

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE, PUNE**

OA NO. 129/2025(WZ)

COLVA CIVIC AND CONSUMER FORUM ...PETITIONER

VERSUS

THE GOA COASTAL ZONE MANAGEMENT
AUTHORITY & 3 ORS.

...RESPONDENTS

**AFFIDAVIT-IN-REPLY ON BEHALF OF
RESPONDENT NO. 3**

MAY IT PLEASE YOUR HONOUR

I, **MR. MICHALE FERNANDES**, son of Mr. Domingos Fernandes, major in age, Indian National, resident of House No. 36/1(k-3), Annie Enclave, Opp. Green House, Pequeno Vanelim, Colva, Salete Goa, Respondent No. 3 herein ("answering respondent"), do hereby solemnly swear and state on oath as follows:

1. I state that, I am the Respondent No.3 in the captioned matter and I am conversant with the facts of the present case. I state that the answering respondent has read and understood the contents of the captioned Application filed by the Applicant herein, and at the



same is sought to be obstructed by the Applicant by filing frivolous complaints interalia including the present application.

4. At the further outset, it is stated that the fulcrum of the present application i.e the alleged noncompliance with the Order of the Goa Coastal Zone Management Authority (“GCZMA”) dated 03.07.2019, is completely fallacious inasmuch as the said Order has been duly complied by the answering respondent in its true spirit and the same has been duly verified by the Authorities. As regards the issue sought to be raised by the Applicant to the extent that there exist sand dunes in Survey no. 96/1 of Village Betalbatim and the same are required to be restored, it is stated that the same is a factually incorrect statement and the same is clearly evident from the documents which are enclosed by the Applicant himself in the captioned application. The factum of nonexistence of sand dunes in survey no. 96/1 of Village Betalbatim is evident form bare perusal of the duly approved Goa Coastal Zone Management Plan 2011, in which it is categorically shown that there exists no sand dune in Survey No. 96/1 of Village Betalbatim, Salcete Goa.

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7. The answering respondent states that it is also pertinent to note that the Order dated 03.07.2019 issued by the GCZMA nowhere states that the sand dunes are present in Survey No. 96/1 of Village Betalbatim and/ or restoration of sand dunes specifically *qua* the Survey No. 96/1 (in respect of which survey number the permission has been granted by the GCZMA), obviously for the reason that there exist no sand dunes in said property. In any event of the matter even assuming without admitting that there is such direction *qua* the survey No. 96/1 then such a Direction or Order is nullity in eyes of law since in law, a direction or order by an authority to do something that is impossible is a nullity, meaning it is void and has no legal effect. The principle is rooted in the legal maxim *lex non cogit ad impossibilia* the law does not compel a man to do that which he cannot possibly perform. In the present case since there is no sand dunes in survey No. 96/1 (as per the approved GCZMA 2011 and inspection reports of the authorities), directions, if any, directing restoration of sand dune in survey no. 96/1 will be nullity in eyes of law, since authority cannot direct performance of impossibility.

the present Application is liable to be dismissed on the ground of deliberate suppression of material facts.

10. The present application is also liable to be dismissed on account of the fact that the same is barred by limitation as prescribed under Section 14 of the NGT Act. It is stated in fact that the applicant herein is in effect seeking implementation of GCZMA's Order dated 03.07.2019 inasmuch as it is the case of the Applicant that the answering respondent has not complied with the direction contained in Order dated 03.07.2019 and consequently the permission granted to the answering respondent on 30.06.2025 is bad in law. The Section 14 of the NGT Act clearly prescribes limitation of 6 months and further a condonable period of 60 more days from the date cause of action having first arisen. As per the stated case of the Applicant, the cause of action first arose on 03.07.2019 or at least on 10.11.2023 when the Hon'ble Supreme Court dismissed the Appeal against the NGT's Order confirming the Order dated 03.07.2019. Considering the fact that Section 14 contemplates timeline from the date of cause of action having first arisen, the present



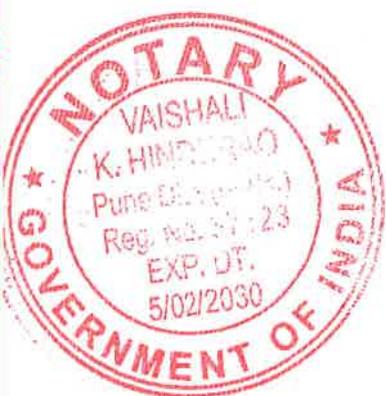


to an inquiry committee who carried out detailed site inspection and gave their fact-finding report. In context of the present Application, it is pertinent to state that neither the notice issued by the GCZMA nor the Inquiry Committee report anywhere stated that there exist any sand dunes in survey no. 96/1 of Village Betalbatim, Salcete Goa, obviously on account of the fact that there exist no sand dunes in the said property.

The GCZMA after conducting detailed proceedings eventually issued direction dated 03.07.2019, directing demolition of structures standing in Survey No. 96/1 of Village Betalbatim vide order dated 03.07.2019. The GCZMA had issued the order of directing demolition of structure on account of the fact that the Answering respondent had not taken permission from the GCZMA. The said order also directed restoration of the sand dune albeit without specifying any survey number and more particularly without making any reference to the survey number 96/1 of Betalbatim, obviously since there existed no sand dune in the said survey number.

The copy of the notice issued by the GCZMA dated 01.09.2016; the report of the inquiry committee dated 19.05.2016 ; the survey plan and Form I and XIV of survey no. 96/1 of Village Betalbatim, are hereto annexed and marked as “**Annexure R-1 colly**”.

21.08.2024	The site was inspected by the expert members of the GCZMA and expert members of Goa State Biodiversity Board. The inspection report of Goa State Biodiversity Board and GCZMA clearly fortifies the stand of the answering respondent that the demolition Order was duly complied and that there are no sand dunes in Survey No. 96/1 of Village Betalbatim.
11.12.2024	The Answering respondent filed a compliance report to the GCZMA as well as to the Goa State Biodiversity board bringing on report the compliance of order dated 03.07.2109.
06.01.2025	The expert members of the GCZMA and the Biodiversity Board inspected the site and confirmed the fact that the demolition order dated 03.07.2019 has been duly complied.
04.03.2025	The answering respondent filed an application seeking permission for construction of temporary restaurant/shack and wooden bio fencing in property bearing Survey no. 96/1 of Betalbaim Village, Salcete Goa.
02.04.2025	The expert members of GCZMA duly physically inspected the site and gave their inspection report. The inspection report clearly records that there exist no sand dunes in the subject matter property. The same is also recorded in the GCZMP 2011 that there are no sand dunes in the said property.

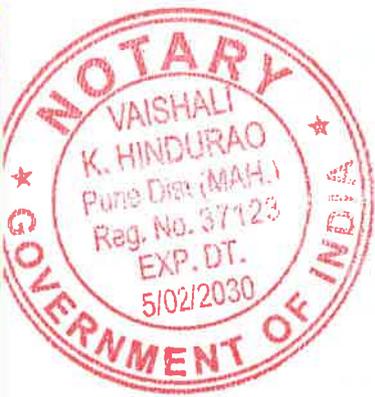


	<p>to dismiss the said Appeal vide order dated 09.09.2025.</p> <p>The copy of the Order dated 09.09.2025 is hereto annexed and marked as “Annexure R2”.</p>
07.10.2025	<p>The answering respondent wrote to the GCZMA once again bringing to their notice that Order dated 03.07.2019 has been duly complied and further that interms of the suggestions of the Goa State Biodiversity Board, the answering respondent has planted certain categories of plants on the seaward side of the property and produced relevant photographs.</p> <p>The copy of the letter dated 07.10.2025 is hereto annexed and marked as “Annexure R3”.</p>
10.09.2025	<p>The office of the Assistant Engineer, PWD Government of Goa issued a feasibility certificate for sewage connection for a temporary restaurant/shack and wooden bio-fencing in property bearing Survey no. 96/1 of Betalbaim Village.</p> <p>The Copy of the feasibility certificate is hereto annexed and marked as “Annexure R4”</p>
09.08.2025	<p>The present application under Section 14 of the NGT Act came to be filed.</p>
19.08.2025	<p>The village Panchayat of Betalbatim issued NOC to the answering respondent.</p> <p>The Copy of the NOC is hereto Annexed and marked as “Annexure R5”</p>
13.11.2025	<p>The answering respondent was granted Consent to Establish under the provision of the Air Act and Water Act.</p> <p>The Copy of the Consent to Establish is hereto annexed and marked as “Annexure R6”</p>

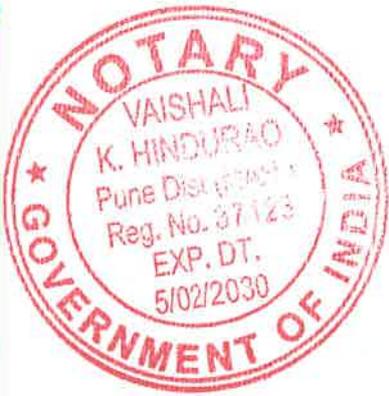


on this count alone the present application is liable to be dismissed.

