cavelosim Village of Salcete Taluka, measuring area 2035.00 Sq.mts, be the same a little more less for the purpose of Residential use only.



NOTARY PUBLIC DELHI (INDIA)

14 JAN 2020

And whereas, this office is in receipt application u/s. 32 of Land Revenue Code, 1968, which was allotted to the Additional Collector-II and on processing the said application the conversion sanad No. No.AC-II/SAL/SG/CONV/113/2016/8685 dated 25/07/2018 was issued. However, while issuing the above conversion sanad there were errors in recording of survey numbers.

And whereas, vide application dated 03/10/2019 from Mr. Ravinder Jain, Director of M/S. Water Mark Properties Pvt. Ltd., has requested this office to issue rectified conversion sanad dated 25/07/2018.

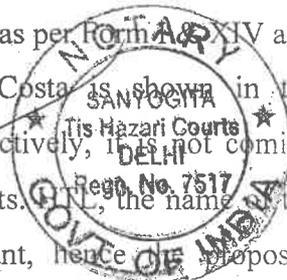
And whereas, it was observed that the survey numbers 46/2, 4, 6,8,10,16,18,26,28 & 30 was wrongly recorded. However the correct the survey number was 147/2,4,6,8,10,16,18,26,28 & 30.

And whereas, this office issued Corrigendum dated 20/10/2017 for seeking corrected reports/NOC from concerned departments and accordingly all the report were received by this office.

And whereas, the Inspector of Survey & Land Records, Margao-Goa, has submitted six copies of Survey Plan an admeasuring of 2035.00 sq.mts. and copy of details in appendix I to Schedule II of Survey No. 147/2,4,6,8,10,16,18,26,28 & 30 of Cavelossim Village of Salcete Taluka further informed that the land in question is partly Garden & partly Agriculture Garden area=1690 sq.mts. Rice area=345.00 sq.mts. vide letter No.2/ISLR/25/2017/2472 dated 01/02/2017.

And Whereas, the Mamlatdar of Salcete has submitted report vide no: MAM/SAL/CON/CI-III/31/17/145 dated 06/04/2017, wherein he has stated such use will not affect public health, safety and convenience, the market value of the land is about Rs.8,000/- per sq.mts., there is road access to the site in question, As per the I & XIV Form there does not exist tenants/Mundkars on the proposed land for conversion, As per I & XIV form that there doesn't exist tenant's name in the tenant column, the said land is not a low lying nor exist water bodies, the land proposed for conversion is Residential purpose, however there is no any construction in the land proposed for conversion, the land proposed for conversion under survey No. 147/2,4,6,8,10,16,18,26,28 & 30 of Cavelossim Village of Salcete Taluka, however area is shown as rice and garden as per Form I & XIV and Further informed that Flora Dias and Clementia D'Costa is shown in the cultivation column of Survey No.147/8 & 147/30 respectively, it is not coming under C.R.Z. Regularization either 200 mts or 500 mts. The name of the applicant is figuring in the survey as occupant, hence the proposed

ATTESTED  
NOTARY PUBLIC  
DELHI (INDIA)



14 JAN 2020

conversion may be decided, there exist 12 jungle trees on the proposed site for conversion.

And Whereas, the Town Planner, Margao, reported that the land under Survey No. 147/2,4,6,8,10,16,18,26,28 & 30 of Cavelossim Village of Salcete Taluka, as per the Regional Plan of Goa 2001 A.D. and 2021, the area proposed for conversion is located in Settlement Zone, having permissible F.A.R.60 & recommended the conversion of Land for **Residential purpose** admeasuring an area of **2035.00Sqmts** vide report no: TPM/29193/Conv/Cavel/ 147/2/17/4517 dated 14/11/2017.

And Whereas, the Dy. Conservator of Forest, South Goa Division, Margao vide letter no: 5/SGF/CONV/675/16-17/2017-18/127 dated 05/04/2017 & letter No.5/SGF/CONV/675/16-17/2017-18/2763 dated 10/11/2017, has informed that his office has inspected the area and it is observed that the area land under Survey No: 147/2,4,6,8,10,16,18,26,28 & 30 of Cavelossim Village of Salcete Taluka admeasuring area of **2035.00sq.mts** is not a Government Forest, does not form of any compartments of South Goa Division Working Plan. The area also does not figure in the list of Survey Numbers identified as private forest by State Level Expert Committee and also Forest (Conservation) Act, 1980 is not applicable to the said area.

And Whereas, after obtaining NOC/report for proposed conversion of land from the above mentioned authorities, the conversion of land under Survey No. 147/2, 4, 6,8,10,16,18,26,28 & 30 of Cavelossim Village of Salcete Taluka, is approved & applicant has already deposited conversion fees of Rs. 3,66,300/- (Rupees three lakhs sixty six thousand three hundred only) vide e-Challan No.AC-II/17/2017-18 dated 10/7/2018.

This conversion sanad is in issued in supersession to conversion sanad dated 25/07/2018.

NOW THEREFORE, it is to certify that the permission to use for the said plot is hereby granted subject to the provisions of the said Code and Rules there under and on the following conditions namely:

1. **Leveling and clearing of the Land:** The Applicant shall be bound to level and clear the Land sufficiently to render suitable for the particular non-agricultural purpose for which the permission is granted and to prevent non-sanitary conditions.

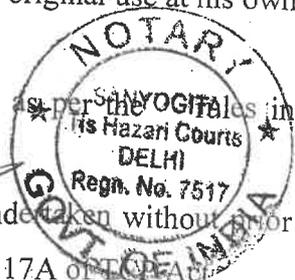


ATTESTED

74 JAN 2020

NOTARY PUBLIC  
DELHI (INDIA)

2. **Assessment:** The Applicant shall pay the non-agricultural assessment when fixed by the Collector under the said Code and Rules there under with effect from the date of this Sanad.
3. **Use:** The Applicant shall not use the said land and building erected or to be erected thereon for any purpose other than granted purpose, without the previous sanction of the Collector.
4. **Liability for rates:** The applicant shall pay all taxes, rates and cesses leviable on the said land.
5. **Penalty Clause:** (a) If the applicant contravenes any of the foregoing conditions the Collector may, without prejudice to any other penalty to which the applicant may be liable under the provisions of the said Code continue the said plot in the occupation of the applicant on payment of such fine and assessment as he may direct.  
 (b) Notwithstanding anything contained in Sub-Clause (a) it shall be Lawful for the Collector to direct the removal or alteration of any building or structure erected or use contrary to the provisions of this grant within such time as specified in that behalf by the Collector and on such removal or alteration not being carried out and recover the cost of carrying out the same from the Application as an arrears of land revenue.
6. **Code provisions applicable:** Save as herein provided the grant shall be subject to the provisions of the said Code and Rules there under.
7. The Applicant shall comply with the provisions of Town and Country Planning Act in force in Goa. Any violations of these provisions shall be solely at the cost of the Applicant at his own peril.
8. If any person claims ownership right and succeeds in it, the conversion shall stand automatically revoked.
9. Sanad shall not take away Mundcarial/Tenancy rights of any individual, if any, existing in the said property and if the sanad is obtained by suppression of any vital facts, the sanad shall stand cancelled from the date of its issue, the Applicant shall also be liable to restore land back to its original use at his own cost.
10. Any further development in the plot shall be strictly as per the Sanyogites in its Hazari Courts DELHI Regn. No. 7517
11. No hill cutting or filling of low-lying areas shall be undertaken without prior permission from the Chief Town Planner under section 17A of the Act.



ATTESTED  
 NOTARY PUBLIC  
 DELHI (INDIA)

14 JAN 2020

use the Sanad for pursuing any illegal or antinational activities on this converted land.

13. Traditional access, passing through the plot, if any shall be maintained.

14. The Applicant should obtain prior permission for cutting of trees in the said plot from the Forest Department, if required.

15. If Sanad is obtained by suppression of any vital information, it shall be revoked any time after knowledge of such fact from date of issue.

16. N.O.C. from the concern authority shall be obtained before the commencement of any secondary development work in the said land.

17. Adequate arrangement shall be made so as not to affect the drainage portion in the area and flow of natural water.

18. Low lying land, water bodies be protected and should not be harmed due to any activity.

19. If this Sanad is inconsistent with any law in force in the state of Goa or any decision of Hon'ble Supreme Court or Hon'ble High Court of Bombay, this Sanad shall be ineffective to extent of such inconsistency.

20. In case inadvertently if there is any mistake in calculating the fees for conversion payable or there is revision of fees after issuance of e-challan then the applicant hereby undertakes to pay the difference along with simple interest of 12% per annum calculated from the date of issuance of original Challan till the date of payment thereof. The failure or refusal on part of the applicant or successor interest thereof in affecting the payment shall give the liberty to the undersign to revoke the said Sanad and/or recover the balance as arrears of land Revenue from Applicants.

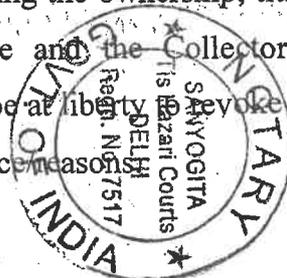
21. In case of violation of any of the conditions or in case any N.O.C. etc. issued by any Department for effecting conversion is withdrawn, revoked or otherwise the conversion Sanad shall also stand cancelled from such date of withdrawal, revocation or otherwise.

22. In future if any dispute arises regarding the ownership, title, etc, than the applicant shall be solely responsible and the Collector or any other authorized officer on his behalf shall be at liberty to revoke the Conversion Sanad granted without giving any notice/reasons.

