

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 126/2025 (WZ)

Green Space (NGO)

...Applicant

Versus

State of Goa & Ors

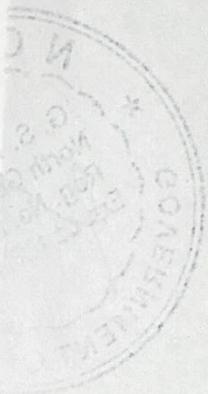
...Respondents

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

NO. 2 (GCZMA)

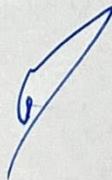
I, Shri Sachin Desai, major of age, holding the post of Member Secretary, Goa Coastal Zone Management Authority (“GCZMA”) i.e., Respondent No. 2 herein, having office at 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby make solemn affirmation and state as under:

1. I say that I am holding the post of Member Secretary, GCZMA. I say that I am filing the present affidavit based on the records available with my office and that I am competent to depose in this case.
2. I say that I am filing the present Affidavit-in-Reply for the purpose of opposing the relief sought in the present application. Nothing in the aforementioned Application filed by the Applicant be deemed to have been admitted for mere want of specific denial. Nothing may be deemed to have been admitted for want of *traverse seriatim*. I crave leave of this Hon’ble Tribunal to file an additional Affidavit, if found necessary.



[Handwritten signature]

3. I say that the Answering Respondent is in receipt of a Complaint dated 13.03.2025 submitted by the Applicant herein, alleging unauthorized and illegal construction of villas and swimming pools in the property bearing Survey Nos. 516/6 and 516/5 situated at Village Anjuna, Bardez, Goa.
4. I say that pursuant to the said Complaint, a site inspection was conducted on 30.04.2025 in the presence of the Complainant i.e., the Applicant herein. During the course of the said inspection, certain permanent structures were observed at the subject site. I say that, as per the identification made by the Complainant, namely Mr. Praveen D'Lima, the alleged constructions complained of were located in Survey Nos. 175/1, 175/3, 175/4, 175/5, 175/5-A, 175/6, 175/6-A, 175/9, 175/10, 175/11, 175/12 and 175/13 of Village Arpora, Bardez, Goa. The findings of the said inspection are duly recorded in the Site Inspection Report dated 30.04.2025.
- (Site Inspection Report dated 30.04.2025 is at page 81 of the Application.)*
5. I say that a perusal of the said Inspection Report dated 30.04.2025 reveals that Survey No. 175/1 falls within CRZ-III (No Development Zone) along a river/creek, while Survey Nos. 175/3, 175/4, 175/5-A, 175/6-A, 175/9 and 175/13 fall partly within the CRZ-III NDZ. It is further revealed that Survey Nos. 175/5, 175/6, 175/10, 175/11 and



175/12 fall outside the CRZ jurisdiction. I say that the said Inspection Report, taking into account the peculiar configuration and shape of the subject property, specifically recommended that detailed DSLR mapping be undertaken to accurately determine the precise location of the existing structures vis-à-vis the CRZ boundaries, as it was not feasible to conclusively ascertain the same during the physical inspection.

6. I say that, in furtherance of the said inspection and in compliance with the principles of natural justice, a Show Cause Notice dated 02.06.2025 was issued to Respondent No. 7 herein, namely Riviera Constructions Pvt. Ltd., calling upon them to show cause as to why appropriate directions, including demolition of the alleged unauthorized structures, ought not to be issued against them.

(Show Cause Notice dated 02.06.2025 is at page 90 of the Application.)

7. I say that in the meantime in the 466th Meeting of the Goa Coastal Zone Management Authority (GCZMA) held on 17.07.2025, the Authority, after considering the Inspection Report dated 30.04.2025 and the recommendation contained therein, resolved that detailed mapping of the structures at the subject site be carried out so as to bring clarity to the matter and to enable an informed adjudication of the issues involved.



(Relevant extracts of the Minutes of the 466th Meeting of the GCZMA held on 17.07.2025 pertaining to the present matter is at page 131 of the appeal.)