16. With respect to the contents of Para 4, it is stated that the applicant has conveniently and deliberately suppressed that the very same Applicant had preferred an Appeal under Section 16 of the NGT Act against the very same permission dated 30.06.2025 granted by the GCZMA to the answering respondent. The said Appeal came to be dismissed vide order dated 09.09.2025 whilst granting liberty to the Applicant. It was imperative for the Applicant herein to state the fact about the filing of the Appeal against the permission dated 30.06.2025. Further, the Answering Respondent states that the present application is not maintainable under Section 14 of the NGT Act and in any event of the matter the present application is hopelessly barred by limitation on account of the fact that the cause of action for the present matter has arisen somewhere in the year 2019 or at least in the year 2023 and consequently the present application which is filed only on 10.09.2025 is not maintainable and liable to be dismissed for being barred by limitation.



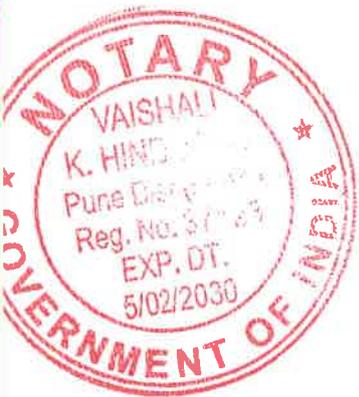
Sy. No. 96/1, simply because there existed none in the said survey number. The Applicant by twisting the words is attempting to imply that the authority had directed restoration of sand dunes in Sy. No. 96/1, which is factually incorrect statement and has been deliberately and malafidely made to mislead this Hon'ble Tribunal. It may be pertinent to reiterate the fact that in the notice issued by the GCZMA or for that matter in the inquiry report of the GCZMA which formed the part of the earlier proceeding which culminated into Order dated 03.07.2019 there was absolutely no finding that sand dunes exist in Survey No.96/1 and therefore even in Order dated 03.07.2019 the GCZMA has not directed restoration of Sand dunes in Survey No.96/1. In any event of the matter, it is stated that performance of impossibility cannot be directed under law inasmuch as in the context of the present case since there exist no sand dunes in the said property, question of restoration of the same does not even arise. It is most respectfully stated that the purported central issue of the Application i.e. alleged failure of the GCZMA to take noncompliance into account before granting fresh permission to the answering respondent is completely fallacious and devoid of any merit.



respondent has failed to comply with the direction to restore sand dunes in wholly without any merit or substance. In respect of the allegation that the GCZMA while issuing the permission entirely overlooked the noncompliance with its order dated 03.07.2019, which was upheld by this Hon'ble tribunal vide order dated 19.06.2021 and the Hon'ble Supreme Court vide order dated 10.11.2023, it is stated that the order dated 03.07.2019 was duly complied in true spirit and the same was verified by the authority. The compliance of the order was duly verified by the GCZMA and the Goa State Biodiversity Board. The GCZMA had duly taken into consideration the fact that as per the approved Goa Coastal Zone Management Plan 2011 (GCZMP, 2011) duly approved by the Ministry of Forest, Environment and Climate Change, Government of India, New Delhi, there is no sand dune in Survey no. 96/1 of Village Betalbatim, Salcete Goa. The factum about non-existence of any sand dune in Survey no. 96/1 of Village Betalbatim, Salcete Goa has been duly physically verified by the expert members of the GCZMA as well as the expert members of the Goa State Biodiversity Board.



23. With respect to the content of Para 11, it is stated that vide order dated 03.07.2019 the GCZMA did direct demolition of the structures which were standing on Survey No. 96/1 of Village Betalbatim, Salcete Goa. The said demolition was order was upheld upto the Hon'ble Supreme Court and thereafter the answering respondent duly complied with the order dated 03.07.2019 and demolished the structures which were standing on survey no. 96/1 of Village Betalbatim, Salcete Goa. As regards the contention in respect of the sand dunes, it is most respectfully stated that the Applicant has deliberately attempted to mislead this Hon'ble Tribunal by suggesting that the Order dated 03.07.2019 directed restoration on sand dunes in Survey no. 96/1 of Village Betalbatim, Salcete Goa, when in fact the order dated 03.07.20219 never did so, obviously on the account of the fact that there never exited and/or exist any sand dune. Therefore, even the GCZMA in Order dated 03.07.2019 did not specify that the restoration of the sand dune was *qua* the Survey no. 96/1 of Village Betalbatim, Salcete Goa. In fact, the perusal of the notice and the inquiry committee report which formed part of the proceedings which culminated into order dated 03.07.2019 clearly reveals that there is not even reference of sand dunes in

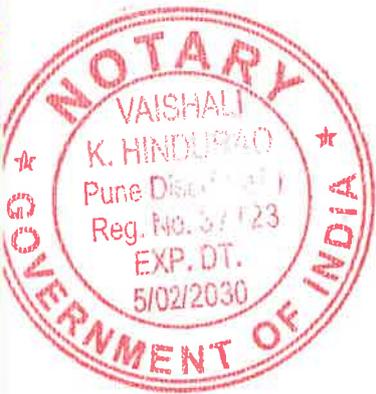


documents on record *inter alia* including GCZMP 2011 which clearly shows that there exists no sand dunes Survey no. 96/1 of Village Betalbatim, Salcete Goa and consequently any attempt to suggest restoration of sand dunes in Survey no. 96/1 of Village Betalbatim, Salcete Goa is only an attempt to create prejudice that too on basis of factually incorrect statements. As a matter of fact, the members of the Goa State Biodiversity Board had mentioned to the answering respondent that he should plant particular category of plants on the seaward side of the property, which has been duly done by the answering respondent and the said fact was duly communicated to the GCZMA.

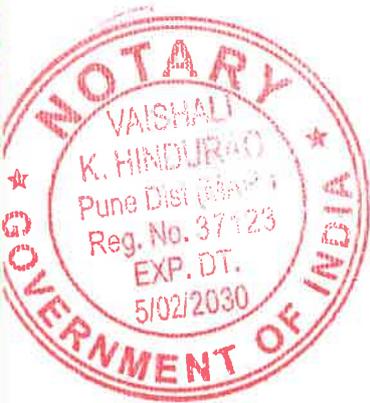
The photographs demonstrating plantation of various plants as suggested by Goa State Biodiversity Board are hereto annexed and marked as “**Annexure R7**”.

26. With respect to the content of Para 15, it is stated that the inspection carried out by the GCZMA on 21.08.2024 clearly stated that the order dated 03.07.2019 has been duly complied with. The allegation regarding sand dunes is specifically denied.

27. With respect to the content of Para 16, it is stated that the meaningful reading of the Goa State Biodiversity Board report *qua* the inspection carried out on 21.08.2024 clearly reveals



30. With respect to the content of Para 19, the answering respondent did file an application dated 04.03.2025 seeking permission from GCZMA for setting up of a temporary restaurant /shack and to install wooden bio-fencing in property bearing Survey no. 96/1 of Village Betalbatim, Salcete Goa. It is pertinent to note that the authority on earlier occasion had directed the demolition of the structures in which the answering respondent was running a restaurant “*Mickeys bar and restaurant*” for the reason that no prior permission was taken form GCZMA. At at the cost of repetition it is reiterated that the said restaurant was the only source of livelihood for the answering respondent and his family. Considering the fact that after having suffered demolition order qua the restaurant which was standing on Survey no. 96/1 of Village Betalbatim, Salcete Goa, the answering respondent herein wanted to erect the same after taking requisite permission including the permission form GCZMA, accordingly the answering respondent made application seeking permission. In respect of the allegation made that the said application was made though the sand dune on the property was not restored, it is most respectfully stated that the question of restoration of the sand



restoration of sand dune in Survey no. 96/1 of Village Betalbatim, Salcete Goa there exist no sand dune in the said survey number.

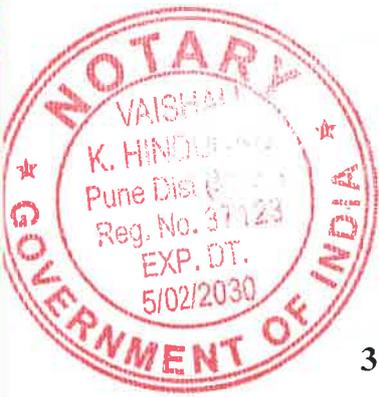
33. With respect to the content of Para 22, the contents therein are denied in the manner they have been stated. At the cost of repetition, it is stated that there are no sand dunes in Survey no. 96/1 of Village Betalbatim, Salcete Goa and question of restoration of the same does not even arise. As far as the suggestion of the Goa State Biodiversity Board the answering respondent has already planted various species of plants as suggested by the Goa State Biodiversity Board on the seaward side of the property.