ATTESTED

NOTARY PUBLIC  
DELHI (INDIA)

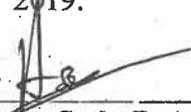
14 JAN 2020



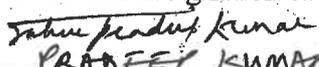
## Appendix-I

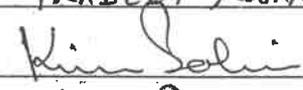
Length & Breath		Total Superficial Area	Forming (part of) Survey no: & Sub Div number	BOUNDARIES
North to South	East to West			
101.45 Mts.	24.15 Mts.	2035.00 Sq.mts	Survey No. 147/2P, 4P, 6P, 8P, 10P, 16P, 18P, 26P, 28P & 30P of Cavellossim Village of Salcete Taluka	North: S. No 144/2 & 145/10 South : S.No.147/32 East: S. No.147/2,4,6,8, 10,16,18,26,28,30 West: S. No 145/10,11,12 & Road
Conversion is Sanctioned for Residential purpose with permissible F.A.R 60 based reports/NOC referred at page-no: 1 & 2. The applicant has submitted Affidavit cum-Indemnity Bond, Executed before Shantaram V. Kudchadkar, Notary, Salcete, Reg. No.4128/18 day 13/07/2018.				

In witness whereof the Additional Collector-II of South Goa District, Margao, has hereunto set his hand and sent seal of his Office on behalf of the Government of Goa and the Applicant M/S. Watermark Properties Pvt. Ltd., C/o. Antonio P. Diniz, Shop No.107, D Bldg. 1<sup>st</sup> floor, Osia Complex, Margao-Goa, hereunto set his hand this 22<sup>nd</sup> day of November, 2019.

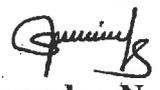
  
Ashok Kumar Seth, PoA for M/S. Watermark Properties Pvt. Ltd., (applicant)

Signature and designation of the witnesses:

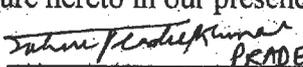
1.   
PRADEEP KUMAR SAHNI

2.   
Kiran Sahni



  
( Surendra Naik )  
Additional Collector-II,  
South Goa District,  
Margao- Goa

We declare Ashok Kumar Seth, who has signed this sanad is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

1.   
PRADEEP KUMAR SAHNI

2.   
Kiran Sahni

Copy to:

1. The Mamlatdar of Salcete-Goa.
2. The Town Planner, Margao, Goa.
3. The Dy. Conservator of Forests, Margao, Goa.
4. The Inspector of Survey & Maps, Margao, Goa.

**ATTESTED**  
NOTARY PUBLIC  
DELHI (INDIA)



14 JAN 2020

711

GOVERNMENT OF GOA

DEPARTMENT OF SURVEY & LAND RECORDS  
MARGAO

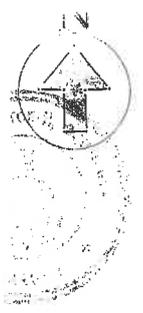
PLAN

OF THE PROPERTY BEARING SURVEY No.147/2P, 4P, 6P, 8P, 10P, 16P, 18P, 26P, 28P & 30P  
SITUATED AT CAVELOSSIM VILLAGE OF SALCETE TALUKA APPLIED FOR  
CONVERSION OF USE OF LAND FROM AGRICULTURAL INTO NON AGRICULTURE  
AND USE BY M/s. WATERMARK PROPERTIES PVT. LTD VIDE ORDER  
NO. AC-IV/SAL/SG/CONV/113/2016/1499 DATED 20/10/2017 FROM ADDITIONAL  
COLLECTOR-II. SOUTH GOA DISTRICT MARGAO GOA.

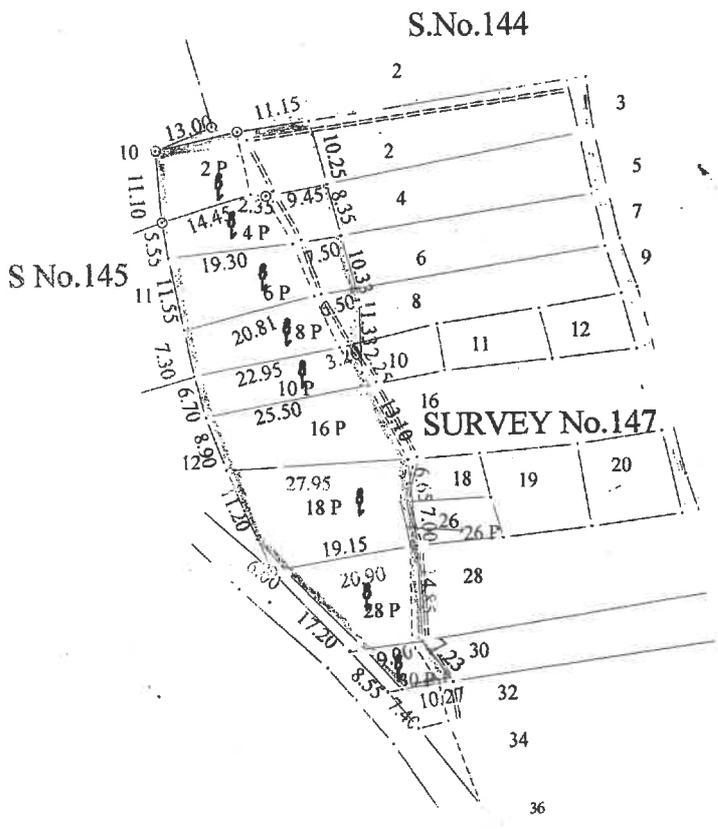
SCALE : 1:1000



AREA TO BE CONVERTED OF S.NO: 147/2P, 4P, 6P, 8P, 10P, 16P, 18P, 26P,  
28P, 30P = 2035.00 SQ. MTS.



*[Signature]*  
INSPECTOR OF SURVEY  
& LAND RECORDS, MARGAO.



*[Signature]*  
Swapnil D. Sawant (F.S.)  
PREPARED BY  
SURVEYED ON: 08/08/2017

*[Signature]*  
PRITI BONDBAGKAR (H.S.)  
VERIFIED BY  
File No.: 2/1ST.R/25/2017

ATTESTED  
NOTARY PUBLIC  
DELHI (INDIA)



14 JAN 2020

Ex-18

712



FORM I &amp; XIV

नमुना नं १ व १४

100015027231

Date : 22/05/2022

Page 1 of 1

Taluka SALCETE  
 तालुका  
 Village Cavlossim  
 गांव  
 Name of the Field Dongachy Fally Or Danga Fally  
 शेताचे नांव

Survey No. 147  
 सर्वे नंबर  
 Sub Div. No. 37  
 हिस्सा नंबर  
 Tenure  
 सत्ता प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.) Total Cultivable Area  
 एकूण लागण क्षेत्र

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजन	Ker केर	Morad मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.07.75	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.07.75

Jn-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)  
 Pot-Kharab पोट खराब

Remarks शेरा

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जामीन	Grand Total एकूण
0000.00.00	0000.00.00	0000.00.00	0000.07.75

Assessment : आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रेदियाल	Rs. 0.00	Rent रेंट	Rs. 0.00
----------------------	----------	-------------	----------	----------------------	----------	--------------	----------

S.No.	Name of the Occupant कब्जेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Ravindra Viswanath Audi alias Kui Audi		18975-	

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Nil			

Other Rights इतर हक्क	Mutation No. फेरफार नं	Remarks शेरा
Name of Person holding rights and nature of rights: इतर हक्क धारक करणाऱ्याचे नांव व हक्क प्रकार Nil		

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year वर्ष	Name of the Cultivator लागण करणाऱ्याचे नांव	Mode रित	Season मौसम	Name of Crop पिकाचे नांव	Irrigated बागायत	Unirrigated जिरायत	Land not Available for Cultivation नापिक जमीन		Source of Irrigation सिंचनाचा प्रारि	Remarks शेरा
					Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Nature प्रकार	Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी.		

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.

Ex-"C"



713

OFFICE OF THE SENIOR TOWN PLANNER  
TOWN & COUNTRY PLANNING DEPARTMENT,  
SOUTH GOA DISTRICT OFFICE,  
OSIA COMMERCIAL ARCADE, 4<sup>TH</sup> FLOOR 'B' WING  
MARGAO-GOA.

REF:TPM/ 29193/Cavel/147/18,26,28,30(p)/8728

DATE: 21/08/2020

TECHNICAL CLEARANCE ORDER

Technical Clearance is hereby granted for carrying out the work of amalgamation of plots bearing Sy.No. 147/18 to 20,26,28 & 30 and proposed construction of residential bungalow as per the enclosed approved plans in the property zoned as Settlement zone (partly) in Regional Plan for Goa 2004 & 2021 and situated in survey no. 147/18(p),26(p),28(p) & 30(p) sub-division ---- of Cavellosim Village of Salcete Taluka with the following conditions:-

1. Construction shall be strictly as per the approved plans No changes shall be effected in the approved plans/approved built spaces without the prior permission of this Authority.
2. The permission granted shall be revoked, if any information, plans, calculations, documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of the permission and the applicant will not be entitled for any compensation.
3. The development permission will not entitle the applicant for making/laying any claim on water and any other connection from the Government of Goa.
4. The Developer/applicant should display a sign board of minimum size 1.00mts. x 0.50mts. with writing in black colour on a white background at the site, as required under the Regulations.
5. The developer/applicant shall obtain conversion sanad under the Goa Land Revenue Code, 1968, before the commencement of any development/construction as per the permission granted by this order.
6. The soak pit should not be located within a distance of 15.00meters from any existing well in the surrounding area.
7. The commencement and the completion of the work shall be notified to the authority in writing in appropriate forms.
8. Completion Certificate has to be obtained from this Authority before applying for Occupancy Certificate from the licensing authority.
9. Storm water drain should be constructed along the boundary of the effected plot abutting to the road.
10. Adequate Utility space for the dustbin, transformer etc. should be reserved within the plot area.
11. In case of any cutting of sloppy land or filling of low lying land, are involved, prior permission of the Chief Town Planner shall be obtained before the commencement of the works per the provisions of Section 17(A) of the Goa Town and Country Planning Act, 1974.
12. The Ownership of the property shall be verified by the licensing body before issuing the licence.
13. Verification of the tenancy position as on 2/11/1990 and thereafter shall be made by the licensing body before issuing the licence.
14. As regards complaints pertaining to encroachments, Judicial orders/directive and other legal issues, the same may be verified and confirmed by the concern Village Panchayat before issuing licence.
15. The set backs shown on the site plan shall be strictly maintained.
16. The Village Panchayat shall ensure about the availability of power and water supply and other required infrastructure before issuing licence.
17. The area under road widening shall be deemed to be public road and shall not be enclosed/encroached. Affidavit/undertaking in this regard shall be sworn before the Village Panchayat/PWD as the case may be on stamp paper of Rs. 100/-.

