

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

**I.A. No. 83/2023**

**IN**

**APPEAL NO. 12/2023**

Chandrakant Suryakant Khorjuvekar

**...APPLICANT**

***VERSUS***

Goa Coastal Zone Management Authority

and Ors

**...RESPONDENTS**

**INDEX**

<b>Sr No.</b>	<b>Particulars</b>	<b>Page No.</b>
1	Memo of Affidavit in Reply on behalf of Respondent No.2	207-261

2	<i><b><u>“Exhibit R1”</u></b> is the copy of the relevant portion of the 326<sup>th</sup> Minutes of the Meeting dated 27/10/2022.</i>	262-263
3	<i><b><u>“Exhibit R2”</u></b> is the copy of the Corrigendum dated 18/11/2022 issued by the Respondent No.1.</i>	264
4	<i><b><u>“Exhibit R3”</u></b> is the copy of the order dated 29/03/2023 passed by the Hon’ble Tribunal in I.A. No. 83/2023(WZ).</i>	265-266
5	<i><b><u>“Exhibit R4”</u></b> is the copy of the Order dated 31/03/2023 passed by the Hon’ble Tribunal in I.A. No. 83/2023 (WZ).</i>	267-268
6	<i><b><u>“Exhibit R5”</u></b> is the copy of the Show Cause Notice bearing Reference No. GCZMA/N/ILLE-Compl/22-23/75/1549 dated</i>	269-272

	<i>18/10/2022 issued by the Respondent No.1 to the Respondent No.2.</i>	
7	<i><b><u>“Exhibit R6”</u></b> is the copy of the Letter dated 11/11/2022 written by the advocate of the Respondent No.2 to the Respondent No.1.</i>	273-274
8	<i><b><u>“Exhibit R7”</u></b> is the copy of the screenshot of the description box of the document properties as regards the Minutes of the 326<sup>th</sup> Meeting dated 27/10/2022 on the website of the Respondent No.1.</i>	275
9	<i><b><u>“Exhibit R8”</u></b> is the copy of the screenshot of the description box of the document properties as regards the Corrigendum dated 18/11/2022 on the website of the Respondent No.1.</i>	276

**PLACE:** Panaji, Goa

**DATE:** 17th July, 2023

**THROUGH**



**ADV. GAURAVVARDHAN A.S. NADKARNI**

**ADVOCATE FOR RESPONDENT NO. 2**

2<sup>nd</sup> Floor, Durga Chambers,

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**BEFORE THE NATIONAL GREEN TRIBUNAL**

**WESTERN ZONE BENCH, PUNE**

**I.A. No. 83/2023**



Chandrakant Suryakant Khorjuvekar

**...APPLICANT**

***VERSUS***

Goa Coastal Zone Management Authority

and Ors

**...RESPONDENTS**

**AFFIDAVIT IN REPLY ON**  
**BEHALF OF RESPONDENT NO. 2,**  
**M/S LUCKY REALTECH PVT LTD**  
**TO THE APPLICATION FOR**  
**CONDONATION OF DELAY**

*Del*

**FILED                      BY                      THE**  
**APPELLANT/APPLICANT.**

**MAY IT PLEASE YOUR LORDSHIPS**

I, Lalit Arora, son of Om Prakash Arora, Director of M/s Lucky Realtech Pvt Ltd, Respondent No.4 herein, 50 years of age, residing at A-502, Tower Height Apartment, Pitampura, Delhi 110034, Authorised Representative of the Respondent No.2 herein, do hereby on solemn affirmation state and submit as under:

- 1) I state that the Respondent No.2 has been served via email with the copy of an Appeal bearing Appeal No. 12/2023, filed by the Appellant herein, on 04/04/2022 (hereinafter referred to as "**Said Appeal**"). I state that with the copy of the Appeal, the Appellant has filed an Interlocutory Application bearing I.A. No. 83/2023 seeking for condonation of delay in filing of the Said Appeal (hereinafter referred to as "**Said Application**") as also an Additional Affidavit dated 31/03/2023 (hereinafter referred to as "**Additional Affidavit**"). I state that vide order dated 31/03/2023, this Hon'ble Tribunal was pleased to issue



*Lalit Arora*

notice to the Respondent No.2 herein on the Application for Condonation of Delay filed by the Appellant and directed the Respondent No.2 herein to file its reply within four weeks. I state that the notice issued by this Hon'ble Tribunal was served upon the Respondent No.2 by way of email only on 11/04/2023 i.e. after almost 10 days from the date of the order. In any case, the Respondent No.2 is making this Affidavit in Reply to the Application for Condonation of Delay, vehemently opposing the same as also any other relief being claimed by the Appellant.

- 2) I state at the very outset that the Said Application is filed on the basis of a false and frivolous premise, as also the averments made therein are an attempt on the part of the Appellant/Applicant to completely misrepresent before this Hon'ble Tribunal. It is respectfully submitted that the Said Application itself is not maintainable as the Appeal has been filed after the statutory period envisaged under Section 16 of



*[Handwritten signature]*

the National Green Tribunal Act, 2010 (hereinafter referred to as “Said Act”).

3) I state that I deny all and singular averments raised in the Application thereto to the extent the same are contrary to and inconsistent with the case set out by me. I further submit that the Applicant is guilty of *suppresio veri and suggestio falsi*.

4) I deny all and singular averments made in the Application unless specifically admitted by me herein. I state that any averment/contention which has not been denied and/or dealt by me, may not be taken or construed to have been admitted by me.

5) I state that the Said Application is filed with malafide intention to harass the Respondent No.2 herein and is also a complete abuse of the process of law. Furthermore, the Appellant has suppressed material facts, which apparently is premised on the ground of misrepresenting before this Hon’ble Tribunal. I state



*[Handwritten signature]*

that the Said Application is not maintainable and deserves to be rejected on the basis of the preliminary objections raised hereinbelow.

### **Preliminary Objections**

6) I state that the Said Application has been filed by suppression of the fact that the challenge to the Decision dated 27/10/2022 taken by the Respondent No.1 in its 326<sup>th</sup> Meeting (hereinafter referred to as “**Impugned Order**”) is beyond the statutory period of 90 (ninety) days as stipulated under Section 16 of the Said Act. The Appellant on the basis of clever drafting, false averments and illusory cause has sought to aver and represent a delay of an alleged 37 days in preferring the Said Appeal, which is specifically denied by the Answering Respondent, as the delay in the present case is of more than 100 days. On such ground of suppression and misrepresentation, the Said Application deserves to be dismissed. I state that it is trite law that mere clever drafting or suppression of material facts cannot



*R.D.V.*

be used to overreach or circumvent the rigours of the statutory provisions.

*Annexed hereto and marked as **“Exhibit R1”** is the copy of the relevant portion of the 326<sup>th</sup> Minutes of the Meeting dated 27/10/2022.*

7) I state that the Appellant has vide the Application sought to represent that the Impugned Decision, which was merely corrected by way of a Corrigendum/Addendum dated 18/11/2022 (hereinafter referred to as **“Corrigendum”**) makes out a fresh cause of action to prefer the Said Appeal. I state that the Impugned Decision taken on 27/10/2022 by the Respondent No.1 herein, on which date the Complainant was very much represented by an advocate, discharged the proceedings against the Respondent No.2 herein, since upon perusal of the Joint Inspection Report dated 30/08/2022 as well as the Show Cause Notice issued to the Respondent No.2, it was noted that there were no illegalities as regards the property belonging to the



Respondent No.2 herein. Therefore, the Impugned Decision itself had discharged the proceedings qua the Respondent No.2 herein. The Corrigendum issued by the Respondent No.2, was merely a correction made to the recording of the minutes of the meeting dated 27/10/2022, whereby the Respondent No.2 had inadvertently recorded that this Hon'ble Tribunal had discharged the Answering Respondent in a separate proceeding bearing Original Application No. 70/2022. That the Corrigendum in no manner whatsoever changed the decision of the Respondent No.1, but merely corrected an error in the recording of minutes. Therefore, the mere correction of the minutes of the Impugned Decision by the Corrigendum relates back to the Impugned Decision, and in no manner gives or can be read to mean a fresh cause of action to the Appellant herein. Neither does the Corrigendum change the operative or finality of the Impugned Decision nor does it change the effect or basis of the same. The Corrigendum is merely for correction, and with the doctrine of relating back being applicable in the present case, the Corrigendum cannot be a fresh cause of action



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to file an Appeal, and necessarily relates back to the Impugned Decision. Therefore, the relevant time period for consideration in terms of Section 16 of the Said Act is from 27/10/2022 i.e. when the Impugned Decision was taken, and on which date the Applicant/Appellant was duly represented by an advocate.