34. As regards para 23 and 24, it is respectfully stated that the GCZMA after taking into consideration all the relevant facts and all the documents on record have rightly granted permission dated 30.06.2025 to the answering respondent, which calls for no interference at the behest of the present applicant.

35. In respect of the grounds raise by the applicant, they are without any merit or substance. It is most respectfully submitted that the



objection/representation of the applicant were duly considered and vide decision dated 22.05.2025 the said objections were duly rejected. The said decision has not even been challenged by the Applicant and consequently the said decision has attained finality, therefore the allegation made regarding non consideration of the Applicants representation is factually incorrect. Further, decision *qua* rejection of such objection of the applicant has attained finality for want of challenge. Further, the allegation regarding negligence and malafide by GCZMA are without any merit and/or substance.



36. With respect to the content of Para 26, it is most respectfully stated that the present application is in fact barred by limitation because the applicant herein in effect seeks implementation of order dated 03.07.2019 (specifically at Prayer Clause B) and consequently for the purpose of computation of limitation period under Section 14, the cause has arisen first on 03.07.2109, if that be the case the present application which has been only filed in September of 2025 is certainly and hopelessly barred by law of limitation. It is most respectfully stated that the present application is liable to be dismissed on this ground alone.



stated in the remaining Paragraphs namely 2(part), 4(part), 5, 7(part), 9(part), 10(part), 11, 16(part), 17(part), 20(part), 23(part), 25(part), 29(part), 30(part), 32(part), 33(part), 35(part), 36, 37(part) and 38(part) are in the nature of submissions of the answering respondent are made on legal submissions and/or inferences of facts, which I believe to be true.

Solemnly verified at Pune on this 16th day of January 2026.



[Handwritten signature]

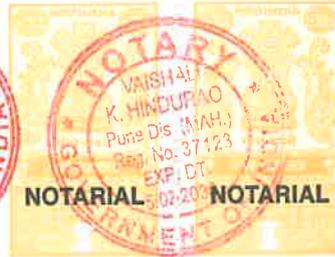
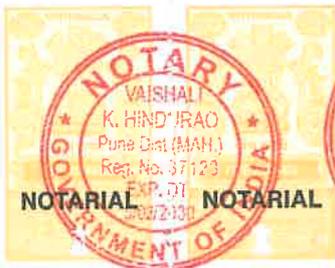
DEPONENT
(Respondent No. 3)

Identified by me:-

S. Shale.

Advocate for Respondent No. 3

Shayshankar Swaminathan



BEFORE ME

K. Hindurao
ADV. VAISHALI K. HINDURAO
NOTARY PUBLIC, GOVERNMENT OF INDIA
Tapkiranagar, Kaiwadi, Pimpri, Pune-17

Received on 02/09/2016

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ANNEXURE R-1 colly

Government of Goa.
 Department of Environment
 C/o Goa Coastal Zone Management Authority
 Opp. Saligao Seminary, Saligao, Bardez - Goa. 403511.
 Phone nos. 0832-2407189, 2407187, 2407580 Fax no. 0832-2407176
 e-mail: dir-ste.goa@nic.in

No. GCZMA/ILLE-COMPL/14-15/05/1299

Dated: 01/09/2016

MOST URGENT
HIGH COURT
DIRECTIONAL
MATTER

NOTICE OF PERSONAL HEARING

Sub: Personal hearing before the Committee to decide on the CRZ matters as per Notification no. GCZMA/CONST/05/STE/98 dated 03/08/2016.

Ref: (1) Order dated 12/01/2015 passed by the Hon'ble High Court of Bombay at Goa in the matter of Sua Moto W.P. 2/2006.
 (2) Complaint dated 16/12/2013 regarding alleged illegal structure of Bar & Restaurant by name Micky's at Betalbatim Beach, Salcete.
 (3) Extract of the Minutes of 115th GCZMA Meeting held on 04/05/2015
 (4) Letter to the Inquiry Committee dated 07/04/2014 bearing no. GCZMA/ILLE-COMPL/14-15/05/67.
 (5) Report dated 19/05/2016 submitted by the Inquiry Committee.
 (6) Order dated 21/06/2016 passed by the Hon'ble High Court of Bombay at Goa in the matter of Sua Moto W.P. 2/2006.

WHEREAS, the Hon'ble High Court of Bombay at Goa, Panaji vide its Order dated 12/01/2015 passed in the matter of Sua Moto Writ petition no. 02/2006 had directed the respondent no. 19/Village Panchayat of Colva to furnish the material on record to suggest the structures are not illegal before the GCZMA and such Authorities shall examine such material after hearing the parties in accordance with law.

AND WHEREAS, the said Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim produced its action taken report along with all material record of relevant copies of the parties etc to the office of GCZMA vide letter dated 19/01/2015. The action taken report was filed by the Village Panchayat of Sernabatim, Vanelim, Colva and

Gandaulim before the Hon'ble High Court of Bombay at Goa with two additional affidavits annexing all the documents of the structures pointed out by the intervener (Colva Civic Forum) in its intervention application dated 13/07/2012 bearing MCA No. 635/2012.

AND WHEREAS, upon receipt of a copy of a complaint as referred above at sr.no. (2) from Directorate of Vigilance vide letter dated 06/02/2014 bearing no. 5/03/2014-VIG/294 filed by Mr. Jowett D'Souza, r/o. H.No. 139, Ambeaxir, Sernabatim, Colva, Salcete with regard to alleged illegal structure of Bar & Restaurant 'Mickys' within 70-90 mts. of HTL on Betalbatim Beach in Sy.No. 96/1 at Thondvaddo, Betalbatim within CRZ by Mr. Michael Fernandes, r/o/ H.NO. 36/1 (k-3), opp. Green House, Annie Enclave Pequeno Vanelim, Salcete-Goa.

AND WHEREAS, the matter was placed in the 115th GCZMA meeting held on 04/05/2015 wherein the Authority after detailed discussion and due deliberations, decided to refer the matter to the Inquiry Committee of the GCZMA to examine all the documents on record and hear the parties if required and submit the detailed report to the GCZMA within 30 days.

AND WHEREAS, the said file was forwarded to the Inquiry Committee of the GCZMA for necessary action vide letter dated 07/04/2015 as referred above at Sr. No. (4).

AND WHEREAS, in this regard the Inquiry committee of the GCZMA completed its inquiry and submitted its report dated 19/05/2016 as referred above at sr.no. (5) interalia stating its recommendations. The Inquiry Committee of GCZMA has interalia considered that survey plan prepared in the year 1972-73 shows existence of the structure; that the sale deed dated 28/4/2000 refers to the house existing in Syno.96/1; that affected party purchased the property by sale deed dated 11/10/10; that affected party constructed the residential house on the eastern side leaving open the area on the northern side; that the plinth area of structure M is less than the plinth area of structure P; that the village panchayat allotted H.No. 46 and imposed house tax to the structure Hno.46 and

the resolution of the panchayat revoking the allotment of house number, was quashed and set aside. Further, recommended to regularize the structure of residential house having H.No.46 in Syno. 96/1 of village panchayat marked 'N' in the site plan and deal with structure "M"&"O" the shed in accordance with rules governing erection of temporary seasonal structure in CRZ area. The copy of report prepared by the Inquiry Committee is marked as Annexure-I.

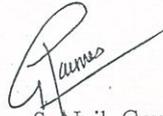
AND WHEREAS, The matter came up for hearing before the Hon'ble High Court of Bombay at Goa on 21/06/2016 and was pleased to dispose off the matter with a direction which can be seen as under "*Besides the above directions, the Anjuna as well as the Colva Panchayats namely respondent nos. 9 and 19 and the GCZMA are directed to take necessary action with regard to the structures identified in the report of the GCZMA and proceed to take necessary action in accordance with law within three months from today and file a compliance report with that regard*".

AND WHEREAS, report submitted by the Inquiry Committee was placed before the Committee to decide on CRZ matters as per Notification no. GCZMA/CONST/05/STE/98 dated 03/08/2016 which has decided to grant personal hearing to all the concerned parties.

NOW THEREFORE, you are hereby directed to remain present for the personal hearing or depute your duly authorised representative with all the documents and produce construction/reconstruction/ repair licence/ approvals if any issued by the concerned Authorities including GCZMA if any along with the approved plan and other related documents if any in support of your case before the Committee to decide on CRZ matters as per Notification no. GCZMA/CONST/05/STE/98 dated 03/08/2016, in its 3rd meeting to be held on 08/09/2016 at 3 a.m/p.m onwards in the Conference hall, Office of Chief Electoral Officer, Altinho, Panjim-Goa.