18. This Technical Clearance Order is issued relying on the survey plan submitted to this office from the concerned authority. In case of any boundary dispute/encroachment if any shall be resolved by the applicant with clear demarcation of the boundaries from Survey Department. This office shall not be held responsible at any point of time as the said technical clearance order is only from planning point of view.
19. Applicant shall dispose the construction debris at his/her own level and/or the same shall be taken to the designated site as per the disposal plan given by the applicant in the Affidavit to be produced to the Village Panchayat.
20. This technical clearance order is issued based on the Conversion Sanad issued by Additional Collector -II vide no. AC-II/SAL/SG/CONV/113/2016/12977 dtd. 22/11/2019.
21. Any kind of spillage shall be avoided in remaining area of property under reference i.e. in Eco-Zone and also in neighbouring plots at all point of time.
22. Adequate care shall be taken that no nuisance in the vicinity by way of pollution like water, noise, fumes, vibration, smell etc., during construction activities.
23. Construction of bungalow shall be strictly carried out within Settlement zone as per approved plan of this office. All the setbacks and road widening area as shown on site plan shall be strictly maintained on site.
24. Project proponent shall obtain prior NOC from all the competent authorities wherever required, if any before commencement of work, the same shall be ensured by Village Panchayat.
25. No filing of land shall be carried out without prior permission from Chief Town Planner (Land Use) under Section 17-A of TCP Act.
26. While undertaking the construction, debris should not be dumped along the road or in adjoining property.
27. Complaints made by villagers shall be verified by Village Panchayat before issuing construction licence.

THIS ORDER IS ISSUED WITH REFERENCE TO THE APPLICATION DATED 11/8/2020 FROM MR. GURDEEP SINGH BEDI & MRS. BINA BEDI.

THIS ORDER IS VALID FOR THREE YEARS FROM THE DATE OF ISSUE OF CONSTRUCTION LICENCE, PROVIDED THE CONSTRUCTION LICENCE IS ISSUED WITHIN THE PERIOD OF THREE YEARS.

*(Handwritten signature)*  
19.8.20

(M.N. Venkar)  
Dy. Town Planner

Note: Pursuant to this office assessment Order No. TPM/29193/Cavel/147/2,4,6,8,10,16,18,26,28 & 30(p)/2020/423 dtd. 27/1/2020 and TPM/29193/Cavel/147/2020/3647 dtd. 18/8/2020, the applicant has paid the Infrastructure tax of Rs. 83,406/- & 11,204/- vide challan no. 459 & 124 dtd. 28/1/2020 & 13/6/20.

To,  
Mr. Gurdeep Singh Bedi &  
Mrs. Bina Bedi,  
C/o Jolly Barooan,  
A-102, Riverside Mobor,  
Cavelossim, Salcete-Goa.  
Copy to:  
The Sarpanch/Secretary,  
Village Panchayat of Cavelossim  
Salcete-Goa.



Ex-"D"

715

TRUE COPY



VILLAGE PANCHAYAT CAVELOSSIM, SALCETE GOA

CONSTRUCTION LICENCE

YEAR - 2020-21 DATE:-09/02/2021

Construction Licence No. VP/Cav/2020-2021/4.

Resolution no. 4(4) dt. 17/12/2021 and 3(3) dated 16/01/2021



Mr. Gurdeep Singh Bedi & Mrs. Bina Bedi from Cavellossim, Salcete Goa, is hereby granted this licence for carrying out the work of amalgamation of plots bearing Sy. No. 147/18 to 20, 26, 28 & 30 and proposed Construction of residential bungalow in Sy. No. 147/18(p), 26(p), 28(p) & 30(p) at Cavellossim Salcete Goa based on the approved order/letter of Senior Town Planner, Margao, Letter No. TPM/29193/Cavel/17/18, 26,28,30(p)/3728 dated 21/08/2020 and in terms of resolution No. 4(4) taken in the Panchayat meeting dated 17/12/2020 and 3(3) dated 16/01/2021 as per the plan in Duplicate attached to her/his application vide inward No. 872 dated 14/1/2020 one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself/herself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and condition imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level.
4. To inform the Panchayat when the construction has been completed upto plinth level.
5. To inform the Panchayat as soon as the construction is completed.
6. Not to inhabit the building without the prior permission of this Panchayat.
7. To abide by the other related provision In force.
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9. The construction licence shall be revoked.
  - a. if the construction work is not executed as per the plans approved and statements therein;
  - b. Wherever there is any false statement or any misrepresentation of any material /wrong plans/Calculations/documents in any incorrect of wrong at any stage.
10. Any change to be effected to the approved plans, prior permission on has to be obtained.
11. Prior to commencement in development work it will be incumbent upon the applicant to have valid conversion sanad of use of land as contemplated under Goa, Daman & Diu Land Revenue code 1968.
12. There should not be any drinking water well within 15 meters from Soak pit, Septic tank vice versa.

SEEN

.....Other Conditions Continued on Page No. 2.....

Borpono  
V.P. Cavellossim



No cutting of trees is to be undertaken without prior permission from the Dy. Conservator Department of Forest, Govt. of Goa and other relevant authorities.

14. The opening of the compound wall gate shall be inward only.
15. Traditional Pathway if any, passing through the property shall not be blocked. Any existing natural course of water passing through the property shall not be blocked or diverted.
16. Neat and clean environment with special reference to drainages, sewage, garbage etc. shall be maintained.
17. If any HT/LT/electric line is passing through the property then N.O.C. of The Electricity department shall be obtained prior to starting the construction work.
18. Completion certificate should be obtained from Senior Town Planner.
19. It is advisable to plant trees suitable to site condition.



In case of compound wall adequate openings at the bottom of the compound wall shall be kept so that no cross drainage is blocked.

No hill cutting or filling of low lying area shall be undertaken without obtaining prior permission from the Chief Town Planner under section 17 of T.P. Act.

N.O.C. from all concerned authorities shall be obtained before commencement of the development.

23. F.A.R. coverage & Setback shall be strictly maintained as per the Approved plans and as per the rules in force.
24. Curing water should be treated with anti-larval chemicals.
25. The labourers engaged for the construction work shall possess Health Card failing which each labour shall be penalized with a fine of Rs. 1000/- at the first instance and Rs. 50/- daily under section 75AA of Goa, Daman & Diu Public Health Act.
26. The R.C.C. Layout should be conformed to the approved building dimensions.
27. The setback for construction of compound wall from the center line of the Road may be confirmed from the competent authority.
28. The Owner/Occupier of the building should also provide dust bin for disposal of their garbage etc. and same should be borne from their end.
29. The set backs shown on the site plan shall be strictly maintained.

30. All the conditions mentioned in Town and Country Planning Department No. TPM/29193/Cavel/17/18, 26,28,30(p)/3728 dated 21/08/2020 Shall be strictly complied with.
31. The Owner/ Occupier of the building has to take adequate measures to have a rain water harvesting infrastructure setup to conserve water in his premises.
32. Waste generated by the owner/ occupier should be segregated and handed-over to Government authorized entity or Individual No burning and No dumping is allowed and is a punishable offence under the act.
33. If any land filling is to be carried out, prior permission from concerned authorities has to be obtained.

**The Following conditions are to be followed as per Contempt Petition No. 43 of 2017 in public interest litigation WP No. 4 of 2007 and Notification No.5-1-PCE-PWD-EO/2018/181 dtd. 07/03/2018:-**

1. The applicant shall dispose the construction debris at his/her own level and/or the same shall be taken to the designated site as per the disposal plan given by the applicant in the affidavit at his own expenses.
2. Applicant shall produce the certificate issued by the concerned PWD officials of designated sites as mentioned in the said notification dated 07/03/2018.
3. Failing to comply clause (a) and (b) the penalty shall be imposed to the applicant at the rate of 0.5% on the total cost of the project and also the construction licence issued to the applicant shall be withdrawn/cancelled.
4. Before Commencement of work to get Mutation on form I & XIV and demarcation of property.

**This licence is granted on the strength of the TCP. NOC (Ref. No. TPM/29193/Cavel/17/18, 26,28,30(p)/3728) and Conversion sanad issued by the collector south Goa.(No. AC-II/SAL/SG/CONV/113/2016/12977) all conditions mentioned in the above N.O.C./ Sanad) have to be strictly followed.**

**The applicant has paid the respective tax/fees the tune of Rs. 30,710/- (Rupees Thirty Thousand Seven hundred ten only) by receipt no. 04/95 dated 09/02/2021**

**The Licence shall be valid for a period of three years beginning from 09/02/2021**

This carries the embossed seal of this Panchayat  
Office of Village Panchayat Cavlossim

Place: - Cavlossim, Salcete, Goa.  
Date: 09/02/2021



*(Signature)*  
(Allauddin Maniyar)  
Secretary  
V.P. Cavlossim

CERTIFIED TO BE TRUE COPY  
OF THE ORIGINAL



*V.V. Sukhthanker*

V.V. SUKHTHANKER  
NOTARY  
MARGAO-GOA  
State of Goa (India)

Reg. No. 0758/21  
Date... 11/02/2021

Ex-"E"

719



OFFICE OF THE SENIOR TOWN PLANNER  
TOWN & COUNTRY PLANNING DEPARTMENT,  
SOUTH GOA DISTRICT OFFICE,  
OSIA COMMERCIAL ARCADE, 4<sup>TH</sup> FLOOR 'B' WING  
MARGAO-GOA.