8. I say that, accordingly, DSLR mapping of the subject site was carried out, as recommended in the Inspection Report. The said mapping exercise was undertaken with the objective of accurately determining the exact positioning of the structures in relation to the CRZ demarcation. Annexed hereto is a copy of the DSLR mapping of the subject site dated 01.10.2025 marked as "**Annexure A**".
9. I say that the DSLR mapping report dated 01.10.2025 clearly establishes that the substantial majority of the permanent structures existing at the subject site fall outside the CRZ area and are therefore beyond the regulatory jurisdiction of the Answering Respondent under the applicable CRZ Notification. It is further revealed that only two temporary structures, demarcated as "A" and "B", fall within the CRZ area and are within the limited jurisdiction of the Answering Respondent.
10. I say that in the 494th Meeting of the GCZMA held on 16.12.2025 the matter was taken up and the matter was duly considered, and both the Complainant (Applicant herein) and Respondent No. 7 were afforded an opportunity to file their respective responses to the DSLR mapping report. Respondent No. 7 was further granted time to place on

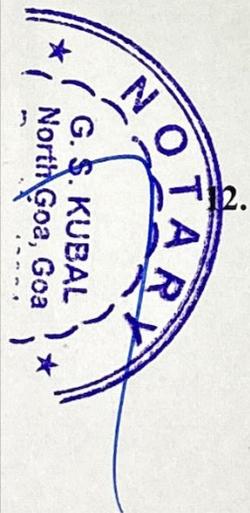


record additional documents in support of its case. I say that the proceedings before the Authority are thus ongoing, and the matter is actively under consideration in accordance with law and established procedure.

Annexed hereto is a copy of the relevant extract of the Minutes of the 494th Meeting of the GCZMA held on 16.12.2025 marked as "Annexure B".

11. I say that the institution of the present Application is wholly misconceived and amounts to a clear duplication and parallel invocation of remedies in respect of the very same subject matter. I say that the Applicant has already invoked the jurisdiction of the Answering Respondent by way of the Complaint dated 13.03.2025, and the said Complaint is being duly processed and adjudicated in accordance with the statutory framework governing CRZ matters. I say that it is a settled principle of law that parallel proceedings on the same cause of action are impermissible, particularly when the competent statutory authority is already seized of the matter. The present Application, therefore, is not only premature but also constitutes an abuse of process of law and is liable to be rejected on this ground alone.

12. I say that in view of the foregoing facts and circumstances, including the pendency of proceedings before the competent authority, the absence of any concluded determination, and the limited jurisdictional applicability as revealed by the



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DSLRL mapping, the present Application is devoid of merit and is liable to be dismissed with costs.

13. I say that what has been stated in Paras 1 to 12 are true to my own knowledge and/or are based on documents/records available with the Respondent and the contents of the same are true and correct and nothing material has been concealed herein.

Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 20.03.2026

DEPONENT

Solemnly affirmed before me by

Sachin Desai

Reg. No: 08/2007 Date: 20.3.2026
known / Identified to me by.