TAKE NOTE THAT, incase of failure on your part to attend the said personal hearing it will be presumed that you have nothing to say in the matter and the Committee will proceed further with future course of action as per law. It may be noted since this is

High Court direction matter no adjournment will be granted to parties for personal hearing.



(Vikas S. Naik Gaunekar)
Director, Environment & Ex-Officio Joint
Secretary to Government

9822153252

To,

M/s. Micky's Bar & Restaurant,
Through its Manager/ Proprietor,
Mr. Michael Fernandes,
R/o. H.NO. 36/1 (K-3),
Opp. Green House, Annie Enclave,
Pequeno Vanelim, Salcete-Goa.

Copy to:

1. The Secretary, Village Panchayat of Betalbatim..... *Who is required to attend the personal hearing on the scheduled date and time and enforce this notice of personal hearing upon the alleged violator and to submit the compliance report accordingly to GCZMA.*
2. Mr. Jowett D'Souza, R/o. H.NO. 139, Ambeaxir, Sernabatim, Colva, Salcete-Goa.....*with a request to make it convenient and attend the same.*
3. Colva Civic & Consumer Forum, C/o Ms. Judith Almeida, H.No. 257/1, Ward 3, Bagdem, Colva, Salcete-Goa.....*with a request to make it convenient and attend the same.*

Member Secretary
G.C.Z.M.A.
Inward No. 593/L
Date 19/05/16

BEFORE THE INQUIRY COMMITTEE
GCZMA

Case No. GCZMA/ILLE/COMPL/14-15/05

Mr. Jowette D'Souza

V/s

Micky's Bar & Restaurant

REPORT

1. The complaint dated 12-12-2013 of Jowette D'Souza, to the Goa Coastal Zone Management Authority (to be referred as 'the said Authority') against Micky's Bar & Restaurant (to be referred as 'the affected party') the GCZMA forwarded the same to the Inquiry Committee for inquiry and report. The Inquiry by the Committee consisted in visiting the property, inspecting the site and giving opportunities to the concerned parties for a personal hearing.
2. The Committee inspected the site along with the surveyors of DSLR and the owner Michael Fernandes. The complainant was not present for the site inspection. The property is a coconut garden having survey no. 96/1 of Betalbatim Village. The Arabian sea is on the western side of the property. There is one permanent structure on the eastern side of the property and one temporary structure, open on all sides with wooden pillars and roof of mangalore tiles, one W.C and shed. On the northern side of the property there is an open space and the survey plan shows the existence of an

structure in that open space but not existing at the site. Measurements have been taken and DSLR prepared and submitted a site plan which forms integral part of the Report. In the site plan, the permanent structure is marked by letter N, temporary structure marked by letter M, Shed marked by letter O and the structure in the survey plan by letter P.

3. At the personal hearing the Complainant appeared in person and Adv.S. Shirodkar appeared for the affected party and submitted a reply with documents. The complainant filed a rejoinder with documents to the reply of the affected party. The affected party subsequently filed a say with documents on the rejoinder of the complainant. The affected party produced the following documents: sale deed dated 08-07-1992 with the survey plan; sale deed dated 28-04-2000 with the sketch plan; sale deed dated 11-10-2010 with plans; N.O.C dated 03-12-2012 of Village Panchayat of Betalbatim for construction of temporary structure in Sy.No. 96/1 of Village Betalbatim; N.O.C dated 03-02-2012 for running Bar & Restaurant; letter dated 09-05-2012 of Village Panchayat to Michael Fernandes for imposing house tax and light tax to the house existing in Sy.No. 96/1 of Village Betalbatim and the order dated 24-02-2015 of Additional Director of Panchayat. The affected party also filed Certificate issued by Viz Ramponkaracho Ekvott; Certificate dated 18-02-2014 of Dy. Collector & SDO, Margao and the Order dated 23-12-2015 of Secretary, (Panchayats).
4. As per CRZ Notification the area upto 200 mts. from H.T.L in CRZ-III is to be earmarked as 'No Development Zone' (NDZ). In NDZ area no construction activities are permissible except for repairs or reconstruction of

existing authorised structure not exceeding existing floor space index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities.

5. The site plan attached shows the existence of the structures within the area of No Development Zone and since no construction activities are permissible in NDZ the question which arises, is whether those structures existing in the NDZ were existing prior to the date of CRZ Notification 19-02-1991. If not, whether the construction of the structures are in accordance with law.
6. The affected party produced two certificate of the Village Panchayat Betalbatim dated 03-02-2012, one is in respect of N.O.C for erection for temporary structures in Sy.No. 96/1 of Village Betalbatim and the other is the N.O.C to run Bar & Restaurant in the premises bearing H.No. 46. The N.O.C dated 03-02-2012 are marked as Annexure A (Colly). The Certificate dated 29-02-2012 is in respect of Village Panchayat imposing house and light tax in the property bearing Sy.No. 96/1. The Certificate dated 29-02-2012 is marked as Annexure B. The Order dated 23-12-2015 of the Secretary (Panchayat) confirms the order of the Additional Director of Panchayat setting aside the resolution of the Panchayat revoking the registration of the H.No. 46 on a complaint by Jowette D'Souza to the Panchayat. The Orders dated 24-02-2015 of the Additional Directorate of Panchayat and the Order dated 23-12-2015 of the Secretary (Panchayat) are marked as Annexure C (Colly).

7. The survey plan prepared in the year 1972-73 under Land Revenue Code shows the existence of a structure on the northern side of the property surveyed under Sy.No. 96/1 of Betalbatim Village. The survey plan attached to the sale deed dated 08-07-1992 and 28-04-2000 shows the existence of the same structure. Besides in the sale deed dated 28-04-2000 it is shown that Ulrich Angerer purchased the property along with the house existing in Sy.No. 96/1. The sale deed dated 28-04-2000 is marked as Annexure D. By sale deed dated 11-10-2010 the said Ulrich Angerer sold to Michael Fernandes-affected party, the entire property surveyed under Sy.No. 96/1. Though there is no reference of a house or structure in the recitals of the sale deed dated 11-10-2010, the structure shown in the survey plan prepared in the year 1972-73, and having plinth area of 50 sq.mts. was existing at least at the time the sale deed dated 28-04-2000 at Annexure D was executed.

8. After the purchase of the property under Sy.No.96/1 by sale deed dated 11-10-2010 the affected party constructed the residential house marked as M on the eastern side of the property leaving the area open at the place where the structure marked by letter P was shown to be existing in the survey plan. The Village Panchayat allotted H.No. 46 and imposed house and light tax to the residential house marked as M. Subsequently the same complainant in this case Jowette D'Souza filed an objection before the Panchayat for the allotment of house number. to the affected party. The Village Panchayat passed a resolution revoking the allotment of H.No.46 to the affected party. In an appeal, the Additional Directorate of Panchayats by Order dated 24-02-2015 quashed and set aside the resolution revoking the allotment of H.No. 46 and the Secretary (Panchayats) by order dated 23-12-2015

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H.No. 46 and the Secretary (Panchayats) by order dated 23-12-2015 confirmed the Order setting aside the resolution of Panchayat of revoking the allotment of the house number to the structure M of the affected party.

9. Only repairs and reconstructions are permitted in No Development Zone by CRZ Notification. Those repairs or reconstruction can be carried only to the structure used for residential purpose and not for the commercial use, without exceeding the plinth area and the overall height of the structure should not be more than 9 metres. The affected party constructed his residential house not at the place of old structure P shown in the survey plan but constructed a new structure ~~M~~ on the eastern side of the property and having a plinth area of 45 sq.mts. and by keeping open the area of the old structure P on the northern side of the property. The structure M and the shed are temporary structures and the affected party have permission to run Bar & Restaurant.

10. Considering that the survey plan prepared in the year 1972-73 shows existence of the structure; that the sale deed dated 28-04-2000 refers to the house existing in Sy.No. 96/1; that the affected party purchased the property by sale deed 11-10-2010; that the affected party constructed the residential house on the eastern side leaving open the area on the northern side; that the plinth area of structure M is less than the plinth area of structure P; that the village Panchayat allotted H.No. 46 and imposed the house tax to the structure H.No. 46 and that the resolution of the Panchayat revoking the allotment of house number was quashed and set aside; the GCZMA to:

- a) regularize the structure of residential house having H.No. 46 in Sy.No. 96/1 of Village Panchayat marked by letter N in the site plan and
- b) deal with the structure M and O the shed in accordance with the rules governing the erection of temporary seasonal structures in CRZ area.