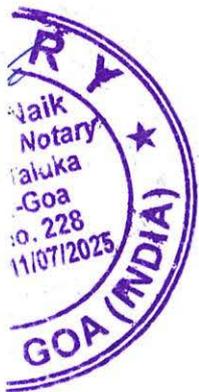
*Annexed hereto and marked as "Exhibit R2" is the copy of the Corrigendum dated 18/11/2022 issued by the Respondent No.1.*

- 8) I state that it is trite law that a corrigendum is merely issued or used to clarify or correct and can neither impose any fresh penalty or levy a fresh decision. In the present case also, the Corrigendum merely corrects the Impugned Decision as regards the inadvertency and is not a separate decision or order in terms of section 16 of the said Act, therefore not being a fresh cause under Section 16 of the Said Act. The statutory limitation under Section 16 of the Said Act starts from the Impugned Decision, which was taken on 27/10/2022 and passed by the Respondent No.1 in the presence of the parties, on which date



the Complainant was represented through his advocate. That it is has been clarified by this Hon'ble Tribunal, as well as the Hon'ble Supreme Court in a catena of judgment that Section of the Limitation Act, does not have any application as regards special statutes. Therefore, the Said Appeal and the Said Application are barred by limitation and not maintainable.

- 9) I state that the Appellant, by way of his own admission as also from the fact that his advocate was present on the date of the Impugned Decision, was always aware that the Respondent No.1 had discharged the Show Cause Notice dated 18/10/2022 as regards the Respondent No.2 on 27/10/2022. Therefore, the date of knowledge of the Impugned decision was as on 27/10/2022. Furthermore, since the decision was passed in the presence of the parties, the same would also be the date of communication in terms of Section 16. Therefore, the Said Appeal and the Said Application which has been filed much beyond the statutory period envisaged under Section 16 of the Said Act is barred by limitation and deserves to be dismissed.



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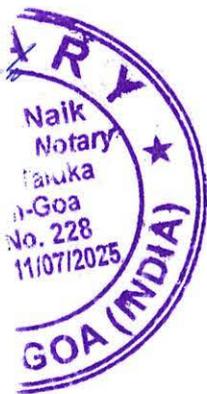
10) I state that the Said Application has been filed in complete derogation, disregard and ignorance to the provisions of Section 16 of the Said Act, in as much as, the said section pertains specifically to “*Any Person Aggrieved.*” In the present scenario, assuming and in no manner admitting that the Appellant is *a person aggrieved* under Section 16 of the Said Act, then also such *grievance* can only be as regards the discharge of the Show Cause Notice dated 18/10/2022 issued by the Respondent No. 1 herein, which was discharged vide the Impugned Decision taken on 27/10/2022. The Corrigendum merely issued to correct a line in the minutes of the Impugned Decision does not change the operative decision, finality or the outcome of the Impugned Decision, and therefore, if at all a grievance is to be seen as regards the Appellant, then the same is of discharge of the Respondent No.2, which was vide the Impugned Decision i.e. on 27/10/2022, and therefore the Said Appeal and the Said Application, which has been filed after the statutory period under Section 16 of the Said Act i.e. 90



(ninety) days, is not maintainable and is barred by limitation and therefore deserves to be dismissed.

11) The Answering Respondent submits that a mere correction of the minutes, without changing the substantive and operative finding or without even directly or indirectly affecting the finality or outcome, does not give rise to a fresh cause nor can the same be used for the purpose of limitation, unless the Legislature by express provision has intended the same. The Answering Respondent states that a provision such as Section 33 read with Section 34(3) of the Arbitration and Conciliation Act, 1996 is not there within the Said Act, and therefore the Appellant cannot read into something within the provisions, which was never intended by the Legislature.

12) Without Prejudice to the above, I state that assuming and in no manner whatsoever admitting that the statutory limitation prescribed under Section 16 of the Said Act will be made applicable from the Corrigendum, then also the Said Appeal



*R. S. S.*

and the Said Application have been filed beyond the statutory period envisaged under Section 16 of the Said Act, and therefore is barred by limitation. I state that the Corrigendum was issued on 18/10/2022 by the Respondent No.1, and therefore even assuming and in no manner whatsoever admitting that the statutory limitation under Section 16 of the Said Act would begin from such date, the Said Appeal and the Said Application are barred by limitation and not maintainable.

- 13) Without Prejudice to the above and assuming and in no manner whatsoever admitting that the period for computation of limitation under Section 16 of the Said Act would begin from the Corrigendum, I state that the Appellant in an attempt to create an illusory cause of action and to somehow get the Said Appeal within the statutory period envisaged under Section 16 of the Said Act, has pleaded that he was never served/communicated the Corrigendum. I state that the said contention has been taken in complete ignorance of law, in as much as the Principal Bench of this Hon'ble Tribunal as well



as this Hon'ble Tribunal has in a catena of judgments held that the communication under Section 16 would deem to be complete upon uploading of the decision on the website/public domain. In the present case also the Corrigendum was uploaded on the website of the Respondent No.1, and therefore it was deemed to be communicated to the Appellant. In such scenario, the Said Appeal and the Said Application is barred by limitation and deserves to be dismissed.

- 14) Without Prejudice to the above and assuming and in no manner whatsoever admitting that the period for computation of limitation under Section 16 of the Said Act would begin from the Corrigendum, the Answering Respondent states that in an attempt to create an illusory cause and to somehow get the Said Appeal within the statutory limitation prescribed under Section 16 of the Said Act, the Appellant has contended that the Corrigendum was not uploaded on the website. I state that such contention is specifically denied by the Answering Respondent, as the Corrigendum is very much available online



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and can be easily downloaded. In order to create further misrepresentation, the Appellant has averred that “*to the best of the knowledge of the Appellant*” as averred in paragraph no. 6 of the Additional Affidavit, the Corrigendum was not uploaded on the website of the Respondent No.1 till after 27/12/2022. Firstly, I state that such contention based merely on apprehension and conjecture may not be countenanced by this Hon’ble Tribunal, as despite having evident knowledge of the Impugned Decision as early as on 27/10/2022, the Appellant herein had not preferred any appeal within the statutory period of 90 (ninety) days. Secondly, the Answering Respondent states that this contention of the Appellant is contrary to the very averment made by the Appellant in paragraph no. 5 of the Additional Affidavit, wherein he avers that, “*That without prejudice to the above contention, it is submitted that as the term of three years of the GCZMA came to an end on 31/10/2022 and it got constituted on 27/12/2022, the Appellant had no reason to check the website of GCZMA for any corrigendum/addendum to the minutes of the 326<sup>th</sup>*”



meeting.” Therefore, having himself not being vigilant and admitted to having not checked the website of the Respondent No.1, the Appellant’s contention based on apprehension and conjecture are nothing but false and frivolous. Thirdly, I state that in paragraph no. 7 of the Additional Affidavit, the Appellant has sought for an inquiry, the meta data, logs etc of the uploading. I state that it is trite law that a party making a contention or allegation has to discharge the burden of proof to prove the same. In the present case, apart from making false and frivolous allegations without reliance placed on a single evidence, the Appellant, despite admittedly himself not being aware, has sought to shift the burden of proof on the Respondent No.1, which is impermissible in law. Furthermore, the Answering Respondent states that without even by way of a single document, even prima facie indicating non uploading of the Corrigendum, the Appellant is making false and frivolous contentions, which may not be countenanced by this Hon’ble Tribunal. The Answering Respondent therefore states



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that the Said Appeal and Said Application are barred by limitation and therefore deserve to be dismissed and rejected.

15) I state that it has been held in a catena of judgements that the Hon'ble Tribunal constituted under the Said Act cannot condone delay under Section 16 of the Said Act, when the same falls beyond the statutorily mandated period of 90 (ninety) days. In the present case, it appears that being aware of the above principle, the Appellant by way of clever drafting, suppression and misrepresentation attempted to overreach the mandatory provision of the Said Act, which is impermissible. Therefore, the Said Appeal and the Said Application which has been filed beyond the statutory period under Section 16 of the Said Act, is barred by limitation.

