



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

Appeal no. 26/2026 WZ

M/s Organise Constructions

Pvt Ltd. Through

Mr. Prajyot Temkar

...Appellant

Vs

Goa Coastal Zone Management

Authority

...Respondents

AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 2, 3 AND 5

I, Advino Fernandes, S/o Benjamin Fernandes, Age 53 years, Indian National, H no. 92, Sonarbhatt, Verem, Reis Magos, Bardez, North Goa, Goa, 403114, the Appellant herein do hereby on solemn affirmation state and submit as under.

1. I state that I am the Respondent no. 5 in the aforesaid Appeal dated 07/10/2025 filed under Section 60 of the National Green Tribunal Act, 2010, which has been preferred against the direction issued under Section 5 of Environment Protection Act, 1986, by the Respondent no. 1.



2. I state that I am filing this Affidavit on behalf of Respondent no. 2, 3 and 5 who were the original Complainants along with the Respondent no. 4 who were the original Complainants.

3. I state that presently I'm not dealing with each and every averment made in the aforesaid Appeal. I deny each and every contention of the Appellant, taken in the aforesaid Appeal.

4. I state that the averments which are not specifically dealt with and are not denied may not be construed as having been admitted by me.

5. I state that the Respondent no. 2 to 5 had filed a Complaint dated 06/07/2018 before the Respondent no. 1 in respect of the illegal construction carried out by the Appellant in the property bearing Survey no. 76/1 of village Reis Magos.



6. I state that since the Respondent no. 2 as well as the other Authorities failed to initiate action, the Complainants again addressed a Complaint dated 07/12/2018 to the Respondent no. 1 herein as well as the other Authorities.

7. I state that despite the said Complaints the Respondent no. 1 as well as the other Authorities to whom the Complaint were made, failed to initiate any action, as such the Complainants addressed a Legal Notice dated 16/09/2019 to the Respondent no. 1 in respect of the illegal construction carried out by the Appellant as well as the other persons as mentioned in the said Legal Notice.

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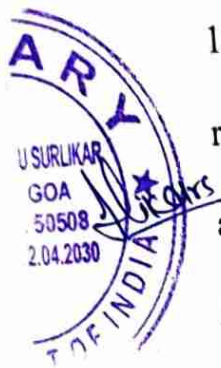
8. I state that subsequently the Respondent no. 1 issued a Show Cause Notice dated 31/12/2021 to the Appellant in respect of the illegal construction carried out by the Appellant in the property bearing Survey no. 76/1 of village Reis Magos.

9. I state that pursuant to the said Show Cause Notice the Appellant filed Preliminary Reply dated 28/06/2022 and produced some copies of Approvals obtained from Village Panchayat of Reis Magos to claim that the structure was existing.

10. I state that the Appellant also produced on record the copy of the Technical Clearance dated 29/04/2014 issued by the Senior Town Planner, Mapusa, for reconstruction of residential house as well as the Construction License(Revised) from Village Panchayat of Reis Magos dated 21/05/2014 so also the Completion Order dated 08/05/2014 and Occupancy Certificate dated 26/05/2014.



11. I state that the Appellant failed to produce on record the NOC/ Permission from the Respondent no. 1 which is mandatory for the purpose of reconstruction of the residential house.



12. I state that the Appellant has failed to produce on record the NOC/Approval of the Respondent no. 1 as admittedly the property falls within No Development Zone area in Coastal Regulation Zone area therefore the Respondent no. 1 ought not to have discharged the Show Cause Notice in relation to the residential building reconstructed by the Appellant.

13. I state that in the Order dated 07/10/2025 the Respondent no. 1 without considering the fact that the Appellant has failed to produce the Approval of the Respondent no. 1 for reconstruction of the said residential house has discharged the Show Cause Notice observing that the Appellant has valid permission from licensing Authorities and only directed to demolish the swimming pool and compound wall since no documents

were produced to prove that the swimming pool and compound wall has been erected with valid permissions

14. I state that the Appellant has also not produced before this Hon'ble Tribunal any documents to show that the swimming pool and the compound wall has been constructed by obtaining necessary Approval including that of the Respondent no. 1.

15. I state that as stated earlier the Appellant has failed to produce on record the Approval/Permission granted by the Respondent no. 1 for reconstruction of residential house and has only produced the Approval of the Town and Country Planning Department and Constriction License issued by the local Authority therefore the Respondent no. 1 ought not to have discharged the Show Cause Notice and as such the matter is required to be remanded back to the Respondent no. 1 to the extent that the Show Cause Notice has been discharged and further dismissed the Appeal filed by the Appellant.



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16. I state that in view of above no case is made out by the Appellant as such the Appeal is liable to be dismissed.

17. I state that what is stated above is based on the records available with the Respondent no. 5 and partly in the form legal submissions which I believe to be true and correct.

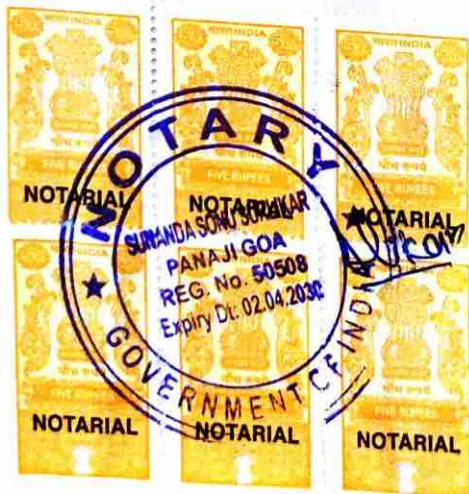


Solemnly affirmed at Panaji, Goa

On this 11th day of July, 2026

DEPONENT

Identified by
Saykar
Adv P Gaykar



SOLEMNLY AFFIRMED AND VERIFIED
BEFORE / ME BY Adv. Fernando
WHO IS IDENTIFIED BEFORE / ME
BY Adv. P. Gaykar
WHOM I KNOW
SERIAL No. 463/26 DATED 11/7/2026

Surlikar
SUNANDA SONU SURLIKAR
ADVOCATE & NOTARY
GOVT. OF INDIA
Reg. No. 50508