(Afonso Araujo)
CHAIRMAN


(Kanchan M. Lotlikar)
MEMBER


(Caetano Joaquim de Braganza)
MEMBER

Dated: 19/05/2016



Government of Goa
Directorate of Settlement and Land Records

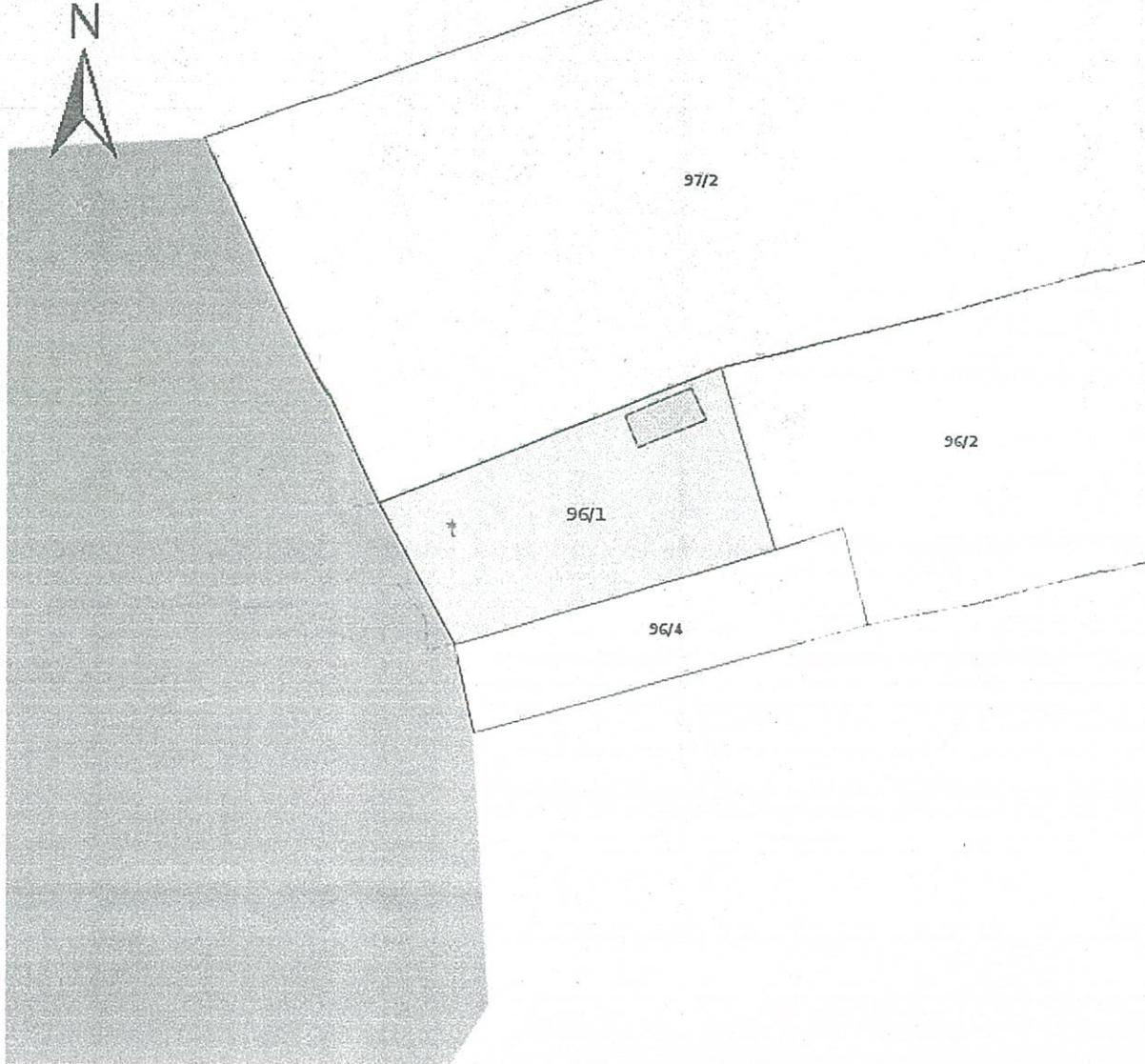
Survey Plan

Salcete Taluka, Betelbatim Village

Survey No.: 96 , Subdivision No.: 1

Scale 1:1000

Reference No.: CMAR25-6891-1544974



This record is computer generated on 25-02-2025 11:56:17. This record is valid without any signature as per Govt of Goa Notification No. 26/13/2016-RD/8639 dtd 24-Apr-2021. The latest copy of this record can be seen/verified for authenticity on the DSLR website <https://dslr.goa.gov.in/>.

NOTE: PLAN TO BE PRINTED ON A4 SIZE



FORM I & XIV

100019656453

नमुना नं १ व १४

Date : 25/02/2025

Page 1 of 2

Taluka SALCETE
तालुका
Village Betalbatim
गांव
Name of the Field Prai Lanco
शेताचें नांव

Survey No. 96
सर्वे नंबर
Sub Div. No. 1
हिस्सा नंबर
Tenure
सत्ता प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

Dry Crop जिरायत	Garden वागायत	Rice तरी	Khajan खाजन	Ker केर	Morad मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.12.00	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.12.00

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जामीन	Grand Total एकूण
0000.00.00	0000.00.00	0000.00.00	0000.12.00

Remarks शेरा

Assessment : आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रेदियाल	Rs. 0.00	Rent रेंट	Rs. 0.00
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S.No	Name of the Occupant कब्जेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Michael Fernandes		41412	

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	-----Nil-----			

Other Rights इतर हक्क	Mutation No. फेरफार नं	Remarks शेरा
Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार -----Nil-----		



FORM I & XIV

100019656453

Date : 25/02/2025

नसुना नं १ व १४

Page 2 of 2

Taluka	SALCETE	Survey No.	96
तालुका		सर्वे नंबर	
Village	Betalbatim	Sub Div. No.	1
गांव		हिस्सा नंबर	
Name of the Field	Prai Lanco	Tenure	
शेताचें नांव		सत्ता प्रकार	

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year वर्ष	Name of the Cultivator लागण करणा-याचे नांव	Mode रीत	Season मौसम	Name of Crop पिकाचे नांव	Irrigated	Unirrigated	Land not Available for cultivation नापिक जमीन		Source of irrigation सिंचनाचा प्रारि	Remarks शेरा
					बागायत Ha.Ars.Sq.Mts हे. आर. चौ. मी.	जिरायत Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Nature प्रकार	Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी.		
199719 98					0000.00.00	0000.00.00		0000.00.00		

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.



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Item No.2

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**APPEAL NO.430 OF 2025 (WZ)
WITH
I.A. NO.668 OF 2025**

Colva Civic & Consumer Forum through
Its President Mrs. Judith Almeida

.... Applicant

Versus

GCZMA & Ors.

... Respondents

Date of hearing : 09.09.2025

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant : Mr. Sherwyn Filipe Francisco Correia, Advocate

Respondents : Ms. Supriya Dangare, Advocate for R-1 and R-2
Mr. Abhijit Gosavi, Advocate along with Mr. Shivshankar
Swaminathan, Advocate for R-3

ORDER

1. This appeal has been filed seeking quashing of permission/approval dated 30.06.2025, granted by respondent No.1 – GCZMA for the proposed erection of a temporary restaurant/shack (approximately 340.84 sq.mtrs) and wooden/bio-fencing (145.20 running mtrs.) on Survey No.96/1, Betalbatim, Salcete – Goa, on the ground that earlier order dated 03.07.2019, issued by the GCZMA itself under Section 5 of the Environment (Protection) Act, directing respondent No.3 to demolish all illegal structures identified as “M/s Mickey’s Bar and Restaurant” on Survey No.96/1 and restoration of the sand dunes on that property (involved herein) to their original condition and to take necessary measures in coordination with the

Goa State Bio-Diversity Board (GSBB) to restore the sand dunes. Now, the GCZMA has granted permission/approval for construction of above number of temporary structures on the same survey number at the same site, which is illegal.