16) The Answering Respondent respectfully submits that the Principal Bench of this Hon'ble Tribunal has held that a tribunal cannot allow an appeal to be filed under Section 16 of the Said Act beyond a total period of 90 (ninety) days. It was



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further held that the Said Act being a code in itself, necessarily excludes the operation of the general law of limitation. It was finally held that the Tribunal constituted under the Said Act does not have jurisdiction to entertain an appeal after the special period of limitation provided under Section 16 of the Said Act. Therefore, the Said Appeal and the Said Application are barred by limitation.

- 17) It is respectfully submitted that the Hon'ble Supreme Court has laid down the principle of law that an appeal being a statutory right/remedy needs to conform to the provisions of the statute, and moreso, to the statutory limitation envisaged therein. Therefore, since the Said Appeal has been filed after the statutory period under Section 16 of the Said Act, the Said Appeal and the Said Application deserves to be dismissed.

- 18) I state that the malafide and frivolous allegations of the Appellant is evident from the conduct of the Appellant before this Hon'ble Tribunal. The Answering Respondent states that



vide order dated 29/03/2023 passed in the Said Application this Hon'ble Tribunal was prima facie of the opinion that the Said Appeal has been filed much after 90 (ninety) days, therefore being time barred. It was also observed by this Hon'ble Tribunal that in terms of Section 16 of the Said Act, the Tribunal could grant condonation, in case of satisfactory reasons shown, within the additional 60 days time and not beyond. It was recorded by this Hon'ble Tribunal in paragraph no.3, that the advocate for the Appellant had taken an adjournment to bring on record several caselaws in order to convince the Hon'ble Tribunal that the Appeal could be entertained beyond 90 days. Therefore, there was an admission by the advocate of the Appellant that the Said Appeal was filed beyond the statutory period of 90 (ninety) days prescribed under Section 16 of the Said Act. It is pertinent to note that on the next date i.e. 31/03/2023, it is seen from the record that instead of placing case laws on the recorded proposition, the Appellant filed the Additional Affidavit, which apart from being contrary to the order dated 29/03/2023, raised completely



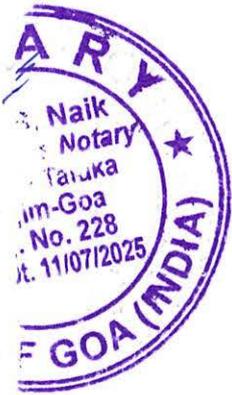
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different and new pleas as against the contentions and averments made in the Said Application. Therefore, the Answering Respondent states that the conduct of the Appellant has been malafide and frivolous, and on such ground alone, the Said Appeal and Said Application deserves to be dismissed and rejected.

*Annexed hereto and marked as **“Exhibit R3”** is the copy of the order dated 29/03/2023 passed by the Hon’ble Tribunal in I.A. No. 83/2023(WZ).*

*Annexed hereto and marked as **“Exhibit R4”** is the copy of the Order dated 31/03/2023 passed by the Hon’ble Tribunal in I.A. No. 83/2023 (WZ).*

- 19) I state that the Additional Affidavit filed by the Appellant on 31/03/2022 raises completely new pleas, contentions, new documents and allegations as against the Said Application. I



state that such new and different pleas, some of which are even contradictory to the averments in the Said Application is impermissible and therefore this Hon'ble Tribunal may not countenance the same.

20) I state that the Appeal has been filed by the Appellant in continuation of the malafide intention of the Appellant to harass the Answering Respondent No.2 herein. I state that such premise and intention of harassing the Answering Respondent and somehow to extort money may not be countenanced by this Hon'ble Tribunal.

21) I state that the Appellant has in an attempt to overreach the mandatory provisions and bar under the Said Act made false, frivolous and baseless contentions and averments. I state that such attempt and approach of the Appellant may not be countenanced by this Hon'ble Tribunal, and the Said Appeal and the Said Application be dismissed.



*Sunil S.*

22) I state that with the Appellant having failed to challenge the Impugned Decision within the time stipulated under Section 16 of the Said Act, there is a vested right accrued in favour of the Respondent No.2 under the Said Act, which cannot be defeated on the basis of the false and frivolous contentions and illusory cause being averred by the Appellant.

23) I state that the preliminary objections raised hereinabove may be decided at the first instance as the same pertains to the very maintainability of the Said Application.

24) I state that without prejudice to the above, the Answering Respondent is also dealing with the contentions made in the Said Application to establish that apart from not being maintainable, even on merits, the Said Application deserves to be rejected.



**Brief Facts**

25) I state that the chronology of the dates and events in the present facts and circumstances are relevant for adjudication of the Said Application, and therefore the dates and events are tabulated hereinbelow for the sake of convenience.

Sr. No.	Date	Event
1	06/10/2020	The Answering Respondent purchased a portion admeasuring 6,578 sqmtrs of Property bearing Survey no. 211/2-A of the Village of Mandrem, Pernem, Goa.
2	18/11/2020	Application made by the Answering Respondent to the Respondent No.1 herein for permission to erect temporary structures.
3	09/06/2021	NOC bearing Reference No. GCZMA/N/Shack-Hut-Cott-Tent/20-



*[Handwritten signature]*

		21/13/311 issued to the Answering Respondent by the Respondent No.1 herein.
4	13/07/2021	NOC bearing Reference No. VP/MAN/PER/NOC/2021-2022/562 issued by the Village Panchayat of Mandrem to the Answering Respondent.
5	October, 2021	The Answering Respondent commenced erection of temporary structures.
6	14/07/2022 and 15/07/2022	Alleged Complaints made by the Appellants to the Respondent No.1
7	27/07/2022	Filing of Original Application No. 70/2022(WZ) by the Appellant against the Answering Respondent and other persons.



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10/07/2025  
GOA (INDIA)



8	30/08/2022	Report of inspection conducted by the Respondent No.1 and others, wherein it was noted qua the Answering Respondent that no violations were found.
9	20/10/2022	The Answering Respondent appeared in the Original Application No. 70/2022 after receipt of notice issued by this Hon'ble Tribunal.
10	22- 24/10/2022	The Answering Respondent was served with the Show Cause Notice bearing Reference No. GCZMA/N/ILLE-Compl/22-23/75/1549 dated 18/10/2022 issued by the Respondent No.1.
11	27/10/2022	Arguments on behalf of the Appellant and the Answering Respondent were heard by the Respondent No.1, and it



*[Handwritten signature]*

		was decided by the Respondent No.1 to discharge the Show Cause Notice as regards the Respondent No.2 herein.
12	11/11/2022	Letter made by the advocate of the Respondent No.2 to the Respondent No.1 seeking for correction of the minutes of the Meeting dated 27/10/2022.
13	18/11/2022	Corrigendum/Addendum issued by the Respondent No.1 merely correcting the minutes of the Impugned Decision.
14	14/03/2023	Appellant filed Appeal bearing Appeal No. 12 /2023 in this Hon'ble Tribunal challenging the Impugned Decision after a period of approximately 174 days from the Impugned Decision. Therefore, the delay is of approximately 144 days, which the



*R. J.*

		Appellant by way of clever drafting, frivolous contentions and suppression of material facts is misrepresenting as 37 days in the Said Application.
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The Respondent no.2 craves leave to produce, refer and rely upon the documents mentioned in the above table or any other document pertaining to the facts stated in the above table.

*Annexed hereto and marked as **“Exhibit R5”** is the copy of the Show Cause Notice bearing Reference No. GCZMA/N/ILLE-Compl/22-23/75/1549 dated 18/10/2022 issued by the Respondent No.1 to the Respondent No.2.*

*Annexed hereto and marked as **“Exhibit R6”** is the copy of the Letter dated 11/11/2022 written by the advocate of the Respondent No.2 to the Respondent No.1.*



*[Handwritten signature]*

**Parawise Reply to the Application for Condonation of Delay  
filed by the Appellant**

26) I state and submit that with respect to paragraph no.1 of the Application, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I state at the very outset that in a further attempt to misrepresent before this Hon'ble Tribunal, the Appellant has pleaded in the first paragraph that the Corrigendum altered the Impugned Decision and it is sought to be represented that it was by way of the Corrigendum that the Respondent No.1 discharged the Answering Respondent. The Answering Respondent vehemently denies such contentions and attempts of the Appellants to misrepresent before this Hon'ble Tribunal. The Answering Respondent reiterates that vide the Impugned Decision the Respondent No.1 had decided to discharge the Show Cause Notice against the Answering Respondent, on which date and knowledge of which the Appellant always had since the very passing of the same i.e. on 27/10/2022. The Corrigendum issued by the Respondent No.1 merely corrected



a line in the minutes of the Impugned Decision, which neither amounts to alteration nor fresh decision nor any fresh cause for the Appellant to file the Appeal under Section 16 of the Said Act. It is reiterated that the Corrigendum relates back to the Impugned Decision and is not a fresh cause for filing of the Said Appeal as provided for under Section 16 of the Said Act. I state that the Respondent No.1, after conducting the Inspection, making a report and hearing the parties had discharged the Answering Respondent, and therefore all allegations of the Appellant are false and baseless. The Answering Respondent reiterates that the Said Appeal, apart from being false and frivolous, is barred by limitation and therefore deserves to be dismissed.