G. S. Kubal
G. S. KUBAL
Notary (Govt. of India)
Panaji-Goa, India



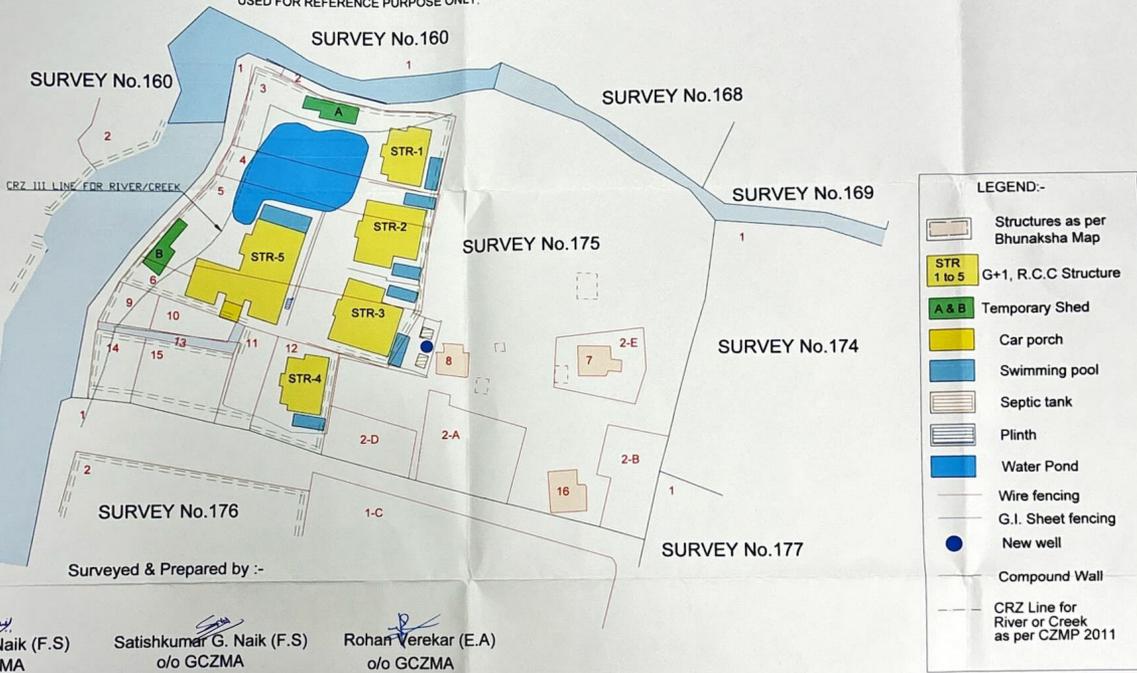


Scale : 1:1000

SITE PLAN

As per the notice of site inspection of Member Secretary, Goa Coastal Zone Management Authority No.GCZMA/NILLE-COMPL/24-25/134/2334 dated 18/09/2025 in respect of Survey No./ Sub Div. No. 175/1,175/3,175/4, 175/5,175/5-A,175/6,175/6-A,175/9,175/10,175/11,175/12 and 175/13 of Arpora Village of Bardez Taluka.

NOTE-
THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES, PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE USED FOR REFERENCE PURPOSE ONLY.



Surveyed & Prepared by :-

Sakhil S. Naik (F.S)
o/o GCZMA

Satishkumar G. Naik (F.S)
o/o GCZMA

Rohan Verekar (E.A)
o/o GCZMA

Surveyed on :- 01/10/2025

FILE NO. No.GCZMA/NILLE-COMPL/24-25/134

494th GCZMA meeting held on
16/12/2025.

ANNEXURE - B

is gone upto the road. Adv for the Respondent present and sought time to produce documents. The Authority's Decision: The Authority decided to carry out mapping on the structures on 17/10/2025 at 11 am and further hearing in the matter on 06/11/2025 at 3.30p.m. for arguments.

The Meeting scheduled on 06/11/2025 was cancelled and matters were posted on 16/12/2025 at 3.30p.m.

Proceeding: Adv for the Complainant present. Adv for the Respondent present. Mapping copies be furnished to the parties

Decision: The Authority posted the matter on 03/02/2026 at 3.00p.m for reply on mapping.

Case No. 1.5

To decide on the Complaint from Praveen Dlima, Green Space vs Riviera Constructions Pvt Ltd.

Background: The Office of the Goa Coastal Zone Management Authority is in receipt of complaint dated 13/03/2025 from Praveen Dlima, Green Space, Neurekar Chambers, Office No 12/115/9, M.G.Road, Panaji Goa with regards to illegal concrete construction in the property bearing Sy.No 516/6 and 516/5 of village Anjuna Bardez Goa.

The same has been verified by the Engineer and Field Surveyor attached to this office and submitted the report.(Copy of the Report and Complaint copy is annexed herewith).