2. Learned counsel for respondent No.3 has opposed admission of this appeal saying that this permission/approval would not fall in the category of "direction" under Section 5 of the Environment (Protection) Act and hence, the same cannot be challenged under Section 16(g) of the National Green Tribunal Act, 2010. He has also relied on the judgment of the Hon'ble Supreme Court dated 18.02.2019 delivered in the case of Tamil Nadu Pollution Control Board Vs. Sterlite Industries (India) Limited; (2019)19 SCC 479, wherein in para Nos.36 and 37, following is held:

"36. We have referred to the orders dated 12.04.2018, 23.05.2018, and 28.05.2018 passed by the TNPCB under Sections 33A and 31A of the Water Act and Air Act respectively. At this juncture, it is important to state that Section 33B of the Water Act and Section 31B of the Air Act were both enacted on 18.10.2010, which is the very date on which the NGT Act came into force. What is important to note is that whereas Section 33B(c) of the Water Act read with Section 16(c) of the NGT Act make it clear that directions issued under Section 33A of the Water Act are appealable to the NGT, directions issued under Section 31A of the Air Act are not so appealable. In fact, the statutory scheme is that directions given under Section 31A of the Air Act are not appealable. This being the case, all the aforesaid orders, being composite orders issued under both the Water Act and the Air Act, it will not be possible to split the aforesaid orders and say that so far as they affect water pollution, they are appealable to the NGT, but so far as they affect air pollution, a suit or a writ petition would lie against such orders. Shri Sundaram's argument that these orders being substantially relatable to the Water Act would, therefore, not hold, as such orders are composite orders made both under the Water Act and the Air Act. Equally disingenuous is the reference to Section 14 of the NGT Act which only refers to the original jurisdiction of the NGT and not to its appellate jurisdiction. Also, to state generally that the subject matter of environment lies with the NGT, is an argument of despair that must be dismissed for the reason that as held by us hereinabove, an

appeal being a creature of statute, a statute either confers a right of *appeal* or it does not. In the present case, we have seen that so far as directions issued under Section 31A of the Air Act are concerned, there is no right of appeal conferred by the Air Act read with the NGT Act. The ingenious argument made by Shri Sundaram that, in any case, a "direction" under Section 31A of the Air Act is nothing but an "order", and would, therefore, be appealable as such under Section 31B of the Air Act read with Section 16(f) of the NGT Act would drive a coach-and-four through the statutory scheme that has just been adverted to. We have seen how all the appellate proceedings to the NGT, whether under the Air Act, the Water Act, or the NGT Act have been brought into force on the same date. Whereas the identical power to give directions by the Board under the Water Act is appealable to the NGT, the same power to give directions by the Board under the Air Act is not so appealable. The absence of any mention of Section 31A in Section 31B of the Air Act, given the statutory scheme as aforesaid, makes it clear that even this argument must be rejected. Also, "directions" that are issued under Section 31A of the Air Act are of a different quality from "orders" referred to in Section 31 of the same Act. Directions are issued in the exercise of powers and performance of functions under the Act and are not quasi-judicial in nature, whereas orders that are appealed against under Section 31 are quasi-judicial orders made, *inter alia*, under Section 21 of the Air Act. For this reason also, we cannot accept the aforesaid argument of Shri Sundaram. However, Shri Sundaram argued, with particular reference to the explanation to Section 31A of the Air Act that "directions" partake of the nature of "orders" when closure of any particular industry or stoppage of supply of electricity qua any single industry is made, and therefore, such directions are appealable as orders under Section 31 of the Air Act. This argument is also of no avail as Section 33A of the Water Act contains an identical explanation to that contained in Section 31A of the Air Act. Despite this, the legislative scheme, as stated hereinabove, is that so far as directions under the Water Act are concerned, they are appealable, but so far as directions under the Air Act are concerned, they are not appealable. Hence, reference made to P. Ramanatha Aiyer's Law Lexicon and Black's Law Dictionary, which state that in certain circumstances, orders are also directions and vice versa, would not apply to the present case, given the express statutory scheme. In this connection, Shri Sundaram cited *Kanhiya Lal Omar v. R.K. Trivedi*, (1985) 4 SCC 678, and relied upon paragraph 17, where this Court held, referring to Article 324(1) of the Constitution of India, that a "direction" may be equated with a specific or a general order. The context of Article 324 being wholly different, it is obvious that this authority also has no application, given the statutory scheme in the present case.

37. *Shri Sundaram then cited Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth, (1984) 4 SCC 27. In this judgment, the High Court had struck down Regulation 104 of the Maharashtra Secondary and Higher Secondary Boards Regulations, 1977, by which, no re-evaluation of an answer book given in an examination can be undertaken. In setting aside the High Court judgment, this Court stated that the process of re-evaluation of answer papers is extremely time consuming, would involve several thousand man-hours, and is bound to throw the entire system out of gear. Further, it is in public interest that the results of public examinations, when published, should have some finality attached to them [see paragraph 27]. It is in this context that this Court held:*

29. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice."

To bodily lift the aforesaid sentence and apply it to the fact situation here would be a huge leap which we are not prepared to make. Further, given the statutory scheme as aforesaid, it is not possible for us to provide an appeal where there is none in the guise of making an appellate system workable in practice."

3. Having drawn our attention to the above, it is urged by learned counsel for respondent No.3 that the Hon'ble Supreme Court has made clear distinction between an "order" and "direction", because directions are issued in exercise of powers and performance of functions under the Act and are not quasi-judicial in nature, whereas orders that are appealed against made under Section 31 of the Air Act are quasi-judicial orders made, inter alia, under Section 21 of the Air Act.

4. Learned counsel for respondent No.3 further argued that there is a procedure adopted while passing the final order by the Authority concerned i.e. an opportunity of hearing needs to be given to the parties concerned, objections need to be called from the concerned and after considering the same, directions are issued, but while passing an order, whatever is

concluded in front of the Authority, same is considered and thereafter the order is passed.

5. We find that this is in relation to the provisions of the Water ((Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 where there is no appeal provided under the Act. But in the case in hand, whether this ruling would be applicable or not, we have confusion in our mind.

6. At this stage, learned counsel for the applicant has agreed to withdraw this appeal and file an application under Section 14 of the National Green Tribunal Act, 2010, which has wider jurisdiction, wherein all issues, which are raised herein, may be addressed. In view of the prayer made by the learned counsel for the applicant, we permit him to withdraw this appeal with liberty to file appropriate proceeding under appropriate provision/s, subject to limitation. Accordingly, present appeal is dismissed as withdrawn.

7. In view of dismissal of the Appeal, I.A. No.668 of 2025 stands disposed of.

7. No order as to costs.

Dinesh Kumar Singh, JM

Dr. A. Senthil Vel, EM

September 09, 2025
APPEAL NO.430 OF 2025 (WZ)
npj

ANNEXURE R-3

o/c

721

From,
Mr. Michale Fernandes,
 House No. 36/1(k-3),
 Annie Enclave,
 Opp. Green House,
 Pequeno Vanelim,
 Colva, Salete Goa.

Date: 07.10.2025

To,
The Member Secretary,
 Goa Coastal Zone Management Authority,
 Department of Science, Technology and Environment,
 Government of Goa,
 Panaji, Goa.

PPed
07/10/2025
 Member Secretary
 Goa Coastal Zone Management Authority
 C/o Department of Environment & Climate Change
 Dempo Tower 4th Floor
 Patio Plaza Panaji-Goa 403001

Ref: (i) Direction under Section 5 of the Environment protection act read with the rule of the Environment Protection Rules 1986 dated 03.07.2019 issued by GCZMA.
 (ii) Letter dated 11.12.2024 filed by the Undersigned showing the compliance with the order dated 03.07.2019 and subsequent inspection dated 06.01.2025 conducted by the authority confirming the compliance of the Order.

Subject: Representation in respect of compliance of Order dated 03.07.2019 passed by the GCZMA

Respected Sir,

1. The Undersigned is making the present representation to clarify certain issues which have been attempted to be raised by complainant in the above matter namely one Mrs. Judith Almeida, in an attempt to suggest that the undersigned has not

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complied with the Order dated 03.07.2019 passed by your good office. It is a matter of fact that the aforesaid Order was duly complied by the undersigned and a compliance report also came to be submitted by the undersigned on 11.12.2024. Thereafter, the expert members of your good office duly visited the site and confirmed the compliance done by the undersigned.

2. The Order dated 03.07.2019 interalia directed the undersigned to demolish the structures in survey no. 96/1 of Betalbatim village. The Order of the GCZMA was upheld by the Hon'ble National Green Tribunal and so also by the Hon'ble Supreme Court of India. Thereafter, the Undersigned duly complied with the directions issued and removed all the structures situated in Survey No. 96/1 of Betalbatim Village which compliance was duly verified by your good office.

3. Now it appears that the complainant for reasons best know to them are attempting to raise certain baseless issues by stating that there are sand dunes in survey no. 96/1 and the same were required to be restored. It is on this premise that the complainant namely Mrs. Judith Almeida had even approached the Hon'ble National Green Tribunal by filing an Appeal which came to be registered as Appeal no. 430 of 2025 (WZ) wherein she had challenged the permission granted to the undersigned for erection of a temporary restaurant in

Survey No. 96/1 of Betalbatim village, dated 30.06.2025. The Hon'ble National Green Tribunal was pleased to dismiss the Appeal vide order dated 09.09.2025. In the said Appeal certain allegations were made that there exist sand dunes in Survey No 96/1 of Betalbatim Village and that the same were required to be restored interms of order dated 03.07.2019. It is in the context of the aforesaid allegation which have been made for extraneous considerations and with vested interest, the undersigned is making the present representation to clarify the correct factual position as regards the allegations of presence of sand dunes in Survey No. 96/1 of Betalbatim Village, Salcete Goa.