- 27) I state and submit that with respect to paragraph no.2 of the Application, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent states that the contents of the paragraph no. 2 are denied in toto. The



Answering Respondent specifically denies that the date of communication in terms of Section 16 of the Said Act, in the present case would be 05/01/2023. The Answering Respondent states that since the very Impugned Decision i.e. on 27/10/2022, the Appellant had knowledge that the Show Cause Notice as regards the Respondent No. 2 herein had been discharged by the Respondent No.1. That under Section 16 of the Said Act, the grievance, if any, as regards the Appellant would be the discharge of the Show Cause Notice which was by way of the Impugned Decision dated 27/10/2022. Therefore, the Corrigendum dated 18/11/2022, which was merely issued to correct a line in the minutes of the Impugned Decision, is no fresh cause or new decision or direction provided for under Section 16 of the Said Act. Assuming and in no manner whatsoever admitting that the date of Corrigendum would be the starting of statutory period under Section 16 of the Said Act, the Answering Respondent states that the Appellant has purposefully suppressed the fact that the Corrigendum was uploaded by the Respondent No.1 on its website, which as per



the own admission of the Appellant, the Appellant was never checking or even viewing. Therefore, the contentions of the Appellant are baseless, false and frivolous.

28) I state and submit that with respect to paragraph no.3 of the Application, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent states that the contents of the paragraph no. 3 are denied in toto. The Answering Respondent reiterates that with the Said Appeal having been filed after the period of 90 (ninety) days as stipulated under the Said Act, the delay cannot be condoned. Furthermore, any contention of the Appellant having filed the Said Appeal within the condonable sixty day period is specifically denied. Without Prejudice to the above, and assuming and in no manner admitting that the Said Appeal is filed within the condonable period of sixty days, the Answering Respondent states that the Hon'ble Supreme Court has in a catena of judgments held that "sufficient cause" must be a



bonafide and genuine reason or ground established by the party in order for the Hon'ble Court to condone delay. In the present Application, there is not even a single bonafide or genuine reason forthcoming, and therefore the present Application deserves to be dismissed. In any case, it is seen from the contentions of the paragraph that it is the case of the Appellant that he was pursuing the Original Application against the Respondents therein, and if that be so, there is not even a single rhyme or reason averred as to why the Appellant never challenged the Impugned Decision prior in point of time, which in the present facts and circumstances evidently is an afterthought nor even an averment that the Appellant/Applicant had amended the prayers in the Original Application to challenge the Impugned Decision. I state that assuming and in no manner whatsoever admitting that the Corrigendum was not known to the Appellant, then also, the Appellant herein had not even challenged the Impugned Decision prior to the alleged date of 05/01/2023, on which date also there would have been considerable and unexplained delay in challenging the



Impugned Decision. The Answering Respondent therefore states that the contentions and averments of the Appellant are a mere attempt of the Appellant to misrepresent before this Hon'ble Tribunal, whilst wanting to fulfil the malafide intention of harassing the Answering Respondent to extort money. It is respectfully submitted that the Application based on such false and frivolous averments may not be countenanced by this Hon'ble Tribunal as the same amounts to an abuse of process of law.

- 29) I state and submit that with respect to paragraph no.4 of the Application, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I state that the falsity and frivolousness of the Appellant is further evident from the pleadings in paragraph no. 4, wherein the Appellant assumes this is an application for early hearing. It appears that with the Appellant being part of many frivolous litigations before different forums, is himself unaware of the pleadings so verified by him.



30) The Answering Respondent submits that from the above it is evident that the Said Appeal and Said Application is filed on the basis of falsity and frivolousness, and Appellant is attempting to misrepresent before this Hon'ble Authority by way of suppression and consequent attempted misrepresentation. Furthermore, the Appellant herein has very falsely averred the delay to be 37 days, whilst as shown hereinabove, the same is of more than 100 days. Therefore, the Answering Respondent submits that the Said Appeal and the Said Application be dismissed for being barred by limitation.

**Parawise Reply to the Additional Affidavit dated  
31/03/2023 filed by the Appellant**

31) It is reiterated at the very outset that vide order dated 29/03/2023 passed in the Said Application this Hon'ble Tribunal was prima facie of the opinion that the Said Appeal has been filed much after 90 (ninety) days in terms of Section 16, therefore being time barred. It was also observed by this



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Hon'ble Tribunal that in terms of Section 16 of the Said Act, the Tribunal could grant condonation, in case of satisfactory reasons shown, within the additional 60 days time and not beyond. It was recorded by this Hon'ble Tribunal in paragraph no.3, that the advocate for the Appellant had taken an adjournment to bring on record several caselaws in order to convince the Hon'ble Tribunal that the Appeal could be entertained beyond 90 days. Therefore, there was an admission by the advocate of the Appellant that the Said Appeal was filed beyond the statutory period of 90 (ninety) days prescribed under Section 16 of the Said Act. It is pertinent to note that on the next date i.e. 31/03/2023, it is seen from the record that instead of placing case laws on the recorded proposition, the Appellant filed the Additional Affidavit, which apart from being contrary to the order dated 29/03/2023, raised completely different and new pleas as against the contentions and averments made in the Said Application. Therefore, the Answering Respondent states that the conduct of the Appellant has been malafide and frivolous, and on such ground alone, the



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Said Appeal and Said Application deserves to be dismissed and rejected. That the Additional Affidavit is a further afterthought and therefore may not be countenanced and maybe completely ignored by this Hon'ble Tribunal.

32) The Answering Respondent submits that it is impermissible in law to raise new pleas, contentions and documents by way of an Additional Affidavit and therefore, the Additional Affidavit filed by the Appellant may be ignored by this Hon'ble Tribunal.

33) The Answering Respondent states that to the Additional Affidavit there is an order dated 27/02/2023 passed by this Hon'ble Tribunal in Original Application No. 70/2022 which is annexed. That neither does the same find any mention in the Additional Affidavit, nor is there any averment to that regard. Therefore, it is evident that the Appellant under the garb of filing an Additional Affidavit is attempting to plead an altogether new case, which is contrary to the Said Application.



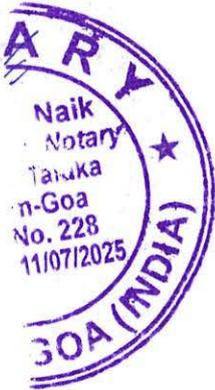
34) Without prejudice to the above, the Answering Respondent is dealing with the contentions in the Additional Affidavit, which apart from being contrary to law, are further frivolous attempts made by the Appellant to misrepresent before this Hon'ble Tribunal.

35) I state and submit that with respect to paragraph no.1 of the Additional Affidavit, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent reiterates that the Said Application seeking for condonation of delay is premised on falsity and frivolousness and therefore deserves to be rejected. Furthermore, after having tacitly admitting before the Hon'ble Tribunal on the first date of hearing as regard delay beyond the statutory period of 90 (ninety) days, the filing of the Additional Affidavit is in itself evidence of the malafide of the Appellant. The Respondent no.2 reiterates that the Appellant/Applicant under the garb of filing an Additional Affidavit, is pleading an altogether different case.



