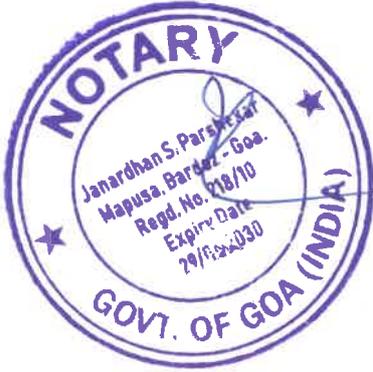


BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE



IA No. 77/2024

IN

Appeal No. 29/2023(WZ)

Riva Resorts Pvt. Ltd. ... Appellant

Versus

GCZMA and ors. ... Respondents

AFFIDAVIT IN REPLY

I, Mr. Tousif Ahamad Rafikahamad Momin, Aged 36 years, resident of Flat No. 506, Gera Astoria, Behind Harley Davidson Showroom, Caranzalem, Goa, 403002, do hereby on solemn affirmation state and submit as under:

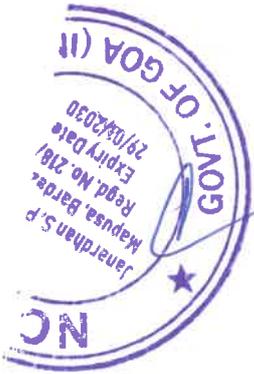
1. At the onset it is stated nothing in this reply should be deemed as an admission of any of the averments made by the Appellant/Applicant unless any statement is specifically admitted herein.

Tousif Ahamad Rafikahamad Momin

The present application is bereft of merit, frivolous and is designed only to protract hearing and disposal of the Appeal and as a bogey to continue business activities from an ex- facie illegal structure on which count alone the present application deserves to be dismissed.

It may be crucial to note that, it is only for the efforts taken by the present Respondent to bring the illegalities as committed by the Appellant to fore and so also pursuing such matters before the Hon'ble High Court of Bombay at Goa and so also before the Ld. Goa Coastal Zone Management Authority (*hereinafter referred to as GCZMA*) that has resulted in unearthing blatant illegalities as committed by the Appellant herein and as such the present Respondent in that context is a necessary and a proper party to assist in proper adjudication of the present Appeal and the present Application therefore deserves to be dismissed.

2. A perusal of the Appeal memo and more particularly Para 30 and 31 thereof would show that the Appellant has made categorical averments qua the conduct of proceedings before the GCZMA, and the submissions made on behalf



of the present Respondent, to urge that the matter was never argued before the Ld. GCZMA on merits. On the basis of such averments, the Appellant had also formulated grounds for setting aside the said Impugned Order.

Therefore, in view of these submissions, the Appellant had rightly added the present Respondent as a party in the matter and therefore it is rather mischievous at this stage, after completion of pleadings, to seek deletion of the present Respondent from the array of parties.

3. Without prejudice to the abovesaid objections, I shall proceed to Seriatim deal with the averments made in the Application as under:

4. With reference to Para 1 to 3 of the application, the contents thereof are a matter of record.

5. With reference to Para 4 to 7 of the application, the contents thereof are denied for the manner in which they are stated. It is categorically denied that the present Respondent lodged any complaints against the Appellant to settle any personal scores.

Be that as it may, it is stated that merely because there has been some civil dispute between the parties in



the past, does not preclude the present Respondent from filing or pursuing complaints before appropriate authorities involving grave environmental concerns.

It is stated that outcome of the Commercial Suit is irrelevant for the purpose of adjudication of the present proceedings and the Appellant is rather only trying to shift attention of this Hon'ble Tribunal to ancillary controversies side-lining the main issue at hand.

6. With reference to para 8 to 10 of the application, the contents thereof are categorically denied for the manner in which they are stated. It is stated that the submissions made therein are based on a complete misreading of law. It is stated that the Respondent herein being original Complainant and so also the Petitioner before the Hon'ble High Court of Bombay at Goa in Writ Petition bearing No. 32/2023 in which directions were passed for time bound disposal of the proceedings initiated by the GCZMA, the Respondent No.3 is a proper as well as a necessary party to the present proceedings.

It is vehemently denied that the role of a complainant comes to an end once any complaint is filed,



and thereafter it is the concerned authority which has to take necessary action and defend its order in case of challenge in Appeal.

7. With reference to Para 11 to 17 of the application, the contents thereof are denied for the manner in which they are stated.

A perusal of the email dated 01/10/2023 would itself show that apart from merely intimating about the said Order of demolition, the Complainant herein has not in any manner made attempts to malign the Appellant or tried to prejudice business of the Appellant Company in any manner whatsoever.

It is stated that following the Order passed by the GCZMA, the Respondent herein checked details of the Appellant Company on the online portal of the Registrar of Companies wherein it was realised that the Appellant Company had secured credit facilities to the tune of several crores of Rupees from various financial institutions.

The said demolition order was therefore communicated by the Respondent herein only to evade a



A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

bigger financial fraud, at the hands of the Appellant Company.

The present Appellant having illegally constructed the subject structures in brazen disregard to the applicable laws cannot now say that the present Respondent is maligning his business activities for only reporting mischiefs as played by him not only on the regulatory authorities but also on banking institutions.

It is categorically denied that the present Respondent has approached any vendors, financial institution, government agencies etc. with a view to bring the activities of the Respondent No.3 to a grinding halt.

It is categorically denied that the Respondent No.3 has been malice in his conduct or any malice against the Director of the Applicant.

8. With reference to para 18 to 20 of the application, the contents thereof are denied for the manner in which they are stated. It is stated that being the original Complainant the present Respondent is a proper and a necessary party to the present proceedings. It is stated that the presence of the present Respondent are required before this Hon'ble



[Handwritten signature]

Court for proper adjudication of the dispute and more particularly in view of the grounds raised in the Appeal.

9. The present application therefore deserves to be dismissed.

10. I say that the contents of the aforementioned para 1 to 9 are true and correct to my knowledge.

Solemnly affirmed at Porvorim-Goa

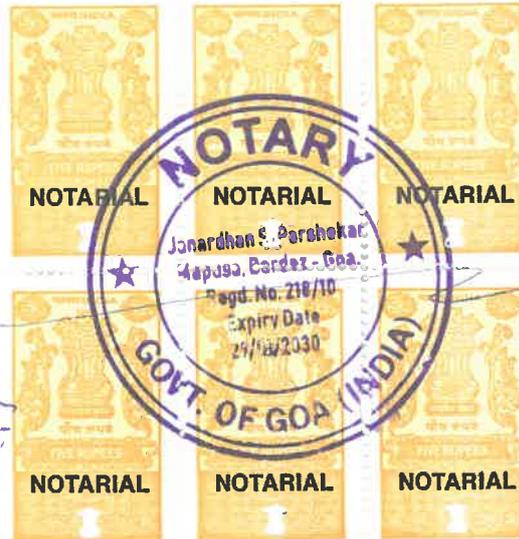
On this 04th day of March 2025

DEPONENT

Identified and explained by me:

Aadhaar Card No. 996066544830

Adv for Respondent No. 3.



Solemnly affirmed before me by Teresa Afonso who has been identified by ahmed reomun who is known to me personally Mapusa - Goa.

Reg. No. 1256/25 Date 11/03/2025

JANARDHAN S. PARSHEKAR
NOTARY AT MAPUSA, BARDEZ - GOA.
STATE OF GOA (INDIA)