REF:-TPM/29193/cavel/147/18 to 20,26,28 & 30/2021/2658 DATE:-  
10/6/2024

**TECHNICAL CLEARANCE ORDER**

Technical Clearance is hereby granted for carrying out the work of proposed **construction of residential bungalow( revised plan)** as per the enclosed approved plans in the property zoned **Settlement zone(partly)** in **Regional Plan for Goa 2021** and situated in **Survey no. 147/18 to 20,26,28 and 30 (amalgamated plots)** of **Cavelossim Village of Salcete Taluka** with the following conditions:-

1. Construction shall be strictly as per the approved plans No changes shall be effected in the approved plans/approved built spaces without the prior permission of this Authority.
2. The permission granted shall be revoked, if any information, plans, calculations, documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of the permission and the applicant will not be entitled for any compensation.
3. The development permission will not entitle the applicant for making/laying any claim on water and any other connection from the Government of Goa.
4. The Developer/applicant should display a sign board of minimum size 1.00mts. x 0.50mts. with writing in black colour on a white background at the site, as required under the Regulations.
5. The construction of compound wall shall not amount to blocking of any natural water course/drain and adequate number of openings in the compound wall shall be made for smooth flow of water.
6. The applicant shall obtain Conversion Sanad under the Goa Land Revenue Code, 1968, before the commencement of any development/construction as per the permission granted by this order.
7. The soak pit should not be located within a distance of 15.00meters from any existing well in the surrounding area.
8. Completion Certificate has to be obtained from this Authority before applying for Occupancy Certificate from the licensing authority.
9. Storm water drain should be constructed along the boundary of the effected plot abutting to the road.
10. Adequate Utility space for the dustbin, transformer etc. should be reserved within the plot area.
11. In case of any cutting of sloppy land or filling of low lying land, are involved, prior permission of the Chief Town Planner shall be obtained before the commencement of the works per the provisions of Section 17(A) of the Goa Town and Country Planning Act, 1974.
12. The Ownership of the property shall be verified by the licensing body before issuing the licence.
13. Verification of the tenancy position as on 2/11/1990 and thereafter shall be made by the licensing body before issuing the licence.

Cont...

14. Maximum height of a compound wall along the boundary other than that abutting on a street shall be 1.80mts and along the boundary abutting on a street upto a height of 1.50mts only which shall be of closed type up to a height of 90cm. only and open type above that height.
15. Along the intersections of streets no compound wall shall be raised to a height of more than 1.0mts from the crown of the road for a length of 9.0mts from the intersections corner of the plot, on both sides of the plot.
16. In case of road intersection the construction of compound wall should be carried out in a smooth curve of 3.00mts radius for roads upto 10.0mts R/W and that of 5.00mts radius for roads above 10.00mts R/W.
17. As regards complaints, pertaining to encroachments, Judicial orders/directive and other legal issues, the same may be verified and confirmed by the concern Village Panchayat before issuing licence.
18. The set backs shown on the site plan shall be strictly maintained.
19. The Village Panchayat shall ensure about the availability of power and water supply and other required infrastructure before issuing licence.
20. This Technical Clearance order is issued relying on the survey plan submitted to this office . In case of any boundary dispute/encroachment if any shall be resolved by the applicant with clear demarcation of the boundaries from survey Department. This office shall not be held responsible at any point of time as the said Technical Clearance order is only from Planning point of view.
21. Applicant shall dispose the construction debris at his/her own level and/or the same shall be taken to the designated site as per the disposal plan given by the applicant in the Affidavit to be produced to the corporation/Municipal Council/Village Panchayat(as the case may be).
22. This technical clearance is issued as partial modification to earlier technical clearance order Ref no. TPM/29193/Cavel/147/18,26,28,30(P)/3728 dtd 21/8/2020.
23. All the conditions laid down on technical clearance order dtd 21/8/2020 shall be strictly adhere too.

THIS ORDER IS ISSUED WITH REFERENCE TO THE APPLICATION DATED 10/3/2021 RECEIVED FROM MR GURDEEP SINGH BEDI AND MRS BINA BEDI

THIS ORDER IS VALID FOR THREE YEARS FROM THE DATE OF ISSUE OF CONSTRUCTION LICENCE, PROVIDED THE CONSTRUCTION LICENCE IS ISSUED WITHIN THE PERIOD OF THREE YEARS.

  
( Sanjay A. Halornekar )  
Dy. Town Planner

NOTE: Pursuant to this office assessment Order no. TPM/29193/cavel/147/2020/3647 dtd 18/8/2020 the applicant has paid the infrastructure tax of Rs. 11,204 /-(Rupees Eleven thousand two hundred and four only ) vide challen no. 124 dtd 18/8/2020 and Rs. 83,406/-(Rupees Eighty three thousand four hundred and six only) vide challen no. 459 dtd 28/1/2020.

To,  
✓ Mr Gurdeep Singh Bedi and Mrs Bina Bedi,  
209, Golf Links, New Delhi,  
110003.

Copy to:  
The Sarpanch/Secretary,  
Village Panchayat of **Cavelossim**  
Salcete Goa.  
tg/-



Ex-"f"

721

Government of Goa  
Primary Health Centre Chinchinim

No. PHC-Chin/NOC/21-22/442

Dated: 06.08.2021

NO OBJECTION CERTIFICATE

This is to certify that the construction site of the *residential bungalow (revised plan)* of *Shri. Gurdeep Singh Bedi & Smt. Bina Bedi* at *Survey no. 147/18 to 20, 26, 28 & 30 of village Cavelasim of salcete taluka* has been inspected and this office has NO Objection to the said construction from the sanitation point of view.

(Ref. TCP Technical Clearance Order No. *T.P.M./29.193/Cavelosim/147/18 to 20, 26, 28 & 30/2021/265* dtd. *10.06.2021*.)

Size of Septic Tank: *5.00mt x 2.00mt x 2.00mt.*

Size of Soak Pit: *3.00mt x 3.00mt x 2.50mt.*

Location: *North - west side*

This certificate is issued on condition that the Applicant and/or Builder shall comply with the following requirements:-

- 1) The name of the Construction/ Proprietor, V.P. Construction License Number & Number of the NOC from the Health Department shall be prominently displayed at the construction site.
- 2) The construction activity shall commence only after permission for the same is issued by the Licensing Authority (Village Panchayat).
- 3) The septic tank & soak pit shall be constructed as per the submitted plan and it shall not be located within fifteen meters from any well/ drinking water source or reservoir. Guidelines w.r.t. design/ construction & maintenance of septic tank & soak pit issued by the Department of Science & Technology, published in the Official Gazette, Government of Goa, Extraordinary, Series I, No. 50, Dt. 10-03-2000 shall be complied with.
- 4) All the labourers employed in the construction activity shall possess valid Health Cards and the same shall be renewed every three months. No labourer shall be engaged at the site unless he /she has a valid Health Card. The Health cards shall compulsorily be maintained at the construction site. A fine of Rs. 10,000 (Rupees Ten Thousand only) shall be imposed for each labourer found without a valid Health Card at the construction site.

- 5) It shall be ensured that appropriate anti mosquito-larval chemicals are sprayed on the water accumulated on-site, in pits, curing sites etc. so as to avoid breeding of mosquitoes.
- 6) Adequate provision shall be made for the sanitation requirements of the labourers involved in the construction activity and no nuisance shall be created at and around the construction site.
- 7) No nuisance shall be created in the vicinity by the release of water/offensive matter/fumes, vibration, foul smell etc. during the construction activity.
- 8) NOC from this authority shall be obtained before applying to the Village Panchayat for Occupancy Certificate.
- 9) The applicant/ his representatives at the construction-site shall cooperate with the Health Authorities whenever they visit for inspection.
- 10) This Certificate is issued based upon the self-attested documents submitted by the applicant. It is not within the purview of this office to suo moto investigate the veracity /genuineness of the documents submitted, i.e. the actual ownership of the property, the zone in which the property lies as per the Regional Plan or to deal with complaints pertaining to encroachments or legal encumbrances.
- 11) This NOC shall be summarily revoked if the conditions stipulated above are not complied with or if it is established that this NOC has been obtained using fraudulent means/ fraudulent documents.



To,

Shri. Gurdeep Singh Bedi &amp;

Smt. Bina Bedi

209, Golf link, New Delhi,  
110003.