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36) I state and submit that with respect to paragraph no.2 of the Additional Affidavit, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I state that it appears that the contentions averred by the Appellant herein are in complete ignorance of the law. Furthermore, it is pertinent to note that repeatedly the Appellant relies on the Corrigendum, which as stated hereinabove is merely corrective in nature and neither an order or direction in terms of Section 16 of the Said Act. Furthermore, without in any manner having challenged the Impugned Decision prior to the alleged date of 05/01/2023, the Appellant cannot use the Corrigendum as a fresh cause for challenge under Section 16 of the Said Act. It is reiterated that the challenge in the present case can only be to the Impugned Decision, which evidently is much beyond the statutory period in terms of Section 16 of the Said Act. In any case, the Answering Respondent states that the contentions averred by the Appellant are in ignorance to the law, as this Hon'ble Tribunal as well as the Hon'ble Supreme Court of India has



held that uploading would deem to mean date of communication in terms of Section 16 of the Said Act. That it is nowhere averred by the Appellant that the Impugned Decision was not uploaded by the Respondent No.1, or that the Impugned Decision was not known to the Appellant as on the date of its passing. The falsity of the contention is further concretised by the fact that the Appellant right from 27/10/2022 was aware of the Impugned Decision, but never took any steps to challenge the same. Therefore, if anything, this reliance on the Corrigendum is a mere afterthought and impermissible in law. Furthermore, in the present case the Impugned Decision was passed in the presence of the parties who were represented by their respective advocates, and thereby the parties had knowledge of the Impugned Decision since 27/10/2022. In any case, I deny that the Corrigendum is an order/decision/direction as alleged under Section 16 of the Said Act. Therefore, the attempt of the Appellant to misrepresent before this Hon'ble Tribunal may not be countenanced by this Hon'ble Tribunal.



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37) I state and submit that with respect to paragraph no.3 of the Additional Affidavit, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I state that the contents of the paragraph no. 3 are denied in toto. The Answering Respondent denies that the Corrigendum amounts to a decision or fresh cause or direction under Section 16 of the Said Act, as so wrongly averred by the Appellant. The Answering Respondent submits that the Appellant is very wrongfully and falsely attempting to misrepresent that the Impugned Decision was not uploaded on the website of the Respondent No.1. That the said Impugned Decision was uploaded on the website of the Respondent No.1, and moreso the Appellant who was present during the passing of the same, through his advocate, was aware of the Impugned Decision as early as on 27/10/2022. That by way of clever drafting the Appellant is attempting to overreach the provisions of Section 16 of the Said Act, which is impermissible in law. The Answering Respondent states that the Impugned Decision had discharged the Show Cause Notice against the Respondent



No.2 herein, and if anything, the grievance of the Appellant under Section 16 would have to be reckoned from such date. In the present case, the Appellant is attempting to shift the cause to a completely illusory date, which is illegal and untenable in law. The Appellant states that with no single averment as regards not having knowledge of the Impugned Decision, despite his lawyer being present at the time of passing of the Impugned Decision, and without any challenge to the Impugned Decision prior to the alleged date of 05/01/2023, it is evident that the Said Appeal is a mere afterthought and therefore is untenable in law. The Answering Respondent states that whilst having sought time before this Hon'ble Tribunal on 29/03/2023 for placing on record case laws for the recorded proposition, the Appellant by filing this Additional Affidavit has sought to change the nature of the proposition and not even relied on any judgment in furtherance to the proposition so recorded in Order dated 29/03/2023 passed by this Hon'ble Tribunal. On the contrary, the Principal Bench of this Hon'ble Tribunal as well as this Hon'ble Tribunal has held that beyond



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the statutory period of 90 (ninety) days as stipulated under Section 16 of the Said Act, the Hon'ble Tribunal has no power to condone the delay. The Respondent no.4 further states that there is no denial that the Corrigendum was not uploaded on the website of the Respondent No.1, and therefore the Appellant/Applicant cannot be permitted to take refuge of his lethargy and disinterest to circumvent the statutory bar under the Said Act.

38) I state and submit that with respect to paragraph no.4 of the Additional Affidavit, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent states that the contents of the paragraph no. 4 which are made in furtherance of creating an illusory cause of action under Section 16 of the Said Act are denied in toto. The Answering Respondent states that the Appellant seems to purposefully not aver anything as regards the Impugned Decision, whilst merely averring the Corrigendum. It is reiterated that the grievance if anything



under Section 16 of the Said Act would be by the Impugned Decision by way of which the Respondent No.2 was discharged, and the Corrigendum, which is merely corrective in nature, neither is any fresh cause or fresh decision or fresh direction or any fresh grievance under Section 16 of the Said Act. The Answering Respondent submits that the Appellant is attempting to misrepresent before this Hon'ble Tribunal by suggesting that the Corrigendum is the decision, while contrary to the same, the discharge of the Respondent No.2 was by way of the Impugned Decision dated 27/10/2022. The Answering Respondent states that the Appellant was aware of the Impugned Decision since the very date of its passing i.e. as early as on 27/10/2022, and therefore such contentions which are itself malafide in nature may not be countenanced by this Hon'ble Tribunal. Furthermore, even at such time, the Appellant/Applicant had not preferred an Appeal under Section 16 as regards the Impugned Decision, which as on the illusory date of 05/01/2023 would be beyond the statutory limitation,



*[Handwritten signature]*

and therefore the attempt of the Appellant to misrepresent an illusory cause is specifically denied by the Respondent.

- 39) I state and submit that with respect to paragraph no. 5 of the Additional Affidavit, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I state that it is specifically denied that the Corrigendum changes the basis for the Impugned Decision. I state that it is the own admission of the Appellant that the Appellant had himself not checked the website of the Respondent No.1, and therefore all contentions made by the Appellant as regards the uploading of the Corrigendum deserve to be ignored. It is further pertinent to state that limitation specified under Section 16 of the Said Act has to be strictly interpreted, as has been held by this Hon'ble Tribunal, and therefore the basis of decision sought to be challenged is the "grievance" which one person may have. In the present case, "grievance", if any, which can be contended by the Appellant is as regards the discharge of the Show Cause Notice by the



Respondent No.1 qua Respondent No.2, which was by way of the Impugned Decision dated 27/10/2022, which the Appellant had knowledge of from the very date, as the Appellant was represented during the passing of the Impugned Decision by his advocate. Therefore, the statutory period as contemplated under Section 16 of the Said Act would begin from such date, and not in the manner as wrongly averred by the Appellant. The Answering Respondent states that it is not the case averred by the Appellant that the Corrigendum was not uploaded on the website and therefore without itself discharging the burden of proof, which the Appellant is not in a position to as it is admitted by him that he was not even checking the website, the present Application is nothing but a malafide intention to harass the Respondent No.2 herein. That the contention of the Appellant that he ought to have been communicated as regards the uploading of Corrigendum on the website is untenable, and in any case the duty of the Appellant to be attentive cannot be transferred to the Respondent No.1.



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40) I state and submit that with respect to paragraph no.6 of the Additional Affidavit, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent states that the statement of the Appellant that the Corrigendum was not uploaded until 27/12/2022 is denied as the same has been made on the basis of mere apprehension, and more importantly, the same is contrary to the statement made in paragraph no. 4, wherein the Appellant himself admits that he was not checking the website. The Answering Respondent states there are inconsistencies in the plea raised by the Appellant, and therefore this Hon'ble Tribunal may not countenance the same. It is pertinent to mention herein that the members of the Respondent No.1 are ex officio members and therefore the contention of the Appellant is untenable.



41) I state and submit that with respect to paragraph no.7 of the Additional Affidavit, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has

been stated herein. The Answering Respondent states that the contents of the paragraph no. 7 are denied in toto as with the Appellant himself not discharging his burden of proof, the Appellant by way of the present Additional Affidavit is seeking an inquiry into an illusory cause, despite himself admitting that he never checked the website of the Respondent No.1. The Answering Respondent states that such contention and conduct apart from being untenable in law, is frivolous in nature and with the malafide intention of harassing the Respondent No.4 herein to extort money. I state that the Appellant has no locus to seek for any inquiry by authorities or seek information such as the system logs, soft copy, meta data, mail trail etc after himself having admittedly not even checked the website of the Respondent No.1. That by himself never having challenged the Impugned Decision prior to the alleged date of 05/01/2023 and also admitting that he was not checking the website of the Respondent No.1, the Appellant cannot as per his whims and fancies seek inquiries from public authorities in the manner pleaded. I submit that the date of creation/modification is not



seen on the document properties of the Corrigendum as the same is a scanned document and not a word file converted and uploaded as PDF. It appears that the Appellant is making contentions which are completely false and frivolous. The Answering Respondent states that the date of creation or modification in the PDF is only if the same is a Microsoft word file converted to PDF and uploaded, or is a document which has been created on an online PDF tool, which is not the case with the Corrigendum, which is a scanned document of a hard copy. An illustration of the same are the minutes of the other meetings, which appear to be prepared on word, converted and uploaded using the online application called “ilovepdf.com.” The Answering Respondent states that in the present case the date of communication as regards the Appellant would have to be the date of Impugned Decision, as the same was passed in the presence of his lawyer, but assuming and in no manner admitting that. such date of upload is taken as the relevant date, then the same as per the very methodology of the Appellant was uploaded on 09/11/2022, therefore the Said Appeal still



being barred by limitation. Therefore, the question of date of creation or modification as regards the Corrigendum does not arise as so wrongly averred by the Appellant/Applicant. The Answering Respondent states that if the document properties of the Corrigendum file is viewed, photo of which is not even annexed by the Appellant herein, then it is clear that the Application and PDF producer is Adobe Scan for Android and not "ilovepdf.com". Secondly the contents of the Application, PDF producer and automatic generated file name make it evidently clear that the same was done on 18/11/2022, and therefore even assuming that the statutory period under Section 16 of the Said Act would begin from the Corrigendum, then also the Said Appeal is barred by limitation as the same is beyond the statutory period of 90 (ninety) days.

