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BEFORE THE NATIONAL GREEN TRIBUNAL  
(WESTERN ZONE) BENCH AT PUNE

Appeal No. 10 of 2025(WZ)

Bosco Cruz Fernandes

...Appellant.

Versus

Goa Coastal Zone Management Authority

And 1 anr.

...Respondent.

AFFIDAVIT IN REPLY

Name: Shri. Sylvester D'Souza

Father's Name: late Simond D'Souza

Aged: 60 years.

Occupation: Businessman.

Address: R/o H. No.2225

Saunta Waddo, Calangute

Bardez Goa

I Shri Sylvester D'Souza, the Respondent No. 2  
(Complainant) herein in the present matter do hereby on  
solemn affirmation, and on oath states as under:-

*P. B. D.*  
14/02/2025  
O/o Member Secretary  
Goa Coastal Zone Management Authority  
C/o Department of Environment & Climate Change  
Dennis Tower 4th Floor,  
Patto Plaza Panjim-Goa, 403001

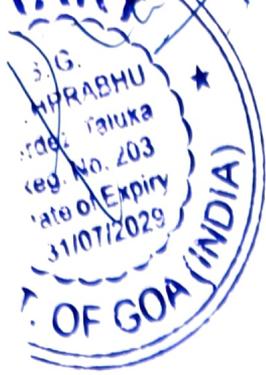
*S. S.*

*S. S.*  
14/02/25  
at. 12:50 pm.



1. I say that that the Appeal filed by the Appellant is, vexatious, frivolous and misconceived in facts and law and liable to be dismissed with cost.
  
2. I say that I am the complainant in the above matter and the Appellant, Bosco Cruz Fernandes, has illegally constructed 14 (fourteen) structures (consisting ground + two floors), is illegally running the business of a hotel/guest house in the said structures. I say that apart from the 14 structures the Appellant has illegally constructed borewells in the property bearing Survey No. 242/9 of Village Calangute for commercial exploitation. The Appellant is illegally draining the ground water and using the same for commercial purpose.
  
3. I say that the said illegal structures has been constructed without any permission from any authority including the GCZMA i.e. CRZMA herein or any other authority.

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4. I say that all the said 14 structures are permanent structures in nature and are constructed of RCC and laterite masonry and consisting of other materials.
5. I say that in the process of construction of the said structures in the property bearing Survey No. 242/9 of Village Calangute, the Appellant has cut sand dunes and levelled and filled the ground of the said property. I say that The Appellant has also felled all the natural vegetation in the said property.
6. I say that all said illegal structures falls within 200 mts. from the High Tide Line (HTL) and said zone is declared No Development Zone from the High Tide Line and no construction of whatsoever nature is permissible in the said area.
7. I say that the Appellant conducts the business of hotel/guest house in the said illegal structures in the

property bearing Survey No. 242/9 of Village Calangute.



8. I say that the Appellant is in gross violation and abuse of the laws in force including the CRZ Regulation and has illegally erected illegal hotel cum guest house (ground + 2 floors), and borewells, in NDZ area without obtaining any permission from any authority after cutting sand dunes and levelling and filling the ground.
9. I say that I was compelled to prefer a Writ Petition bearing Writ Petition No. 2462 of 2024 (f) before the Hon'ble High Court of Bombay at Goa for in action on the part of the Respondent No. 1 and only thereafter the Respondent No. 1 took action to dispose the complaint filed by me.



10. I say that vide Order dated 21/10/2024 bearing Ref No. GCZMA/N/ILLE-COMPL/22-23/96/2256, the GCZMA directed demolition of all the structures in the property of the Appellant except structures identified with alphabet 'B' and 'L' and the structure 'A' to the extent of Ground + 1st floor, as per the site inspection report dated 28/07/2023
11. I say that the impugned order saved certain structures only on the basis of a plan apparently issued by the erstwhile GSCCE. I say that GCZMA did not confirm the authenticity and veracity of said plan. I say that I have obtained information under RTI proving that no such document exists either with the GCZMA or with the Town and Country Planning Department. (Annexed hereto and marked as "Annexure" is a copy of the RTI application and replies received by the Appellant)
12. I say that the Appellant has produced forged documents before the GCZMA authority. I say that the Appellant



has produced forged document in-order to protect the said illegal structures.