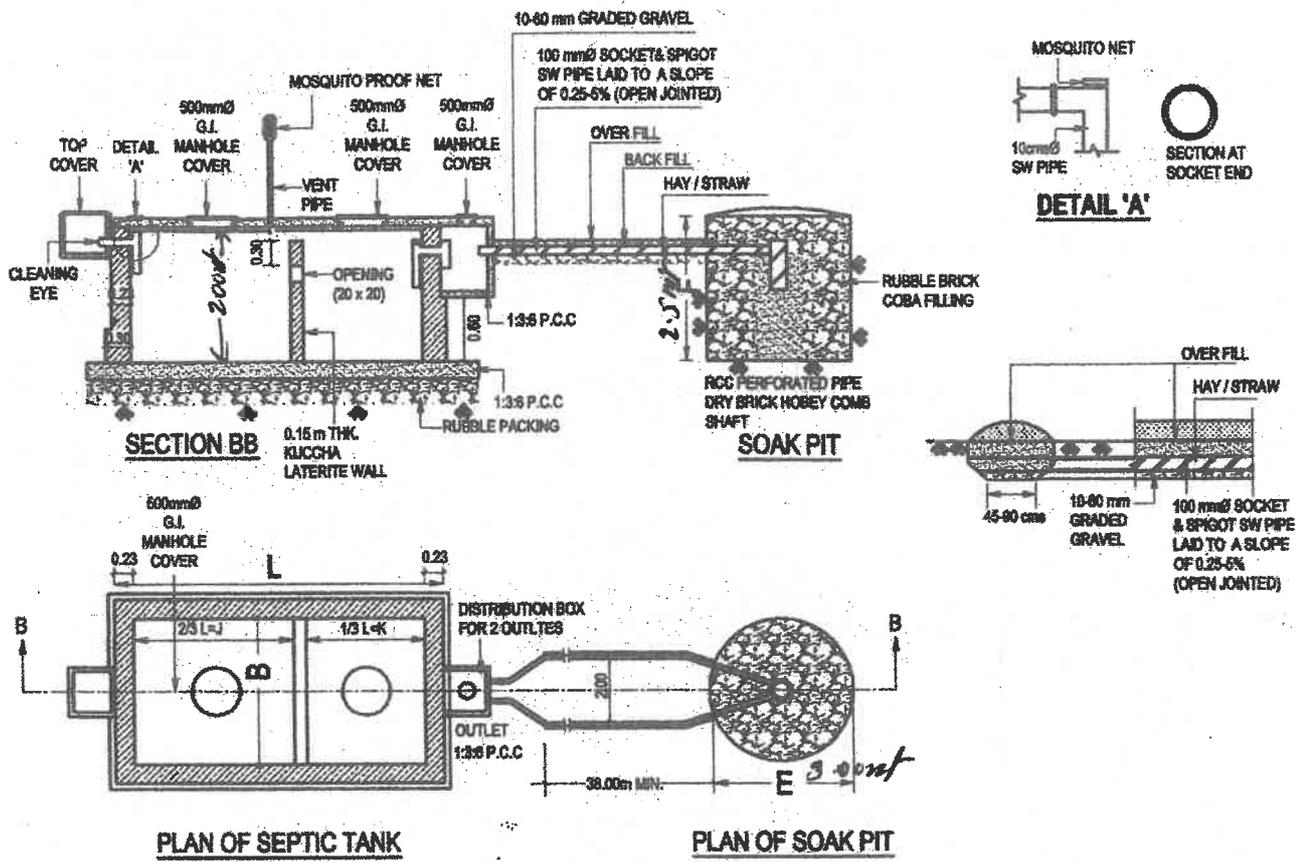
03-08-2021

Dr. Nixon Martins Fernandes  
**MEDICAL OFFICER**  
**PRIMARY HEALTH CENTRE**  
**CHINCHINIM**

Copy to:

The Secretary, Village Panchayat of Cavelasim, Salletete.

# DETAILS OF SEPTIC TANK & SOAK PIT



SCHEDULE OF DIMENSIONS

No. of Users	Length (m)	Breadth (m)	Liquid depth (cleaning interval of)	
			2 years	3 years
5	1.5	0.75	1.0	1.05
10	2.0	0.90	1.0	1.40
15	2.0	0.90	1.30	2.00
20	2.3	1.10	1.30	1.80
50	5.0	2.00	1.0	1.24
100	7.5	2.65	1.0	1.24
150	10.0	3.00	1.0	1.24
200	12.0	3.30	1.0	1.24

Copy of approved construction plan.

MEDICAL OFFICER  
Primary Health Centre  
Chinchinim

*[Handwritten signature]*

*Jolly Barooah*

*Jolly Barooah*

**JOLLY BAROOAH**  
ARCHITECT  
CA/87/10886  
AR/0036/2013  
A102, RIVERSIDE, MOBOR,  
CANELOSSIM-GOIA 403731

Ex-"G"

724"

**VILLAGE PANCHAYAT CAVELOSSIM, SALCETE GOA.**

**CONSTRUCTION LICENCE**

**YEAR – 2021-22 DATE:- 14/09/2021**  
**Construction Licence No. VP/Cav/2021-2022/3.**  
**Resolution no. 2(1) dt. 24/08/2021**

**Mr. Gurdeep Singh Bedi & Mrs. Bina Bedi** from 209, Golf Links, New Delhi, is hereby granted this licence for carrying out the work of proposed Construction of residential bungalow (revised plan) as per the enclosed approved plans in the property zoned Settlement zone (partly) in Regional Plan for Goa 2021 and situated in Survey no. 147/18 to 20,26,28 and 30 (amalgamated plots) of Cavelossim Salcete Goa based on the approved order/letter of Senior Town Planner, Margao, Letter No. TPM/29193/Cavel/147/18to20,26,28&30/2021/2658 dated 10/6/2021 and in terms of resolution No. 2(1) taken in the Panchayat meeting dated 24/08/2021 as per the plan in Duplicate attached to her/his application vide inward No. 411 dated 11/8/2021 one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself/herself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and condition imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level.
4. To inform the Panchayat when the construction has been completed upto plinth level.
5. To inform the Panchayat as soon as the construction is completed.
6. Not to in habit the building without the prior permission of this Panchayat.
7. To abide by the other related provision In force.
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9. The construction licence shall be revoked.
  - a. if the construction work is not executed as per the plans approved and statements therein;
  - b. Wherever there is any false statement or any misrepresentation of any material /wrong plans/Calculations/documents in any incorrect of wrong at any stage.
10. Any change to be effected to the approved plans, prior permission on has to be obtained.
11. Prior to commencement in development work it will be incumbent upon the applicant to have valid conversion sanad of use of land as contemplated under Goa, Daman & Diu Land Revenue code 1968.
12. There should not be any drinking water well within 15 meters from Soak pit, Septic tank vice versa.

  
Dias  
Surpach

.....Other Conditions Continued on Page No. 2.....

13. No cutting of trees is to be undertaken without prior permission from the Dy. Conservator Department of Forest, Govt. of Goa and other relevant authorities.
14. The opening of the compound wall gate shall be inward only.
15. Traditional Pathway if any, passing through the property shall not be blocked. Any existing natural course of water passing through the property shall not be blocked.
16. Neat and clean environment with special reference to drainages, sewage, garbage etc. shall be maintained.
17. If any HT/LT/electric line is passing through the property then N.O.C. of The Electricity department shall be obtained prior to starting the construction work.
18. Completion certificate should be obtained from Senior Town Planner.
19. It is advisable to plant trees suitable to site condition.
20. In case of compound wall adequate openings at the bottom of the Compound wall shall be kept so that no cross drainage is blocked.
21. No hill cutting or filling of low lying area shall be undertaken without obtaining prior permission from the Chief Town Planner under section 17 of T.P. Act.
22. N.O.C. from all concerned authorities shall be obtained before commencement of the development.
23. F.A.R. coverage & Setback shall be strictly maintained as per the Approved plans and as per the rules in force.
24. Curing water should be treated with anti-larval chemicals.
25. The labourers engaged for the construction work shall possess Health Card failing which each labour shall be penalized with a fine of Rs. 1000/- at the first instance and Rs. 50/- daily under section 75AA of Goa, Daman & Diu Public Health Act.
26. The R.C.C. Layout should be conformed to the approved building dimensions.
27. The setback for construction of compound wall from the center line of the Road may be confirmed from the competent authority.
28. The Owner/Occupier of the building should also provide dust bin for disposal of their garbage etc. and same should be borne from their end.
29. The set backs shown on the site plan shall be strictly maintained.

30. All the conditions mentioned in Town and Country Planning Department No. TPM/29193/Cavel/17/18, 26,28,30(p)/3728 dated 21/08/2020 Shall be strictly complied with.
31. The Owner/ Occupier of the building has to take adequate measures to have a rain water harvesting infrastructure setup to conserve water in his premises.
32. Waste generated by the owner/ occupier should be segregated and handed over to Government authorized entity or Individual No burning and No dumping is allowed and is a punishable offence under the act.
33. If any land filling is to be carried out, prior permission from concerned authorities has to be obtained.

The Following conditions are to be followed as per Contempt Petition No. 43 of 2017 in public interest litigation WP No. 4 of 2007 and Notification No.5-1-PCE-PWD-EO/2018/181 dtd. 07/03/2018:-

1. The applicant shall dispose the construction debris at his/her own level and/or the same shall be taken to the designated site as per the disposal plan given by the applicant in the affidavit at his own expenses.
2. Applicant shall produce the certificate issued by the concerned PWD officials of designated sites as mentioned in the said notification dated 07/03/2018.
3. Failing to comply clause (a) and (b) the penalty shall be imposed to the applicant at the rate of 0.5% on the total cost of the project and also the construction licence issued to the applicant shall be withdrawn/cancelled.
4. Before Commencement of work to get Mutation on form I & XIV and demarcation of property.

This licence is granted on the strength of the TCP. NOC (Ref. No. TPM/29193/Cavel/17/18, 26,28,30(p)/3728) and Conversion sanad issued by the collector south Goa.(No. AC-II/SAL/SG/CONV/113/2016/12977) all conditions mentioned in the above N.O.C./ Sanad) have to be strictly followed.