4. It is categorically stated that there exist no sand dunes in Survey No. 96/1 of Betalbatim Village, and the factum of non-existence of sand dunes in Survey No 96/1 is evident form the bare perusal of the approved CZMP 2011 in which it is categorically shown that there exist no sand dunes in survey no 96/1. Further, the site was inspected by the expert members of GCZMA as well as the expert members of Bio-diversity Board who in their inspection report have categorically stated that there exist no sand dunes in survey no 96/1 of Betalbatim Village. In this context it is pertinent to note that even the Order dated 03.07.2019 issued by this Hon'ble Authority nowhere states that the sand dunes are present in survey no. 96/1, obviously for the reason that there exists none.

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5. It is stated that the members of the biodiversity board during one of its inspection conducted on 06.01.2025 had informed the undersigned that he should plant certain categories of plants on the sea-ward side to prevent sand erosion accordingly the undersigned has duly planted substantial amount of plant on the sea ward side in compliance with the instructions given by the expert members of the Biodiversity Board.

6. Considering the aforesaid factual position, it is amply clear that all the structures situated in Survey no. 96/1 of Betalbatim village have been duly demolished in compliance with the Order of this Hon'ble Authority dated 03.09.2019 and further as regards the instruction issued by the biodiversity board has also been duly complied.

The photographs of the site that all the structure have been removed and so also showing the plants planted on seaward side are hereto annexed and marked as "Annexure A-colly"

7. The aforesaid facts clearly demonstrate that the Order dated 03.07.219 has been duly complied in its true spirit and therefore any allegations made by the complainant and/or any other persons contrary to what has been stated hereinabove are factually incorrect and are made for extraneous considerations.

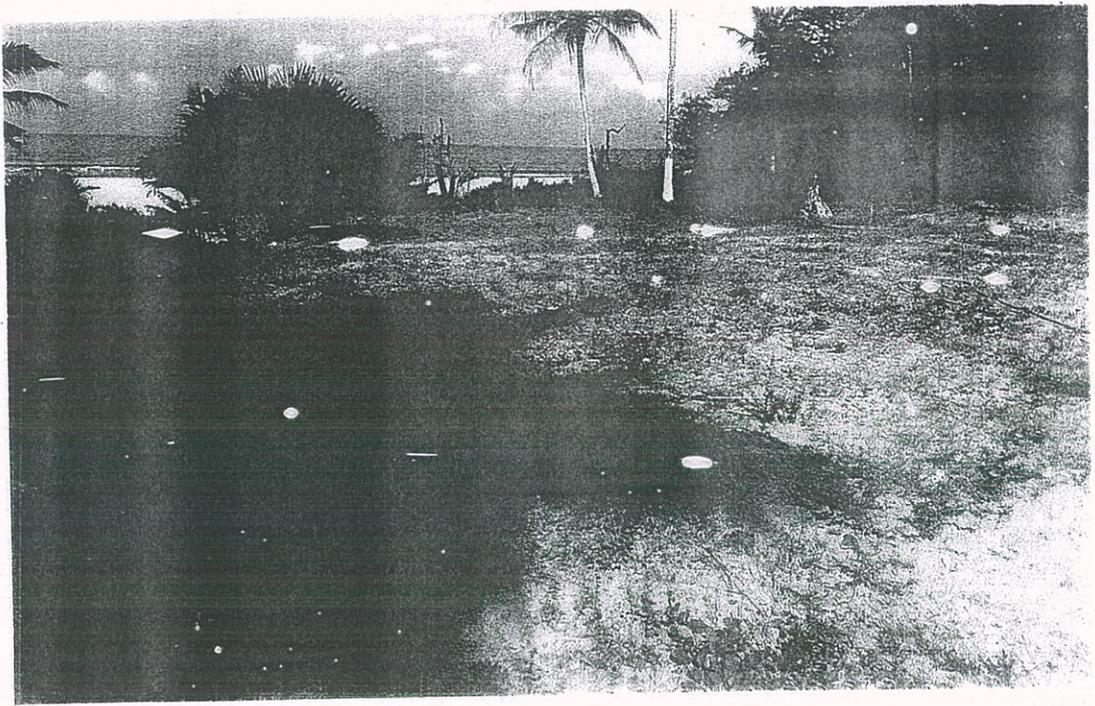
8. The undersigned request your good office to kindly direct any of the expert members to physically verify the aforesaid factual situation, by physically inspecting the site, which will clear any unwarranted allegations made by the complainant.

Regards



MR. MICHALE FERNANDES





No.PWD-XXI (PHE)/SD.I/.F. 73/25-26/375
 Government of Goa,
 Office of the Assistant Engineer,
 SD-I/WD-XXI (PHE),
 Public Works Department,
 Vidyanagar, Aquem, Margao Goa

Dated: 10/09/2025

FEASIBILITY CERTIFICATE

TO WHOMSOEVER IT MAY CONCERN

This is to certify that the applicant Mr. Michael Fernandes, H.No. 36/1 (K-3), Annie Encalve, Opp. Green House, Pequeno, Vanelim, Colva, Salcete – Goa, vide their letter dt. 25/08/2025 has requested the undersigned to issue feasibility Certificate for sewage connection for temporary 01 Restaurant /Shack and wooden /Bio- fencing in the property bearing Sy. No. 96/1, Betalbatim village, Salcete Goa, having Goa Coastal Zone Management Authority Permission /Approval No. GCZMA/S/Shack-Hut-Cott-Tent/24-25/14/1289 dt. 30/06/2025 and it is technically feasible to connect the said structure to the public sewerage network and this office has no objection for the same. However after completion of the structure, you are required to apply for House Sewer Connection to this office and the sewerage connection will be released only after completing the formalities and payment of applicable Sewerage Connection fees.

To,
Mr. Michael Fernandes,
H.No. 36/1 (K-3), Annie Encalve,
Opp. Green House, Pequeno,
Vaneim, Colva, Salcete – Goa.


 Assistant Engineer – I
 ASSISTANT ENGINEER
 PUBLIC WORKS DEPARTMENT
 VIDYANAGAR, AQUEM, MARGAO GOA

Copy to:-

- 1) The Member Secretary - Goa State Pollution Control Board, Nr. Pilerne Industrial Estate, Opp. Saligao, Bardez Goa.
- 2) The Sarpanch - Village Panchayat Betalbatim, Salcete Goa.
- 3) The Health Officer, Primary Health Center, Cansaulim.



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Office of the Village Panchayat
Betalbatim
Salcete - Goa
Pin Code 403713; Ph: +91 917217943

ANNEXURE R5
GOA@60 80

Ref. No. VP/BET/2025-26/514



Date: - 19/08/2025

NO OBJECTION CERTIFICATE (NOC)

With reference to your application dated 17/07/2025 and upon scrutiny of the permissions issued by the Goa Coastal Zone Management Authority (GCZMA), the Village Panchayat Betalbatim hereby grants you permission/approval for proposed erection of temporary 01 Restaurant/ Shack and wooden/Bio-fencing in the property bearing Sy. No. 96/1, Betalbatim Village from **1st September 2025 to 31st May 2026** under the name and style of **'Mickey's Multicuisine Restaurant & Bar**, subject to the following terms and conditions:

Terms and Conditions:

- 1) The permission is strictly valid only up to 1st September 2025 to 31st May 2026.
- 2) The applicant shall strictly adhere to all the terms, conditions, and guidelines issued by Goa Coastal Zone Management Authority vide Ref. No. GCZMA/S/Shack-Hut-Cott-Tent/2024-25/14/1289 dated 30/06/2025.
- 3) The owner should display his N.O.C. / Permission along with his photograph in his shack.
- 4) The Photograph and address of the worker/ employees working in the said temporary structure should be immediately submitted.
- 5) Proper Sanitation facility shall be maintained.
- 6) Structure shall be erected as per plan submitted to this office.
- 7) Cleanliness should be strictly maintained in and around the shack and necessary arrangements should be made for the collection and disposal of garbage/ waste.
- 8) No harmful substances such as drugs etc. prohibited under the law, shall be stored or traded in the Restaurant/ Shack and the owner carrying out such trade shall be summarily directed by the Panchayat to close the stall and shall not be eligible to erect shack in future.
- 9) It shall be lawful to the Sarpanch or any person authorized by him to enter the premises for the purpose of checking any breach of condition of the N.O.C. and also to check any malpractices or illegal trade of practice.
- 10) **Under no circumstances the running shall be transferred to any other person.**
- 11) Panchayat reserves its rights to revoke the above N.O.C. in case of failure to comply with above conditions and the fees paid shall not be refunded.
- 12) Disposal of Garbage i.e. dry n wet waste shall be safely disposed by the owner.
- 13) The applicant shall not cause damage to sand dunes, coastal vegetation, or any natural habitats.

14) The applicant shall obtain and maintain valid licenses/clearances, such as Food & Drugs License, Bar & Restaurant License, Fire Safety Certificate, Health Officer and any concern department, as required under applicable laws.

You are requested to comply with the above-mentioned conditions.

The applicant shall pay fees of **Rs. 25000/-** (Rupees Twenty Five Thousand Only) at the time of collection of this permission.