13.I say that finding to the effect that the structures identified as A, B, and L were pre-1991 is unfounded. I say that said Bosco Fernandes failed to provide credible, admissible evidence such as revenue records, construction permissions, or photographs to establish the existence of these structures prior to 1991.

14.I say that I have preferred the present appeal bearing Diary No. 270413700027/2025 against the said Order dated 21/10/2024 before this Hon'ble Court and I crave leave of this Hon'ble Court to rely upon the Appeal Memo and the documents, the contents of the same are reproduced, incorporated and set out for the purpose of deciding the same as the subject matter are same.

15.I say that except structure marked as "L" (old structure and extension) all the other structure are illegal



constructions, constructed by the Appellant without obtaining any permissions from the appropriate authorities including GCZMA.

16.I say that the Appellant nor his predecessors were owners of the property bearing Survey No. 242/9 till the year 2016, therefore no such permissions could have been issued by the Town and Country Planning Department and GSCCE to the Appellant or her predecessor. I say that the alleged approved plans obtained in the year 1994 recently obtained by fraud and has now been produced before Village Panchayat of Calangute in the year 2023 and obtained permission. I say that the Village Panchatyat of Calangute has also committed fraud by issuing licence in the year 2023 to the Appellant on the alleged approved plan of the year 1994

17.I say that all the alleged permissions are manufactured fraud documents by the Appellant as the same cannot

be obtained by the Appellant for construction without being owners of the said property.

18.I say that the Appellant has committed fraud on the Authorities including GCZMA and therefore the said illegal structures are liable to be demolished.

19.I say that the Appeal filed by the Appellant is therefore liable to be dismissed being distorted of its facts.

20.I say that the contents of this Affidavit-in-reply are true to my knowledge.

Solemnly affirm on this 14<sup>th</sup> day of February, of the year 2025 at Mapusa Goa

*[Signature]*

DEPONENT

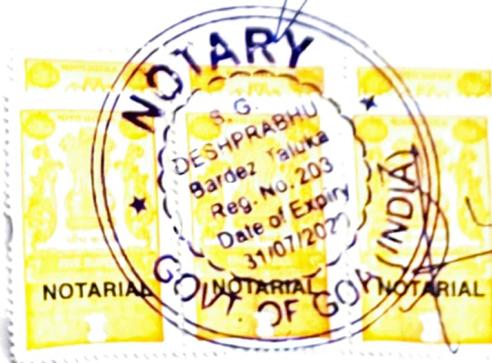
Identified by me:

*[Signature]*  
Rupesh Chodankar  
(Adv. For Respondent No. 2)

Solemnly affirmed before me by  
Shri Sylvestre D'SOUZA  
The Respondent No. 2 (Complainant)  
who has been identified by me as Advocate  
Rupesh Chodankar

known to me personally at his house  
Bardez-Goa on 14-02-2025

S. G. DESHPRABHU DALLU  
Advocate & Notary  
Bardez Taluk, Mapusa-Goa  
Reg. No 203  
Regn No 2912/2025



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From : Sylvester D'souza  
Resident of H.No. 7/14/A, 2225  
Saunta Vaddo, Calangute, Bardez-Goa

Mobile : - 9822154988

Dated : 5/2/2024

To,  
The Public Information Officer  
Goa Coastal Zone Management Authority  
Patto-Panaji, Goa

**Sub: Application under Right To Information Act (R.T.I) 2005**

Sir/Madam,

Kindly issue me a certified copy of all the documents along with the approved plan relied upon at the time of obtaining license for repair and renovation of the existing structure in the property bearing Survey No. 242/9 of village Calangute, Bardez – Goa bearing Ref. No. DB/5441/TCP-94/691 dated 30-9-94.