The applicant has paid the respective tax/fees the tune of Rs. 30,710/- (Rupees Thirty Thousand Seven hundred ten only) by receipt no. 04/95 dated 09/02/2021

The Licence shall be valid for a period of three years beginning from 09/02/2021

This carries the embossed seal of this Panchayat  
Office of Village Panchayat Cavelossim

Place: - Cavelossim, Salcete, Goa.  
Date: 09/02/2021

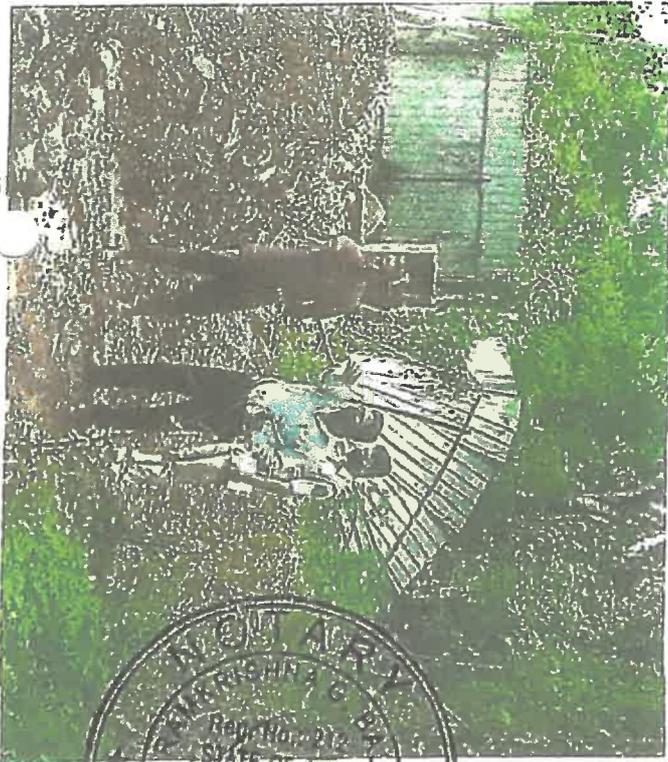


*(Handwritten signature of Allauddin Maniyar)*

(Allauddin Maniyar)  
Secretary  
V.P Cavelossim

Ex-<sup>o</sup>H

727



*Jfdes*



89

**BEFORE THE GOA COASTAL ZONE MANAGEMENT  
AUTHORITY AT PANAJI**

Ref no. GCZMA/S/Ille-Compl/21-22/35/1852.

Residents of Tamborim Ward,

C/o Paul Lobo

...Complainants

*Versus*

Mrs. Bina Bedi & anr.

...Respondents

**REPLY ON BEHALF OF RESPONDENTS**

**TO THE SHOW-CAUSE NOTICE DATED**

**20.01.2022**

**MAY IT PLEASE YOUR HONOUR**

The Respondents above named most respectfully states and submits as under:-

1. The Respondents herein on 29.01.2022 received a "Stop-Work/Show-Cause Notice" dated 20.01.2022, issued by this Hon'ble Authority directing these Respondents to stop work undertaken by these Respondents and calling upon these Respondents to show-cause as regards the alleged illegalities mentioned therein. These Respondents pursuant to which

craves leave of this Hon'ble Authority to file the present reply dealing with the Show-Cause Notice dated 20.01.2022, hereinafter referred to as "*said show-cause*". It is submitted that perusal of the said show-cause notice reveals that same is based solely on the complaint filed by the Complainants dated 13.12.2021 and 14.01.2022 which are based on false and concocted facts and as such, in-order to enable this Hon'ble Authority to appreciate the true and correct facts, the present reply is being filed.

2. At the outset, it is specifically denied that these Respondents have done any activity contrary to the permissions and approvals granted by any Competent Authority. It is further specifically denied that these Respondents have carried out construction activity in any eco-sensitive low-lying khazan land as alleged. It is submitted that these Respondents do not have any intention of doing any sort of construction activity otherwise than in due course of law. It is also specifically denied that these Respondents have illegally done ground filling of low-lying khazan land as alleged. It is further specifically denied that construction activities undertaken by these Respondents in property bearing Survey no. 147/18, 26, 28, 30 32 & 34 of Village Cavelossim are with the CRZ area as

alleged. The allegation in the said complaints that concerned land is low-lying land influenced by the tide and hence is protected under CRZ Regulations and forest law is with respect false and not tenable. It is further denied that any mangroves were cut by these Respondents as alleged in the said complaints. As a matter of fact, if one peruses the records maintained by this Hon'ble Authority, there are no mangroves in the portion of land where concerned structure is proposed to be constructed by these Respondents, the allegations and plea to that effect by the Complaints is false and concocted. As far as Forest Department is concerned, whilst granting Sanad for conversion of land, the Office of Collector had sought for NOC from Department of Forest, who by letter dated 10.11.2017 has granted NOC for conversion of land. It is specifically denied that said lands are low-lying khazan land and that same act as main drainage of flood water from Tamborim as alleged. It is also stated that the photographs annexed to the Complaint dated 13.12.2021 are illegible and as such the Complainant be directed to furnish legible copies of same. On receipt of coloured copies of same, this Respondent craves leave to file additional reply dealing with same. Furthermore, perusal of Exhibit B of the said complaint also reveals that the

land in question is not khazan land as the Complaint expects this Hon'ble Authority to mark the said land as khazan land.

3. It is most respectfully submitted that said *show-cause notice* with respect is based on misconception of fact. It is stated that perusal of the said *show-cause notice* clearly reveals that same is purely based on the complaint dated 13.12.2021 filed by *Residents of Tamborim ward, Cavelossim C/o Paul Lobo* and complaint dated 19.01.2022 filed by *Mr. Jose Fernandes* (hereinafter collectively referred to as **said complaints**). It is most respectfully stated that the allegations made in the said complaints which is the basis for issuance of *show-cause notice* is incoherent, vague and untenable. It is stated that perusal of the said complaints clearly reveals the entire allegations contained therein are based on conjectures and surmises. The vagueness and the cryptic nature in which the allegations are made itself makes it very clear that the entire complaint is nothing but a tool used by the complainants to blackmail and restrain these Respondents from exercising their proprietary rights over the said properties. It is stated that construction activity undertaken by these Respondents is in-terms of the permissions and licenses granted by the competent authorities in-terms of provision of law,

furthermore through vide Sanad dated 22.11.2019, area of 2035 sq. mts. is converted to be used for residential purpose i.e. Survey No. 147/2,4,6,8,10,16,18,26,28 and 30 out of which property bearing Survey No. 147/18, 26, 28 and 30 is owned by these Respondents admeasuring 660 sq, mts. As apparent from the approved plan these Respondents only intent to use area of 661 sq. mts. for construction of their residential house in the said area. It is imperative to note that as.on the date the conversion sanad, technical clearance and construction license was granted by competent authorities to these Respondents and as on the date the construction was commenced by these Respondents, said area was not khazan land.

4. It is stated that the perusal of the averments made in the said complaints itself makes it clear that the land in question cannot be termed as low lying or eco-sensitive land. Complainants in their complaints itself calls upon this Hon'ble Authority to declare the concerned area as 'khazan' land which implies that the said land cannot by any stretch of imagination be considered as khazan land. Considering the said fact, all the competent authorities in terms of the building bye laws have granted permissions to these

Respondents for construction of a residential house in the said property details of which are set out herein after. The complainant in spite of knowing the fact that the said land is not 'khazan' land has approached this Hon'ble Authority with misleading averments and called upon this Authority to issue notice to the Respondents. The admission as to the said lands not being khazan land is clear and unambiguous from the complaint itself wherein the complainant specifically urges this Authority to declare the said land as khazan land. In any event none of the provisions of CRZ Regulations are applicable to the land in question in as much as the said land is earmarked in the regional plan as settlement zone and upon due consideration to the said fact the authorities on application of mind and upon considering the relevant material have granted approval. It may also be relevant to take note of the fact that the said land is also ordered to be converted from agricultural use to non agricultural use in terms of section 32 of Land Revenue Code 1968. While doing so the learned Collector who granted Sanad for conversion of land has undertaken all the required procedure, including obtaining NOC's from the concerned department which are required to be obtained in terms of Land Revenue Code and

accordingly upon due application of mind of the facts of the case, and after having come to the conclusion that the said land can be converted in terms of the Land Revenue Code 1968 granted the conversion Sanad for an area of 2035 sq.mts. comprising of Survey No. 147/2(part), 4(part), 6(part), 8(part), 10(part), 16(part), 18(part), 26(part), 28(part) and 30(part). The converted area as per the Sanad granted by the Dy. Collector, which is referable to property purchased by the Respondent admeasures an area of 661 sq. mts, although by Deed of Sale dated 27.11.2019, the Respondent purchased an area of 3075 sq. mts. The said approvals sought for were in accordance with the building bye laws. As such, the pleas urged by the Complainants which is solely based on the purported claim that the land in question is low lying and that the same being khazan land is not tenable and the complaint is liable to be withdrawn forthwith.