*Annexed hereto and marked as **"Exhibit R7"** is the copy of the screenshot of the description box of the document properties as regards the Minutes of the 326<sup>th</sup> Meeting dated 27/10/2022 on the website of the Respondent No.1.*



*SJK*

*Annexed hereto and marked as **“Exhibit R8”** is the copy of the screenshot of the description box of the document properties as regards the Corrigendum dated 18/11/2022 on the website of the Respondent No.1.*

- 42) I state and submit that with respect to paragraph no.8 of the Additional Affidavit, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent states that the contents of the paragraph no. 8 are denied in toto, as the same are a mere afterthought to the delay in purposefully not challenging the Impugned Decision. The Answering Respondent states that the Appellant is now after having averred contentions as regards the Respondent No.1, decided to use the order passed by this Hon'ble Authority as a reason to cover up his own fault and justify the delay in preferring the appeal. The Answering Respondent states that the order passed in Original Application 70/2022 was in light of those facts and circumstances, and it was never either recorded nor even



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suggested by the Hon'ble Tribunal that the legality and correctness of the Impugned Decision would be adjudged in exercise of its Original Jurisdiction. Rather the Hon'ble Tribunal has recorded that upon the reply of the GCZMA it would pass the final order, which appears to be in order to ascertain whether the Answering Respondent was actually discharged by the Respondent No.1. The Answering Respondent states that such order passed by the Hon'ble Tribunal in those facts and circumstances cannot be interpreted by the Appellant as per his whims and fancies, and moreover, the same cannot be used to cover up the failure of the Appellant to challenge the Impugned Decision in time. That without even annexing the order passed by the Hon'ble Tribunal, the Appellant is seeking to read into something which was never recorded by this Hon'ble Tribunal. The Answering Respondent states that from the contention of the Appellant it is evident that as early as on 17/11/2022 he had got notice of the letter written by the advocate of the Answering Respondent to the Respondent No.1 for seeking correction of the minutes of the



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meeting. In such scenario it was even more required for the Appellant to pay attention as regards any correction to the Impugned Decision, if it was actually intending to challenge the same. Any prudent litigant would either be more attentive as regards any correction in the Impugned Decision or atleast write a communication to the Respondent No.1 seeking knowledge of the outcome of the letter written by the advocate of the Answering Respondent. That admittedly the Appellant was not even checking the website and there is not a single document or averment stating that he sent any communication to the Respondent No.1, therefore it is evident that the contentions of the Appellant are false and frivolous and may not be countenanced by this Hon'ble Authority. The Answering Respondent specifically denies the illusory cause sought to be averred by the Appellant, as the same is false, wrong and frivolous.

- 43) I state and submit that with respect to paragraph no.9 of the Additional Affidavit, the contents of the same are denied to the



extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent specifically denies that the date of the Corrigendum should be taken as 05/01/2022, as the same is an illusory cause sought to be represented by the Appellant herein. The statutory period under Section 16 of the Said Act in the present facts and circumstances would be from the date of the Impugned Decision i.e. 27/10/2022 as the Appellant was represented by his advocate while passing of the Impugned Decision. I state that the Appellant has sought time before this Hon'ble Tribunal on 29/03/2023 to place on record case laws on the proposition that the Hon'ble Tribunal can condone delay beyond the statutory period of 90 (ninety) days stipulated under Section 16 of the Said Act. That contrary to the same, the Appellant filed the Additional Affidavit which is completely contrary to the proposition. Furthermore, the caselaws relied upon by the Appellant in this Additional Affidavit only pertain to delay beyond 30 (thirty) days, but within the statutory period of 90 (ninety) days, which is neither the case in the present facts and



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circumstances nor in terms of the proposition recorded in the order dated 29/03/2023. The Answering Respondent states that the caselaws relied upon by the Appellant are not applicable to the present case and therefore the Said Appeal which is barred by limitation deserves to be dismissed.

44) The answering Respondent states that without prejudice to the above, that the reasons given by the Appellant at the very face value are neither sufficient nor can be treated as sufficient cause in terms of section 16 of the Said Act.

45) The Answering Respondent states that apart from being not maintainable, the Said Application even on merits deserves to be dismissed. Therefore, the Said Appeal which is barred by limitation deserves to be dismissed.

46) The Answering Respondent states that the Said Appeal has been filed after the statutory period of 90 (ninety) days



stipulated under Section 16 of the Said Act, and therefore the same is barred by limitation.

47) The Answering Respondent states that the annexures to the Affidavit in Reply are true copies of the Original.

48) I state that the contents of Paragraph nos 1 to 47 hereinabove are based on facts true to my knowledge, and the legal submissions made therein are based on legal advice received which I believe to be true and correct.

Solemnly affirmed at Panaji, Goa}

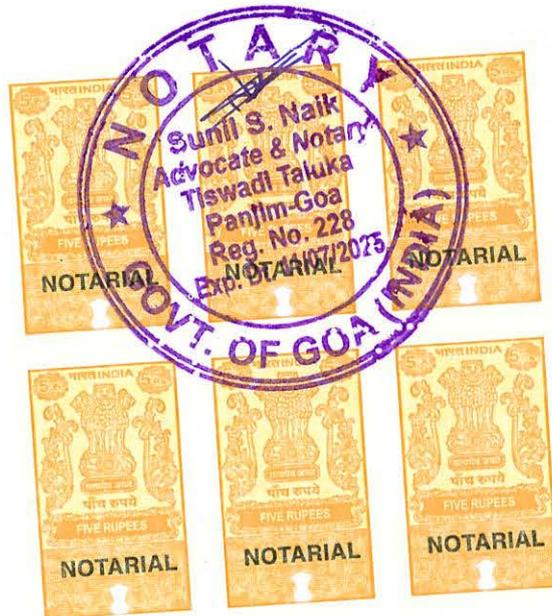
On this <sup>17<sup>th</sup></sup> day of July, 2023 }

DEPONENT



I hereby attest the signature of Mr. Lalit Arora who appeared and signed before me and in presence of identifying witnesses Pradham Card No. 7192 1870 7879 who are known to me  
Reg. No.: 1330/2023/A  
Date: 17/07/2023

Sunil S. Naik  
Advocate & Notary  
Tiswadi Taluka  
Panjim-Goa 403 001  
Reg. No. 228



**VERIFICATION**

I, Lalit Arora, son of Om Prakash Arora, Director of M/s Lucky Realtech Pvt Ltd, Respondent No.4 herein, 50 years of age, residing at A-502, Tower Height Apartment, Pitampura, Delhi 110034, Authorised Representative of the Respondent No.2 herein, do hereby verify that the contents of the Paragraph nos 1 to 48 of the aforesaid Affidavit in Reply are partly true to my personal knowledge and partly based on the legal advice which I believe to be true and correct and that I have not suppressed any material fact.