As mentioned by the Complainant in the complaint letter bearing Ref. Inward No. 6438, dated.13/03/2025 that the illegal construction of villa's and swimming pool in the Sy. No. 516/5 and 516/6 of village Anjuna, Bardez-Goa. But as per the identification made by the Complainant Mr. Praveen D'Lima, on site the permanent structures which are built at site which falls under Sy. Nos. 175/1, 175/3, 175/4, 175/5, 175/5-A, 175/6, 175/6-A, 175/9, 175/10, 175/11, 175/12 and 175/13 of village Arpora, taluka Bardez-Goa.

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

| Sy. No./ Sub-Div | Name of the occupants as per Form I&XIV | Area as per Form I&XIV |
|------------------|---|------------------------|
| 175/1 | Riviera Constructions Pvt. Ltd. | 375.00 sq.mtr. |
| 175/3 | Ermelinda Graca Costa Joao Nolasco Moniz Atmaram Ankush Kandolkar Riviera Constructions Pvt. Ltd | 7426.00 sq.mtr. |
| 175/4 | Riviera Constructions Pvt. Ltd. | 600.00 sq.mtr. |
| 175/5 | Riviera Constructions Pvt. Ltd. | 772.00sq.mtr. |
| 175/5-A | Sameer Sibal Kathya Nadine De Braganca | 1028.00sq.mtr. |
| 175/6 | Riviera Constructions Pvt. Ltd. | 577.00sq.mtr. |

| | | |
|---------|---|---------------|
| 175/6-A | Sameer Sibal Kathya Nadine De Braganca | 523.00sq.mtr. |
| 175/9 | Riviera Constructions Pvt. Ltd. | 150.00sq.mtr. |
| 175/10 | Riviera Constructions Pvt. Ltd. | 175.00sq.mtr. |
| 175/11 | Riviera Constructions Pvt. Ltd. | 275.00sq.mtr. |
| 175/12 | Riviera Constructions Pvt. Ltd. | 550.00sq.mtr. |
| 175/13 | Comunidade Water Path | 125.00sq.mtr. |

Table No.:1.2 (Classification of CRZ area as per CZMP-2011)

| Sr. No. | Sy. No./ Sub-Div | Classification of CRZ area as per CZMP-2011 |
|---------|------------------|--|
| 1 | 175/1 | CRZ – III NDZ (CRZ line for River/creek) |
| 2 | 175/3 | Partly CRZ – III NDZ (CRZ line for River/creek) |
| 3 | 175/4 | Partly CRZ – III NDZ (CRZ line for River/ Creek) |
| 4 | 175/5 | Out of CRZ jurisdiction |
| 5 | 175/5-A | Partly CRZ – III NDZ (CRZ line for River/ Creek) |
| 6 | 175/6 | Out of CRZ jurisdiction |
| 7 | 175/6-A | Partly CRZ – III NDZ (CRZ line for River/ Creek) |
| 8 | 175/9 | Partly CRZ – III NDZ (CRZ line for River/ Creek) |
| 9 | 175/10 | Out of CRZ jurisdiction |
| 10 | 175/11 | Out of CRZ jurisdiction |
| 11 | 175/12 | Out of CRZ jurisdiction |
| 12 | 175/13 | Partly CRZ – III NDZ (CRZ line for River/ Creek) |

Observation at loco:

The following observations/identifications were made as identified by the complainant Mr. Praveen D'Lima during the time of site inspection as follows:

Table No.:1.3

| Sr. No. | Type of structure | Nature of the structure | Nos. | Description |
|---------|------------------------|-------------------------|------|---|
| 1 | Villa | Permanent | 05 | Permanent G+1 RCC structures with RCC sloping roof slab |
| 2 | Temporary Labour Sheds | Temporary | - | Temporary structure made up of bamboo sticks with GI-sheet roofing |
| 3 | Compound Wall | Permanent | - | Permanent compound wall made up of laterite stones surrounding the whole site |

| | | | | |
|----|---------------|-----------|----|--|
| 4 | Swimming Pool | Permanent | 07 | Permanent swimming pool below ground level with RCC concrete |
| 5. | | | | Construction of permanent structures as well as compound wall were under progress. |
| 6. | | | | There were excavated pits as well as soil was seen stacked on site. RCC septic tank also present on site. Also there is pond/waterbody seen at site. The sides of the pond/waterbody were repaired with laterite using cement mortar |