The Respondent craves leave to refer and rely upon the CZMP plan as made available online at [dstegoa.gov.in/czmp%20pLANS.html](http://dstegoa.gov.in/czmp%20pLANS.html)

5. Before dealing with the allegations in the said *show-cause notice*, these Respondents would like to raise certain preliminary objections which go into the root of the matter

and same ought to be considered at the first instance. The Preliminary objections are as follows:-

**PRELIMINARY OBJECTIONS**

- a. The perusal of the present complaint under reply reveals that the Complainants seeks to raise issues as regards certain development activities undertaken by these Respondents in the property bearing survey no. 147/18, 26, 28, and 30 of the Village Cavelossim, Salcete Taluka, Goa (***said properties***). It is however stated that perusal of the CZMP prepared by this Hon'ble Authority reveals that said properties do not fall within CRZ area as such, it is most respectfully submitted that this Hon'ble Authority does not have jurisdiction to adjudicate upon issue of alleged illegal land filling.
- b. It is stated that the Complainants in the most callous and casual manner have sought to usurp jurisdiction upon this Hon'ble Authority by making a vague and omnibus allegation without substantiating the same. The Complainants though in the Complaints have sought to alleged that said properties fall within the CRZ area. In-fact in the plan submitted along with Complaint dated 13.12.2021, states that "*the marked highlighted portion*

**need to be immediately marked as khazan lands**

only.”, wherein the complainant marked the said properties which are rightly not shown as khazan land and the complainant wants them to be declared as khazan lands. In fact, such statement on part of the complainant is a tacit admission of the fact that said properties are not “khazan lands” currently and as such nothing survives in the present matter. In any event, as on the date the permission was granted by concerned competent authorities, having not been identified as khazan land, the question of calling upon this Authority to mark the said land as Khazan land would not arise as these Respondents have already commenced construction activities in the said properties in terms of the approved plans as per law prevailing on date of grant of such permission by competent authorities. Hence, the plea raised by the Complainant cannot be applicable to the land in question. As such, it is most respectfully submitted that alleged illegal activities do not fall within the purview and scope of consideration for this Hon’ble Authority. On this count alone said complaint ought to be dismissed and said *show-cause notice* ought to be withdrawn.

c. Apart from aforesaid preliminary objection of lack of jurisdiction, these Respondents would also like bring to note of this Hon'ble Authority that the issue of alleged filling of land is subject matter before the Dy. Collector initiated in a proceeding under the Land Revenue Code 1968. It is stated that Dy. Collector-I of South Goa has already issued "*Show-Cause notice cum Stop Work Order*" taking cognizance of alleged illegal land filling. As such, without *prejudice* to the first preliminary objection of lack of jurisdiction, it is stated that considering that since Dy. Collector-I of South Goa has already initiated proceedings under section 17(A) of the TCP Act, it would amount to double vexation and the Respondent would have to face two proceedings of same alleged offence. It is stated that considering the fact that Dy. Collector-I of South Goa has already taken cognizance and the fact that construction activities fall beyond the purview CRA area, it would be most appropriate if the present proceedings are dropped and the *show-cause notice* is withdrawn as the issue of alleged land filling is dealt in the proceedings before the Ld. Dy Collector.

6. These Respondents would like to briefly state the relevant facts to assist this Hon'ble Authority to adjudicate on the subject matter in issue. The relevant facts germane are as follows:-

a. These Respondents by virtue of Deed of Sale dated 27.11.2019 duly registered before the Sub-registrar of Margao bearing registration no. MGO-1-3520-2019 on 27.11.2019 purchased *inter-alia* property bearing survey no. 147/18, 26, 28, 30, 32 & 34 of the Village Cavelossim, Salcete Taluka, Goa (***said property***) with an intention to develop the same in-accordance with provision of law. Upon acquiring title with respect to said property, this Respondent got its name entered in the revenue records of the said property and thereafter, Form I & XIV of the said property was updated and the name of the Respondent is accordingly shown on the Form I & XIV of the said property.

Hereto annexed and marked "**Annexure A**" is the copy of the Form I & XIV of property bearing survey no. 147/18, 26, 28, 30, 32 & 34 of the Village Cavelossim.

b. It is pertinent to note that prior to purchase of the said property, Dy Collector had already granted conversion

Sanad to the part of the property bearing survey no. 147/18, 26, 28 and 30 of the Village Cavelossim, Salcete Taluka, Goa for an area admeasuring 2035 sq mts. out of which 661 sq mts. of land is referable to the land purchased by the Respondent herein by the said Deed of Sale.

Hereto annexed and marked "**Annexure B**" is the copy of the Sanad dated 22.11.2019.

- c. It is stated that thereafter, these Respondents applied for a Technical Clearance from the Town and Country Planning Department (TCP). The TCP, upon considering the proposed plan submitted for approval and upon considering the same from the technical stand-point and that the proposed construction is in-terms of the Building Bye-laws, the TCP granted Technical Clearance Order dated 21.08.2020 for construction of residential bungalow in the said property. Upon receipt of the Technical Clearance from the TCP, these Respondents applied for Construction License from Village Panchayat of Cavelossim. The Village Panchayat of Cavelossim, upon considering the Technical Clearance Order dated 21.08.2020 granted by the TCP, put the matter of grant of

Construction License to this Respondent before the Panchayat body. The Panchayat upon deliberation and discussion passed a resolution no. 3/3 to grant the construction license to these Respondents for construction of residential bungalow in the said properties and in-terms of said resolution no. 3/3 taken in the panchayat meet dated 17.12.2020, granted Construction license dated 09.02.2021 was granted to these Respondents.

- d. Thereafter, these Respondents sought to revise the structure sought to be put up and therefore applied for revised technical clearance from TCP, TCP upon considering the fact that the revisions sought for by the Respondents are in-conformity with the building regulations and in-terms of the Building Bye-laws, the TCP granted Technical Clearance Order dated 10.06.2021. Thereafter, this Respondent sought for revised construction license from Village Panchayat of Cavelossim. Thereafter, same was put for deliberation before the Panchayat meeting dated 24.08.2021 and thereafter, the Panchayat body passed resolution no. 2(1), to grant Construction license for construction of residential bungalow in-terms of the plans submitted therein.

Hereto annexed and marked "**Annexure D colly**" is the copy of the Technical Clearance Order dated 10.06.2021 issued by TCP and the Construction license dated 14.09.2021 issued by Village Panchayat of Cavelossim.

- e. At this juncture, it is imperative to note that Primary Health Centre, Chinchinim upon conducting site inspection of the said properties and upon coming to the conclusion that for construction of septic tank there would not be any issue from the sanitation point of view, PHC granted NOC dated 06.08.2021 for construction of septic tank.

Hereto annexed and marked "**Annexure E**" is the copy of the NOC issued by PHC, Chinchinim dated 06.08.2021.

- f. These Respondents upon taking aforementioned permissions and licenses from competent authorities and in-terms thereof started construction of the residential bungalow in the said properties. It is stated that construction activity undertaken by these Respondents in the said properties is in-term of the permission and licenses granted by the Competent Authority and as such,

question of any illegal filing or violating provision of the CRZ norms and regulations does not arise. Furthermore, considering that as on the date the permissions and licenses were granted and based on which construction was commenced by this Respondent, the said area was not 'khazan' land under the draft CZMP.

- g. It is stated that these Respondents for construction of the their residential house in the said properties has so far incurred Rs. 68,78,849/- (cost of purchasing the said properties, infrastructure tax, conversions fees etc) Furthermore, it is imperative to note that though the Sanad is granted for area admeasure 2035 sq mts of the said properties, as evident from the approved plans, the Respondents only intents to construct their residential house in area admeasuring 661 sq. mts. as the Respondent intents to keep the rest of surrounding area green and environment friendly. The intention of the Respondents is to have their home the said property and, in that context, area of 661 sq. mts. was sought to be developed in-terms of the approved plan.

7. Without prejudice to preliminary objections raised herein above, these Respondents are now dealing with the contentions raised by the said show-cause notice, it is submitted that perusal of the said *show-cause notice* reveals that same calls upon these Respondents to address this Hon'ble Authority as regards following alleged illegalities, which are as follows:-

a. Illegal filling of low-lying khazan land;

- i. At the outset, it is specifically denied that these Respondents have undertaken any illegal land filling of any eco-sensitive zone or low-lying khazan lands as alleged. Any such allegations in the said complainants in that regards are specifically denied. It is stated that this Respondent pursuant to the technical clearance issued by TCP dated 10.06.2021 and Construction License dated 14.09.2021, the contractor has undertaken construction work in the said properties. It is pertinent to note that office of Dy. Collector of South Goa has issued Sanad dated 22.11.2019 with respect to part of property bearing survey no. 147/2, 4, 6, 8, 10, 16, 18, 26, 28, and 30 Village Cavelossim, wherein it is recorded that TCP, Margao has identified the said part

of the said properties admeasuring 2035 sq. mts. as "**Settlement Zone**" and recommended the conversion of land said land Residential Purpose. Furthermore, the Sanad also records that "*the Dy Conservator of Forest, South Goa Division, Margao vide letter no. 5/SGF/CONV/675/16-17/2017-18/127 dated 05.04.2017 and letter no. 5/SGF/CONV/675/16-17/2017-18/2763 dated 10.11.2017 has informed that his office has inspected the area and it is observed that the area land under Survey no. 147/2, 4, 6, 8, 10 16, 18, 26, 28 & 30 of Cavelossim Village of Salcete Taluka admeasuring area of 2035 sq. mts. is not a Government Forest, does not form of any compartments of South Goa Division Working Plan. The area also does not figure in the list of Survey numbers identified as private forest by State level expert Committee and also Forest Conservation Act, 1980 is not applicable to the said area.*" As such, it is most-respectfully submitted that part of the said properties admeasuring 2035 sq. mts. has been rightfully sanctioned for residential purpose and in-terms of the of Technical Clearance and Construction License issued by Competent Authority,

these Respondents have undertaken construction work in properties owned by them i.e. property bearing Survey No. 147/18, 26, 28 and 30. Therefore, any question of illegal filing of low-lying khazan land does not arise. It is further submitted that there are existing house in the property adjoining the said property therefore, the question said area being low-lying khazan land does not arise. Therefore, the allegation in the *show-cause notice* are purely on basis of the averments of the complainants and does not correlate with the Coastal Zone Management Plan for the village of Cavellossim prepared by this Hon'ble Authority.

Hereto annexed and marked "**Annexure F**" copy of the CZMP as available on [dstegoa.gov.in/czmp%20pLANS.html](http://dstegoa.gov.in/czmp%20pLANS.html)

8. The Respondents state that the Applicants are not entitled for any of the relief sought for in the complaint and as such it is humbly prayed that the complaint be rejected. Needless to say that the contents of the complaint which are not specifically admitted and which are contrary to what is stated herein above may be taken as denied.