On this <sup>17<sup>th</sup></sup> Day of July, 2023

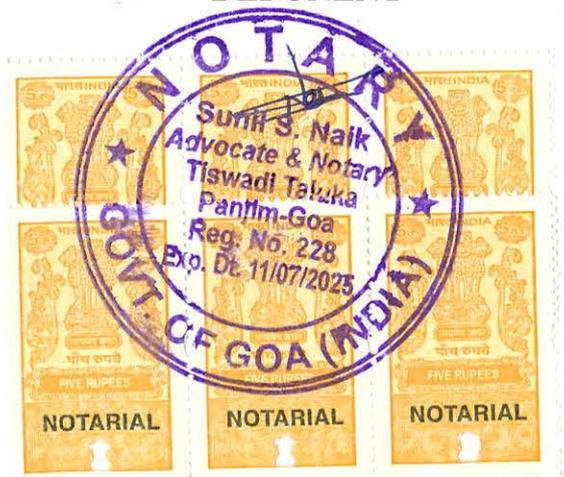
Place: Panaji, Goa

I hereby attest the signature of  
Mr. Lalit Arora  
 who appeared and signed before me  
 and in presence of identifying  
 witnesses Aadhar Card No.  
7192 1870 7879  
 who are known to me  
 Reg. No.: 1330/2023/B  
 Date: 17/07/2023

Sunil S. Naik  
 Advocate & Notary  
 Tiswadi Taluka  
 Panjim-Goa 403 001  
 Reg. No. 228

*[Handwritten Signature]*

DEPONENT



**MINUTES OF 326<sup>th</sup> MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 27/10/2022 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 326<sup>th</sup> Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 27/10/2022 at 3.30 p.m.in the Conference Hall, Fourth Floor, Dempo Tower, Patto-Panaji-Goa.

**The following members were present for the meeting on 27/10/2022.**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Director, Department of Tourism Panaji, Goa.
- Representative on behalf of Principal Chief Engineer, PWD, Panaji, Goa.
- Representative on Behalf of Director, Directorate of Panchayat.
- Representative on behalf of Chief Engineer, WRD, Porvorim, Goa
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Shrirang Jambhale, Expert Member (GCZMA).
- Shri Savio J.F.Correia Expert Member (GCZMA)
- Member Secretary (GCZMA).

At the outset the Chairman (GCZMA) appreciated the work carries out by all the Expert Members (GCZMA) as the term of this Authority is coming to end on 31<sup>st</sup> October 2022. Shri. Flaviano Miranda, Shri. Shrirang Jambhale, Shri Savio J.F.Correia Shri. Sujeet Kumar Dongre, Shri. Mahesh Patil. Expert Members had given maximum time and helped he authority in discharging their functions from time to time which had resulted into speedy disposal of cases.

**Case No.1.1**

**To decide on complaint Ramesh Bipul Mazumdar, resident of Calangute pertaining to the illegal construction of a structure at the sea shore of the Anjuna Beach Augusta D'Souza.**

**Background:** A complaint letter dated 22/08/2022 and inwards in the office of the GCZMA on the 24/08/2022 from Ramesh Bipul Mazumdar, resident of Flat No T-1, Braganza Building, Naika Vaddo, Next to Calangute Market, Calangute, Bardez Goa; pertaining to the illegal construction of a structure at the sea shore of the Anjuna Beach opposite to Shore Bar and Restaurant at Anjuna being erected by one Augusta D'Souza.

The Authority through its Field Surveyor of GCZMA and the Head Constable attached to Anjuna Police Station conducted a Site Inspection on the 04/10/2022 and 05/10/2022.

The Complainant Mr Ramesh Bipul Mazumdar approached the Hon'ble High in Writ Petition 2148 of 2022(f) and vide order dated 04/10/2022 directed the Authority to report compliance and further directed to produce photographs showing the status of the constructions at site.

**Proceeding:** None appeared.

**Decision:** The Member Secretary informed the Authority that the offending structure is removed /demolished as per the directions of Hon'ble High Court vide order dated in WP 2148 of 2022 as such nothing remains in the present proceedings and hence the proceedings stands closed.

### Case No.1.2

**To decide on complaint from Mr. Chandan Suryakant Khorjuvekar, Anjuna Bardez Goa against Mr. Pankaj Chopra, and Sayam Thakral, through M/s Maargrit Beach Resort Goa Ashwem Beach and Lucky Real Tech Pvt Ltd., Ashwem Beach through Lalit Arora with regards to Illegal construction in the property bearing Sy No. 211/2-A of Ashwem, Mandrem, Pernem, Goa.**

**Background:** The Office of the Goa Coastal Zone Management Authority is in receipt of a complaint letter dated 14/07/2022 from Mr. Chandan Suryakant Khorjuvekar, R/o H. No 98/9, Bandirwaddo, Anjuna Bardez Goa against M/s Lucky Real Tech Pvt Ltd through Lalit Arora M/s Maargrit Beach Resort Goa Ashwem Beach through Pankaj Chopra and Sayam Thakral, with regards to Illegal construction in the property bearing Sy No. 211/2-A of Ashwem, Mandrem Village, Pernem Goa.

On receipt of complaints, the Engineers and Expert Member attached to the office did the site inspection.

**Proceeding:** Advocate appeared on behalf of Complainant and filed written submissions on site inspection report submitted by Expert Member (GCZMA). Ld advocate present on behalf of Lucky Real Tech submitted that he has not done any violation, further he stated that he submitted before Hon'ble NGT that there is no violation and Hon'ble NGT has discharged the proceedings against him. None appeared for Maargrit Beach Resort and Satyam Thakral.

**Decision:** The Authority after hearing both the parties decided to drop the proceedings with respect to Lucky Real Tech Pvt Ltd through Lalit Arora as per the order passed by NGT and to continue the proceedings on other parties issue fresh notices on Mr. Satyam Thakral and Pankaj Chopra for M/s Maargrit Beach Resort the matter is posted on 24/11/2022 at 3.30 pm.

**CORRIDENDUM/ADDENDUM**

**READ MINUTES OF 326<sup>th</sup> MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 27/10/2022 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

In case No. 1.2 on page no.2 of 84 in the decision part, the first two lines and the word NGT on third line stands deleted by substituted by words "The authority after hearing the both parties and after perusing the joint site inspection decided to drop the proceedings in respect of M/s Lucky Real Tech Pvt Ltd".

Rest contents of the minutes of 326<sup>th</sup> meeting dated 27/10/2022 remains the same.



**Member Secretary  
(GCZMA)**

  
**Chairman  
(GCZMA)**

"EXHIBIT R3"

265

Item No.1

(Pune Bench)

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

(By Video Conferencing)

Appeal No.12/2023(WZ)

I.A. No. 83/2023(WZ)

Chandan Suryakant Khorjuvekar

.....Appellant(s)

Versus

GCZMA & Ors.

....Respondent(s)

Date of hearing: 29.03.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Mr. Aagney Sail, Advocate

**ORDER**

1. Heard the argument of Mr. Aagney Sail, Learned Counsel for the Appellant.

2. This Appeal has been filed against the order dated 27.10.2022 read with its corrigendum dated 18.11.2022 passed by Respondent No.1-Goa Coastal Zone Management Authority (GCZMA) on 13.03.2023. We find it to have been filed much after 90 days, therefore, it appears to be time barred for which a delay condonation application is moved being I.A No. 83/2023. Since, the provision for filing appeal which prescribes 30 days time period and the additional 60 days time is at the discretion of this Tribunal subject to the Applicant showing the satisfactory reason for condoning the delay and not beyond that this appeal appears to be time barred.

3. The Learned Counsel for the Appellant seeks adjournment today to bring on record several case laws in order to convince us that this Appeal can be entertained even beyond 90days delay.

266

4. Put up this matter for admission on 31.03.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 29, 2023  
Appeal No. 12/2023(WZ)  
(I.A. No. 83/2023)  
JG

Item No. 3

(Pune Bench)

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

(By Video Conferencing)

Appeal No.12/2023 (WZ)  
I.A. No.83/2023 (WZ)

Chandan Suryakant Khorjuvekar

....Appellant

Versus

GCZMA & Ors.

....Respondent(s)

Date of hearing: 31.03.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Mr. Aagney Sail, Advocate

**ORDER**

1. This appeal has been preferred under Section 16 of the National Green Tribunal Act, 2010 seeking quashing of the decision taken by the Respondent No. 1/GCZMA in case no. 1.2 during its 326<sup>th</sup> Meeting held on 27.10.2022, which was later on altered vide corrigendum/addendum dated 18.11.2022 with delay of 37 days.

2. The learned Counsel for the Appellant has submitted an additional affidavit dated 31.03.2023, stating there-in that corrigendum/addendum dated 18.11.2022 was not communicated to him in accordance with Rule 4 Sub-Clause (c), which was mandatory, nor the same, to the best of his knowledge, was uploaded on the official website by the Respondent No. 1, therefore, he could come to know about this corrigendum having been issued, only when it was communicated to him through e-mail dated 05.01.2023, through filing relevant documents to the additional affidavit of Respondent No. 1/GCZMA dated 05.01.2023, filed in Original

Application No. 70/2022(WZ). Therefore, he is reckoning the limitation from 05.01.2023 and this appeal has been filed on 13.03.2023, hence he has prayed for delay to be condoned.