That I am an Indian citizen and the necessary fees will be paid by me.  
Kindly do the needful at the earliest as the same is required for legal purpose.

Thanking You

Yours Truly

  
Sylvester D'souza

 05/02/2024  
O/o Member Secretary  
Goa Coastal Zone Management Authority  
C/o Department of Environment & Climate Change  
Tempo Tower 4th Floor,  
Patto Plaza Panjim-Goa, 403001

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# GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment & Climate Change (Govt. Of Goa)

Dempo Tower 4<sup>th</sup> Floor, Patto Plaza- Panaji Goa

Website : [www.czma.goa.gov.in](http://www.czma.goa.gov.in)

Tel.: 0832-2951089

Ref. No. GCZMA/RTI/23-24/01/4031

Date: 19/02/2024

To

Mr. Sylvester D'Souza,

H.no. 7/14/A, 2225, Saunta Vaddo,

Calangute, Bardez-Goa.

## **Sub: Information under Right to Information Act 2005.**

Ref : Your RTI Application dated 05/02/2024 received by this Authority on 05/02/2024.

Sir,

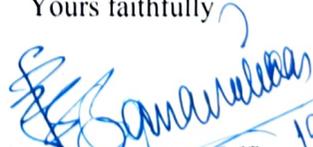
With reference to above, it is informed as under.

Sr. No	Information Sought	Reply
1	Kindly issue me a certified copy of all documents along with the approved plan relied upon at the time of obtaining license for repair and renovation of the existing structure in the property bearing Survey No. 242/9 of village Calangute, Bardez-Goa bearing Ref. No. DB/5441/TCP-94/691, dtd : 30-09-1994.	Information sought is related or closely pertains to Department of Town & Country Planning, Hence Transferred to Department of Town & Country Planning, 2 <sup>nd</sup> floor, Dempo Towers, Panjim-Goa, vide our letter :GCZMA/RTI/23-24/01/4029 Dated : 19/02/2024

The period within which an appeal against such rejection may be preferred within 30 (Thirty) days and the particulars of the Appellate Authority are as follows:

“The Member Secretary, Goa Coastal Zone Management Authority, who is the First Appellate Authority (FAA) having Office at Dempo Tower, 4<sup>th</sup> floor, Patto Plaza – Panaji Goa.”

Yours faithfully,

  
Public Information Officer

(Goa Coastal Zone Management Authority)

Encl: as above

## GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment & Climate Change (Govt. Of Goa)

Dempo Tower 4<sup>th</sup> Floor, Patto Plaza- Panaji Goa

Website: [www.czma.goa.gov.in](http://www.czma.goa.gov.in)

Tel.: 0832-2951089

Ref. No. GCZMA/RTI/23-24/01/4029

Date: 19/02/2024

To,  
The Public Information Officer  
Department of Town & Country Planning,  
2<sup>nd</sup> floor, Dempo Towers,  
Panjim-Goa.

**Sub: Transfer of application u/s 6 (3) (i) & (ii) of the RTI Act 2005.**

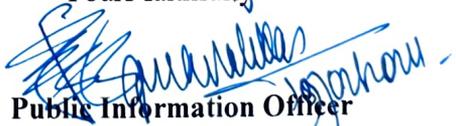
**Ref: RTI Application from Mr. Sylvester D'Souza dated 05/02/2024 and received by this Authority on 05/02/2024 (copy enclosed).**

Sir/Madam,

Please find enclosed herewith RTI Application from Mr. Sylvester D'Souza, H.No. 7/14/A, 2225, Saunta Vaddo, Calangute, Bardez Goa dated 05/02/2024 and received by this Authority on 05/02/2024 (copy enclosed), seeking information under RTI Act, 2005.

This information sought in the above application pertains to your office. As such the same is transferred to you, with a request to provide him the information directly as per his application enclosed, with the intimation to this office.