The Authority issued Show Cause Notice to the Respondent and directed them to remain present for a personal hearing

The matter was taken up in the 447th GCZMA Meeting the Proceeding: Complainant present. Respondent Present. The Authority's Decision Due to paucity of time matter adjourned to 12/06/2025 at 3.30p.m.

The matter was taken up in the 456th GCZMA Meeting the Proceeding: Complainant present. Respondent present along with Advocate and files reply. The Authority's Decision: The Authority posted the matter for further hearing on the 17/07/2025 at 3.30p.m.

The matter was taken up in the 466th GCZMA Meeting the Proceeding: Complainant present Architect of the Respondent present Site inspection was carried out. The Authority's Decision: The Authority decided to carry out mapping of the structures inorder to bring more clarity and posted the matter for report on 19/08/2025 at 3.30p.m.

The matter was taken up in the 475th GCZMA Meeting the Proceeding: Complainant present in person. Adv for the Respondent present. Adv for the Respondent stated that the survey numbers has been wrongly mentioned. The Authority's Decision: The Authority decided to amend the show cause notice and to map the structures. Posted the matter for final arguments on 07/10/2025 at 3.30p.m

The matter was taken up in the 485th GCZMA Meeting the Proceeding: Adv for Complainant present. Adv for the Respondent present. The Authority's Decision: Since the mapping report is not placed in file matter is adjourned to 06/11/2025 at 3.30p.m.

The Meeting scheduled on 06/11/2025 was cancelled and matters were posted on 16/12/2025 at 3.30p.m.

Proceeding: Complainant present. Adv for Respondent present and seeks time to file a detailed reply. It is brought to the notice of the Authority that there is a matter filed in the NGT against this complainant. Complainant stated that he

did not receive the copies of the mapping report and needs 15 days time to file his say.

Decision: The Authority directed the Complainant to file his say on the mapping report. Authority also granted time to the Respondent to file reply. Further, the Authority directed the Respondent to produce certified true copies of all the documents relied upon by the Respondent which are obtained from the concerned issuing department. Posted on 27/01/26 at 3:00pm

Case No. 1.6

To decide on the Complaint filed by Mr. Domnic D'Souza against Mr. Robert Fernandes, Mandrem.

Background: This office is in receipt of complaint dated 31/07/2023 from Mr. Domnic D' Souza, R/o Ashvem, Pernem, Goa with regards to illegal construction in Sy. No 266/4, Ashevem Mandrem Pernem Goa carried out by Mr. Robert Fernandes R/o Ashvem, Mandrem, Pernem Goa.

The violations noted were as under.

| Sr. no. | Sy.no/ Sub-Div. | Nature of Structure | Type of structure | Description of structure | of Details as CZMP2011 |
|---------|-----------------|---------------------|------------------------|--|--|
| 1 | 266/4 | Permanent | Ground floor structure | Ground structure laterite masonry covered with Mangalore roofing constructed on Permanent Plinth with the total Area admeasuring Appox.88.00 Sq.mt | floor 0 to 200m with (NDZ) CRZ-III, 50m Mangrove Buffer Zone- CRZ IA Sand-Dune- CRZ IA |

The walls of the structure are coated with Cement Mortar Plaster.

The Authority issued a Show cause notice directing the Respondent to file reply producing documentary evidence to prove that the structure is prior to 1991.

The said matter was deliberated in 389th Meeting held on 07/03/2024 the proceeding: Complainant absent. Respondent absent. Decision: The Authority decided to issue personal hearing notice intimating the next date of hearing on 26/03/2024 at 3.30p.m

The Meeting Scheduled for 26/03/2024 could not take place hence rescheduled to 23/04/2024 at 3.30p.m