3. We direct the Registry to issue notice to the Respondents, returnable within 02(two) weeks.

4. Appellant is directed to provide copy of the application and relevant documents to the Respondents within a week.

5. Respondents are directed to submit their reply within 04(four) weeks providing copies of the same to the other parties in advance.

6. Appellant is also directed to take necessary steps for service upon the Respondents by both ways and also through available e-mail.

7. Put up this matter for disposal of I.A. No. 83/2023(WZ) on 25.04.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 31, 2023  
Appeal No.12/2023 (WZ)  
I.A. No.83/2023 (WZ)  
P.Kr

# GOA COASTAL ZONE MANAGEMENT AUTHORITY

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

4<sup>th</sup> floor, Dempo Towers, Patto, Panaji-Goa

czma.goa.gov.in

"EXHIBIT  
RS"

269

Ref.No.GCZMAN/ILLC (compL)/22-23/75/1549 Dated: 18/10/2022

**SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

**WHEREAS**, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

**AND WHEREAS**, the Office of the Goa Coastal Zone Management Authority is in receipt of a complaint letter dated 14/07/2022 from Mr. Chandan Suryakant Khorjuvekar, R/o H. No 98/9, Bandirwaddo, Anjuna Bardez Goa against Mr. Pankaj Chopra, Lucky Real Tech Pvt Ltd., and Sayam Thakral, C/o Maargrit Beach Resort Goa Ashwem Beach with regards to Illegal construction construction mentioned below in the property bearing Sy No. 211/2-A of Ashwem, Mandrem Village, Pernem Goa.

Copies of the complaints dated 8/06/2022 is enclosed herewith as Annexure 'A' colly.

**AND WHEREAS**, on receipt of complaints, the Engineers and Expert Member attached to the office did the site inspection. The copy of the site inspection is enclosed herewith as 'B' colly

That upon close perusal of the said report the following alleged gross illegal construction resulting violation of CRZ Notification 2011 is noticed:

SR. NO	Name of the Party/alleged violator	Survey No. / Village	Type of Construction/acti-ty	Findings	Distance from HTL
1.	M/s Lucky Realtech Pvt. Ltd. (construction)	211/2-A Ashwem Mandrem	a) Cottage Blocks - 18 b) Restaurant - 01 c) Reception Block - 01	The project proponent has not exceeded the approval granted by	Within CRZ Limits

	in progress)		the GCZMA and construction is permissible.	270
2.	Maargit Beach Resort (construction complete and resort is operational)	<ul style="list-style-type: none"> <li>a) Cottage blocks - 24</li> <li>b) Restaurant - 01</li> <li>c) Reception block - 02</li> <li>d) Wooden platform</li> <li>e) Concrete storm water drain</li> <li>f) Swimming Pool</li> <li>g) Laterite masonry Compound Wall</li> <li>h) Structure next to the reception having two molded polyethylene water tanks.</li> <li>i) Illegally erected 20 RCC column</li> </ul>	The project has approval of the GCZMA. However, structures d) to h) are unauthorised and recommended for demolition.	
3.	Satyam Thakral (construction is progress)	<ul style="list-style-type: none"> <li>a) Cottage Blocks - 15</li> <li>b) Restaurant - 01</li> <li>c) Swimming Pool</li> <li>d) RCC platform</li> <li>e) Structure on eastern side</li> <li>f) RCC under ground water tank</li> </ul>	The project has approval of the GCZMA. However, Structures c) to f) are unauthorised and recommended for demolition.	

**AND WHEREAS,** all proposed 'construction / re-construction / development / repair' and other permissible activities between 100 mts. from the River, and 500 mts of the Sea require the prior approval of the GCZMA under the CRZ Notification, 2011.

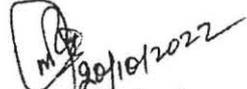
**AND WHEREAS,** the alleged construction/ activity appears to be without any prior approval of GCZMA as required under CRZ Notification, 2011.

271

**NOW THEREFORE**, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, hereby directs you to **SHOW CAUSE** as to why the **APPROVAL GRANTED TO YOU SHOULD NOT BE WITHDRAWN** and a direction to demolish the structures and to restore the land to its original condition should not be issued to you.

**FURTHER TAKE NOTE THAT**, you are required to file your reply alongwith compliance report and construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 4th Floor, Dempo Towers Patto, Panaji- Goa on or before **27/10/2022**.

Further you directed to remain present for the personal hearing or depute your duly authorized representative with all the documents, approved site plans and other related documents if any in support of your case/ structure before the Authority, 4<sup>th</sup> floor, Dempo Towers Patto, Panaji- Goa Please on **27/10/2022 at 3.30pm onwards** take note that if you fail to submit your reply/appear along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

  
(Dasharath M. Redkar)  
**Member Secretary (GCZMA)**

To,

1. ✓ M/S Lucky Realtech Pvt. Ltd., through Its Managing Director, Reg. Office: H.No. 145, Ground Floor, Pocket-22, Sector-24, Rohini, New Delhi – 110085.
2. Mr. Pankaj Chopra, C/o Maargit Beach Resort, Sy. No. 211/2-A, Village Mandrem, Pernem Taluka, North Goa District, Goa – 403718.
3. Mrs. Goldy Chopra, C/o Maargit Beach Resort, Sy. No. 211/2-A, Village Mandrem, Pernem Taluka, North Goa District, Goa – 403718.
4. Mr. Satyam Thakral, Sy. No. 211/2-A, Village Mandrem, Pernem Taluka, North Goa District, Goa – 403718

5. The Talathi, Village Panchayat of Mandrem to Serve Copy of this Show cause Notice of Mr. Pankaj Chopra, Mrs. Goldy Chopra, and Mr. Satyam Thakral and submit compliance report of service.

**Copy to:**

1. **The Collector & District Magistrate (North), Office of the Collector (North), Panaji -Goa... for information and necessary action.**
2. **The Dy. Collector & S.D.O of Pernem having office at Pernem Bardez - Goa.... for information and necessary action.**
4. **The Secretary, Village Panchayat of Mandrem Pernem ....for making sure the parties No 2 Mr Pankaj Chopra; Mrs. Goldy Chopra and Mr. Satyam Thakral are served the Show Cause Notice by the Talathi and file a compliance report .**
5. **Mr. Chandan Suryakant Khorjuvekar, resident of House No. 98/9, Bandir waddo, Anjuna Bardez Goa.**

"EXHIBIT RG"

273

*[Handwritten signature]*

11 November, 2022

To,  
Goa Coastal Zone Management Authority,  
Patto,  
Panaji,  
Goa

Divisional Secretary *[Signature]* 11/11/22  
Goa Coastal Zone Management Authority  
C/o Department of Environment & Climate Change  
Dempo Road, Patto  
Panaji, Goa - 403001

**Ref: GCZMA/Telle Compl/22-23/75/1549 dated 18/10/2022**

**Sub: Correction of the Minutes of the Meeting dated 27/10/2022 in GCZMA/Telle Compl/22-23/75/1549 dated 18/10/2022, Chandrakant Khorjuvekar Vs M/s Lucky Realtech**

Respected Person Concerned,

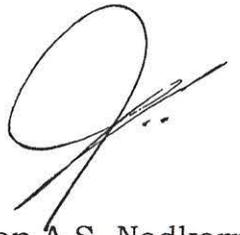
The undersigned has made this application speaking to the Minutes of the 326<sup>th</sup> meeting dated 27/10/2022. That in the said minutes in Case No. 1.2, it is mistakenly recorded that Lucky Realtech has been discharged from the matter before the Hon'ble NGT, while the submission made by the undersigned was that no interim order was passed by the Hon'ble NGT against Lucky Realtech on account of no violation in terms

274

of the inspection report of this Authority, which is evident from the order dated 20/10/2022 placed on record by the undersigned before the Authority.

The Application is made in urgency for correction of the minutes and it is requested that the same may be made at the earliest, since the minutes need to be placed before the Hon'ble NGT.

Yours Sincerely,



Adv. Gauravvardhan A.S. Nadkarni



"EXHIBIT R8"

276

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Office of the GCZMA,  
Panaji - Goa,  
Dated: 28/11/2022

MEMORANDUM

THE GOA COASTAL ZONE  
ON 27/10/2022 at 03.30 PM,  
FLOOR, DEMID TOWER,

the first two lines and the word  
ends "The authority after hearing  
inspection decided to drop the  
"

27/10/2022 remain's the same.

  
Chairman  
(GCZMA)