Yours faithfully



**Public Information Officer**

(Goa Coastal Zone Management Authority)

**Encl: as above**

✓ Copy to: **Mr. Sylvester D'Souza, H.No. 7/14/A, 2225, Saunta Vaddo, Calangute, Bardez Goa.....** for kind information with a request to pursue the matter with the aforesaid office.

21/12/23/200 / 107/108 / 2024/59  
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4/3/24  
**MOST URGENT**

**UNDER RIGHT TO INFORMATION ACT 2005**

To,  
The Public Information Officer,  
North Goa District Office,  
Town & Country Planning Department,  
Mapusa, Goa.

Sub: Information under Right to Information Act, 2005.

- Ref: 1) Letter No. GCZMA/RTI/23-24/01/4029 dated 19/02/2024, received under inward No. 65 (RTI) dated 23/02/2024.  
2) RTI application by Mr. Sylvester D'souza dated 05/02/2024.

Sir,

With reference to the subject mentioned above, this is to inform you that this office is in receipt of RTI application by Mr. Sylvester D'souza. The information sought of the application is such that;

- i) It is either held by your Public Authority OR
- ii) The subject matter of which is closely connected with the functions of your Public Authority.

In light of the above, the RTI application referred above is transferred u/s 6(3) of RTI Act 2005, with a request to provide the information to the applicant directly.

Yours faithfully,



**Public Information Officer/PIO-7  
Dy. Town Planner**

Encl: As above.

Copy to:

1. ~~Mr. Sylvester D'souza,~~  
H.No. 7/14/A, 2225,  
Saunta Vaddo,  
Calangute, Bardez-Goa.....

.....requesting to pursue the matter with aforesaid authorities.

2. The Public Information Officer,  
Goa Coastal Zone Management Authority,  
C/o Department of Environment & Climate Change,  
Dempo Tower, 4<sup>th</sup> floor, Patto-Plaza,  
Panaji-Goa.....for information

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## GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment & Climate Change (Govt. Of Goa)

Dempo Tower 4<sup>th</sup> Floor, Patto Plaza- Panaji Goa

Website : [www.czma.goa.gov.in](http://www.czma.goa.gov.in)

Tel.: 0832-2951089

Ref. No. GCZMA/RTI/23-24/01/03

Date: 01 / 04 / 2024

To,

✓ Mr. Sylvester D'Souza

H.no. 7/14/A, 2225, Saunta Vaddo,

Calangute, Bardez-Goa.

### Sub: Information under Right to Information Act 2005.

- Ref: 1) Our Letter Vide Ref. No. GCZMA/RTI/23-24/01/4029 Dated: 19/02/2024.  
2) Application from Town & Country Planning Department – Panaji Goa vide Ref. No.21/22/23TCP/PI07/108/2024/59, dated 04/03/2024.  
3) Your RTI application dated 05/02/2024 received by this authority on 05/02/2024.

Sir,

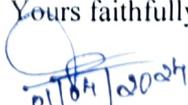
With reference to above, it is informed as under.

Sr. No	Information Sought	Reply
1	Kindly issue me a certified copy of all documents along with the approved plan relied upon at the time of obtaining license for repair and renovation of the existing structure in the property bearing Survey No. 242/9 of village Calangute, Bardez-Goa bearing Ref. No. DB/5441/TCP-94/691, dtd : 30-09-1994.	Your application was transferred u/s 6(3) to the Town and Country Planning Department, Panaji Goa, vide Ref. No. GCZMA/RTI/23-24/01/4029 Dated: 19/02/2024, as the said information was a subject matter of that Office, however we regret to inform you that the Town and Country Planning Department has not provided to us the said information and hence we are unable to provide the said records.

The period within which an appeal against such rejection may be preferred within 30 (Thirty) days and the particulars of the Appellate Authority are as follows:

“Officer on Special Duty (OSD), Goa Coastal Zone Management Authority, who is the First Appellate Authority (FAA) having Office at Dempo Tower, 4<sup>th</sup> floor, Patto Plaza – Panaji Goa.”

Yours faithfully

  
Public Information Officer

(Goa Coastal Zone Management Authority)

Encl: as above