Place: Panaji

Date: 07.10.2021

**RESPONDENT**

**AFFIDAVIT**

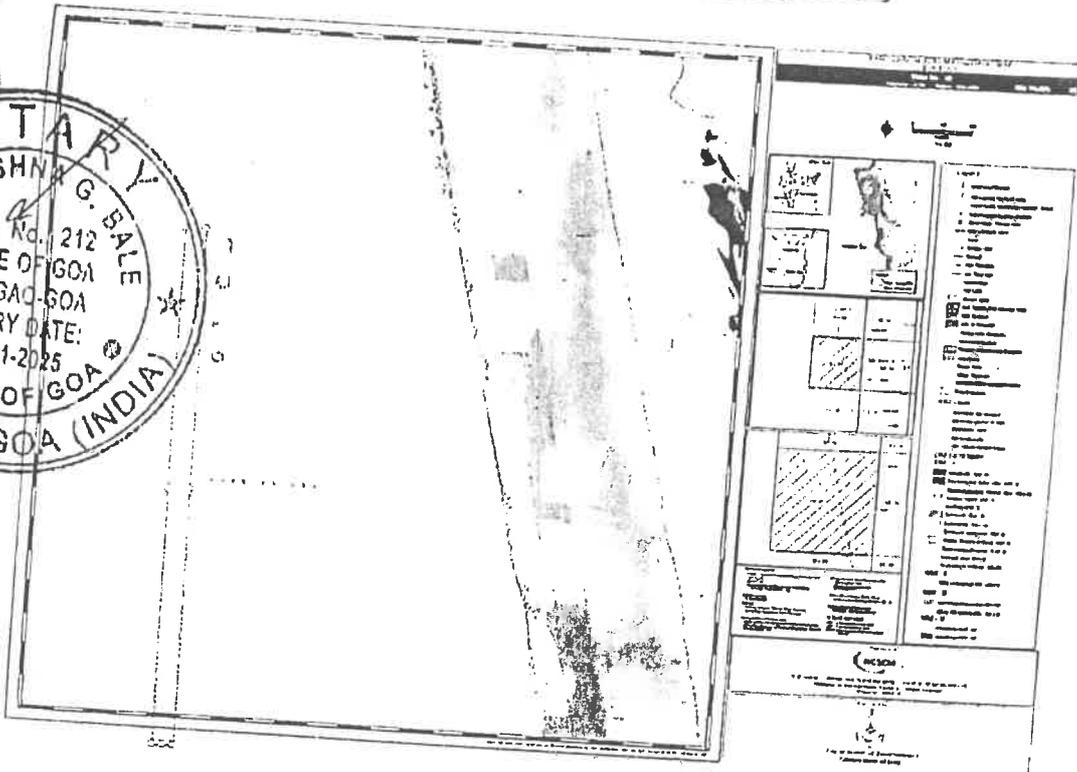
I, Gurdeep Singh Bedi, i.e. Respondent no. 2 in the aforesaid matter, being conversant with the facts and circumstances of the present case on solemn affirmation do hereby state that contents of the foregoing paragraph no. 1, 2, 3, 4(part), 5(a) to 5(c), 6(a) to 6(g), 7 and 8 are true to my personal knowledge and contents of paragraph no. 4(part) are legal submission which I believe to be true and correct.

Panaji, 09<sup>th</sup> March 2021.

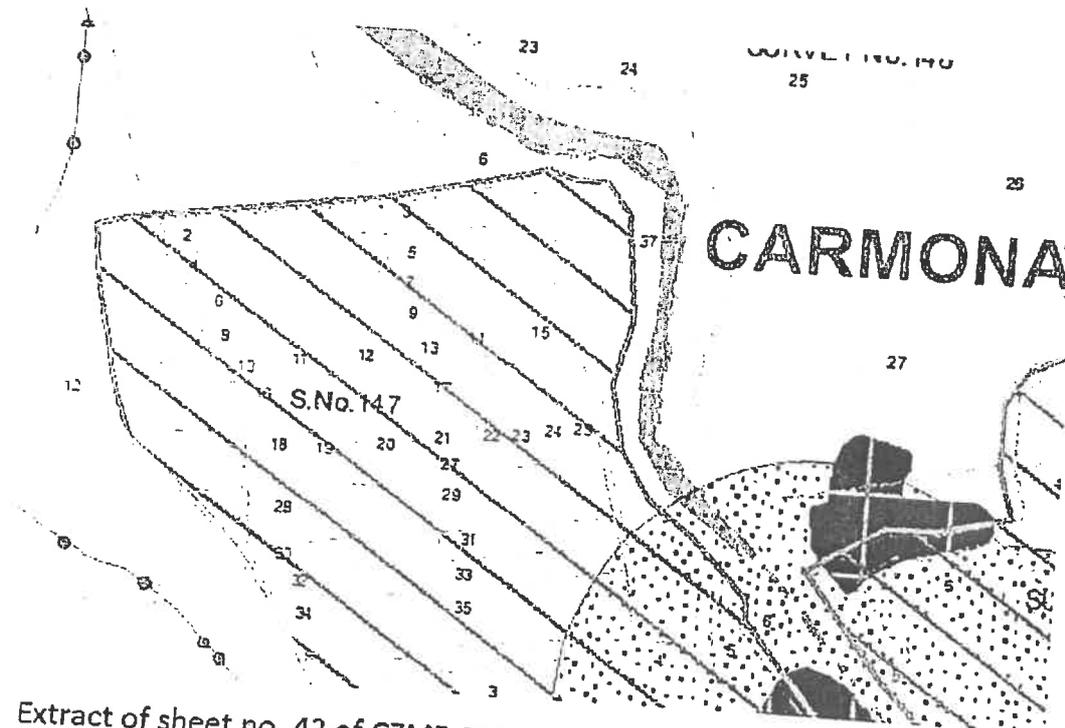
**DEPONENT**

Ex-"J"

747



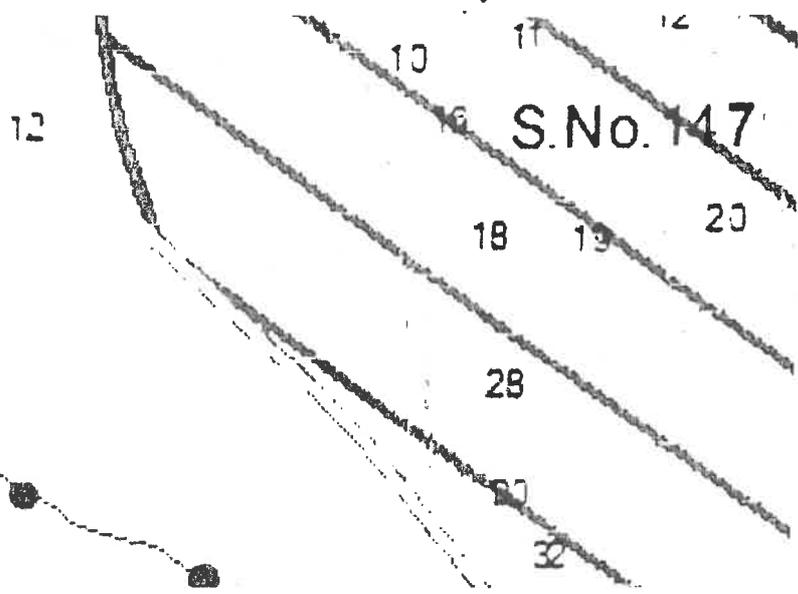
Sheet No 42 of CZMP 2011 prepared by NCSCM in 2021 - Project site is on the upper right side of the sheet



Extract of sheet no. 42 of CZMP 2011 (zoomed in) showing that entire land bearing sy nos 147/18, 26, 28, 30, 32 & 34, Cavellossim village is lying within khazan lands

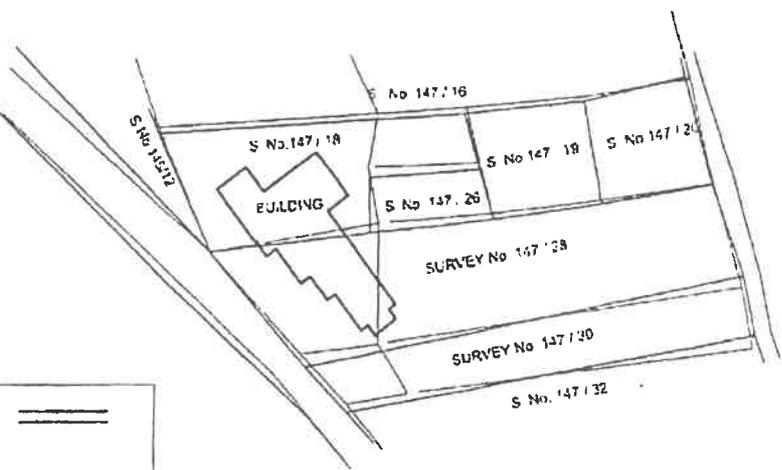
Jfdes

748



Comparison of the CZMP prepared by NCSCM and the plan attached to the Inspection Report of GCZMA for sy no 147/18 & 147/28 of Cavelossim village shows that the plan is fraudulently showing incorrect CZMP demarcation and that the Inspection report and the Impugned Order are both false and incorrect and that the entire project site is within Khazan Land demarcated by NCSCM

Survey No./Subdivision No. : 147 / 18 of Village Cavelossim, Salcete Taluka



LEGENDS

RESPONDENT PLAN	====
SURVEY PLAN	====
KHAZAN LINE	====

*Jides*

**BEFORE THE NATIONAL GREEN  
TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
MEMORANDUM OF APPEAL  
APPEAL NO. 42 OF 2022**

Jose Fernandes & Anr. ... Appellants

Versus

Goa Coastal Zone Management  
Authority & Ors. ... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF  
THE RESPONDENT NOS. 2 AND 3**

Dated this      day of October 2022

Vidhii Partners,  
Advocates for Respondents Nos. 2 and 3  
Ground Floor, Construction House,  
5 Walchand Hirachand Marg,  
Ballard Estate, Mumbai 400 001