



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

Appeal No. 06/2024 (WZ)

REAGAN RODRIGUES

...APPELLANT

VS.

GCZMA & ORS.

...RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 2

MOST RESPECTFULLY SHOWETH:

I, **MR. ANTONIO JOSE PASSANHA**, son of Alex Caetano Passanha, 57 years of age, India National, businessman, resident of H.No. 260, Kalvaddo, Cavelossim, Salcete, Goa 403731, the Respondent No. 2 in the above proceedings on solemn affirmation state and submit as under:

1. I say that I have read and understood the contents of the I.A. filed in the present proceedings seeking amendment. I categorically deny and dispute the contents of the said I.A., including the authenticity and veracity of the documents and averments mentioned therein. Anything not specifically denied herein shall not be deemed admitted.

Passanha



2. The I.A. for amendment is misconceived, vague, baseless, and devoid of merit. It is a clear abuse of the process of law and is liable to be dismissed outright.
3. At the outset, I say that the Appellant seeks to amend the Appeal on the basis of certain documents purportedly obtained under the RTI Act after filing the present appeal. However, this Hon'ble Tribunal, vide its detailed Order dated 05/09/2024, has explicitly disallowed the production of these documents, as recorded in I.A. No.218/2024 (WZ) and I.A. No.60/2024 (WZ), observing inter alia:

"...9. We again are of the view that these documents should have been brought on record by the applicant/appellant before the GCZMA prior to the passing of the impugned order because no justifiable hindrance is found to be there in procuring these documents on earlier occasion when the proceedings were going on before the GCZMA.

10. Our domain is only to assess the correctness of the order passed by the GCZMA on merits, on the basis of evidence, which was laid by the applicant/appellant before the GCZMA. ..."

4. I say that the Appellant's attempt to amend the Appeal to incorporate these pleadings is an attempt to circumvent the clear findings of this Hon'ble Tribunal. Allowing such an amendment

S. Sankar

would not only violate the principles laid down in the said Order but also compromise the integrity of the appellate process.

5. It is a settled principle of law that an amendment cannot be permitted to introduce material that was not part of the original proceedings unless such material is necessary and could not have been obtained earlier despite due diligence.
6. In this case the Appellant has failed to demonstrate any valid reason or due diligence in procuring the documents before the GCZMA proceedings. The documents in question do not form part of the records before the GCZMA and hence cannot form the basis of any amendment in the appeal. And most importantly, this Hon'ble Court has dismissed the application for production of documents.
7. It bears mentioning that the proposed amendment seeks to introduce an entirely new case at the appellate stage, prejudices the Respondent by reintroducing rejected documents, and is filed belatedly without justification.
8. Further, this Hon'ble Tribunal, while exercising appellate jurisdiction, is bound to assess the correctness of the GCZMA order based solely on the evidence and material placed before it. The Appellant's attempt to broaden the scope of the appeal beyond this



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domain is contrary to the principles of appellate adjudication and the express observations of this Tribunal.



9. Once the documents have been expressly rejected, permitting the amendment would amount to an indirect reversal of the Tribunal's prior ruling, thereby undermining its judicial authority.

10. It is therefore respectfully submitted that the application for amendment is not only devoid of merit but is also a blatant misuse of the process of law. This Hon'ble Tribunal is urged to dismiss the application with exemplary costs to deter such frivolous and vexatious litigation.

11. I say that contents of affidavit are based on legal submission which I believe to be true.

Solemnly affirmed at Margao - Goa

On this 21st day of November, 2024

Passanha

DEPONENT



Solemnly affirmed before me by Antonio Jose Passanha

Who is identified to me by Aadhar No. 3398 2878 0559

to whom I personally know on this 21st day of Nov 2024

Reg No 21027/2024

KSQVIT4
SAVITA G. KURTARKER
NOTARY
MARGAO-GOA