(Ilma Dias)
Dy. Sarpanch
V.P Betalbatim

To,
Mr. Michael Fernandes
H.No. 36/1(K-3), Annie Enclave,
Opp Green house, Pequeno, Vaneim,
Colva, Salcete – Goa.

(v) A good house-keeping shall be maintained within the unit premises. All pipes, valves and drains shall be maintained in leak-proof condition. Floor washings shall not be allowed to find way in open areas.

(vi) **Non-Hazardous Solid Waste:**

All the Solid wastes arising in the unit premises shall be properly classified and disposed-off as follows:

Sr.No.	Type of segregated solid waste	Quantity	Disposal
1.	Wet Waste	3 Tons /month	To be disposed through local body OR Composted within premises
2.	Dry Waste	2 Tons /month	To be disposed to local body OR Agency authorized / registered with the GSPCB.

(vii) The applicant shall upload monthly statement online (below format) regarding the solid waste generation.

Sr.No.	Date	Quantity of wet/dry waste	Name of agency collecting the wet / dry waste	Authorized Signatory

4. **CONDITIONS REQUIRED TO BE COMPLIED UNDER THE AIR ACT:**

(i) The unit shall maintain and operate air pollution control system of adequate capacity for the following equipment

Sr. No.	Name of Equipment/ Installation	No. of installation	Capacity	SO ₂ kg/hr	NO _x	HC	CO	PM
1.	DG Set	01	45 KVA	0.18	9.2	1.3	3.5	0.3

(ii) The Unit shall erect the Chimneys (S) of the following specifications:

Sr. No	Chimney attached to	Height
1.	D.G. set (45 KVA)	4.5 mts
2.	Kitchen exhaust	At least 1.5 m above the building roof

(iii) The unit shall observe the following standards:-

Sr. No	Type of fuel	Quantity /hr
1.	HSD for DG Set	9.45 lts/hr

(iv) The Stack Port Hole and Platform is to be designed as per CPCB guidelines Method 1 Part 1 of Stack Monitoring – Material & methodology for isokinetic sampling.

(v) The unit should comply with all the standards for D.G. Sets prescribed at Sr. no. 94, 95 and 96 of Schedule I of the Environment (Protection) Rules, 1986.

- (vi) The unit shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise. The limits are as follows:

Category of Area/ Zone	Limits in dBA Leq	
	Day time	Night time
Industrial Area	75	70
Commercial Area	65	55
Residential Area	55	45
Silence Zone	50	40

Day time is reckoned between 6 a.m. to 10 p.m. and night time is reckoned between 10 p.m. to 6 a.m.

- (vii) The unit shall comply to the Notification issued by the Department of Environment vide Notification Series I No.5 dated 2nd May 2024 as amended thereafter regarding The Noise Pollution (Regulation and Control) Rules 2000, in view of the directions dated 15/03/2019 issued by the Hon'ble NGT in O.A.681/2018.

5. GENERAL CONDITIONS:

- (i) The applicant shall not change or alter the quantity, the rates of discharge, temperature and the mode of disposal of the effluent without previous written permission of the Board.
- (ii) The applicant shall provide facilities for collection of the samples to the Board staff.
- (iii) Stack heights for a (Diesel generator set(s)) shall be as follows:
 Diesel Generator set(s): The minimum height of the stack to be provided with each generator shall be as per the formula $H = h + \frac{e^2}{\sqrt{kVA}}$ where H = total height of the stack in meters, h = height of the building in meters where the generators is installed and kVA = total generator capacity of the set in kVA.
 The generator shall be installed in a closed area with a silencer and suitable noise absorption systems so as to comply with the ambient noise level standards as mentioned below:
 The ambient noise level shall not exceed 75 dB (A) at a distance of 5 meters from the source.
- (iv) The applicant shall provide ports in the chimney / stack and facilities such as ladder, platform etc. as per the directions of Pollution Control Board for monitoring the air emissions and the same shall be open for inspection and use the Board's staff. The chimney / stack attached to various sources of emissions shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
- (v) The applicant shall implement the following Rules and Regulations notified by the Ministry of Environment and Forests, Govt. (MoeEF &CC) of India.
- Solid Waste Management Rules, 2016,
 - Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 as amended thereafter;
 - Construction and Demolition Waste Management Rules, 2016
 - Plastic Waste Management Rules, 2016 as amended thereafter,
- (vi) There shall not be any perceptible odour outside the unit's premises.
- (vii) All the Rules and Regulations notified by the Ministry of Environment and Forests, Govt. of India in respect of noise pollution control measures shall be followed to avoid nuisance to public.

- (viii) Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves its right and powers under section 27(2) of the Water (Prevention and Control of Pollution) Act 1974 and under section 21(4) of the Air (Prevention and Control of Pollution) Act 1981 to review any or all the conditions imposed hereby.
- (ix) Any change in the details made after the submission of the application/ after obtaining the Consent to Establish shall be brought to the notice of the Board immediately.
- (x) The unit shall obtain permission from the Forest Department/ Wild Life Board wherever applicable.
- (xi) The unit shall implement rain water harvesting and ground water re-charge measures in consultation and approval of the Water Resource Department, Government of Goa and Directorate of Industries, Trade and Commerce, Government of Goa, before submitting an application for Consent to Operate.
- (xii) The unit shall be responsible for safe and scientific collection, transportation, treatment and disposal of Bio-Medical Waste as per the provisions made under the Bio-Medical Waste Management Rules, 2016 as amended thereafter. Any activity as defined under BMW Rules has to obtain a separate Authorization from Goa State Pollution Control Board.
- (xiii) The unit shall apply for Consent to Operate of the Board as required under section 25(1) (b & c) of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 in the prescribed application form, 45 days before commissioning of the complex.
- (xiv) This Consent to Establish is granted without any prejudice to any of the permission(s) required under any law, by laws and regulations in force and this Consent to Operate is confined to matters arising out of the Air Act and Water Act only.
- (xv) The unit shall comply with the Guidelines and DUST Mitigation measures in handling Construction material and C & D waste issued by central Pollution Control Board which are placed on Board website goaspcb.gov.in.
- (xvi) The import, stocking, distribution, sale and use of single use plastic, including polystyrene and expanded polystyrene, commodities as stated in the Plastic Waste Management (Amendment) Rules, 2021 shall be prohibited with effect from the 1st July, 2022
- (xvii) The unit has to obtain no objection certificate from the Central Ground water Authority, or the concerned state authority for any ground water abstraction, if applicable.

To,
M/s MICKEY'S MULTICUISINE RESTAURANT & BAR
(C/o Mr Michael Fernandes)
H.No.36/1k-3, Annie Enclave,
Pequeno, Vanelim, Colva, South Goa 403708.

Copy for favour of information to -

1. **The Director, Directorate of Food & Drugs Administration, Bambolim - Goa...**for information
2. **The Member Secretary, Goa Coastal Zone Management Authority (GCZMA), C/o. Department of Environment, 4th Floor, Dempo Towers, Patto Plaza, Panaji-Goa. 403001...**for information
3. **Accounts Section.**
4. **Concerned File.**
5. **Guard File**

Received Consent fee of: The capital Investment of the unit is ₹. 63,50,000/-.

Receipt no.	Amount	Date
2954372	Rs. 23112/- (Air & Water consent fees)	25/09/2025

(Dr. Geeta. S. Nagvenkar)
Member Secretary
Goa State Pollution Control Board

Goa State Pollution Control Board

QEHS-CIE-F(06-03)

CUSTOMER FEEDBACK

Dear Citizen / Customer,

We appreciate you for sparing a few minutes for giving us your valuable feedback on our services

Name :

Contact

Address:

.....

Email: Date:

Name of the service availed:

Are you aware that service standards are included in the Citizen's Charter as available on Board's website www.goaspcb.gov.in?

Yes No

If yes, is the Citizen Charter simple and easy to understand?

Yes No

Description of service delivery parameters (Consents/Authorisation/RTI's/Complaints etc.)	Excellent	Good	Fair	Average	Poor	Reason for grading
Time taken to deliver service in comparison to service standards mentioned in Citizen's Charter						
Quality of service (accuracy, completeness)						
Knowledge of dealing hand / staff regarding services/schemes						
Courtesy of staff						
Board's response in view of your query/requirement is to your satisfaction						
Date of your visit to the office and your overall experience						

Suggestions for improvement, if any

.....

.....

.....

Signature & date

To,

The Member Secretary,
Goa State Pollution Control Board,
Near Pilerne Industrial Estate,
Opposite Saligao Seminary,
Saligao, Bardez, Goa. 403511

❖ Please note that your feedback is considered essential for overall improvement and development of Board functions in service of environment.

GOVERNMENT OF GOA
PUBLIC WORKS DEPARTMENT
CONSUMER COPY MR : PWD0026 ZONE DATE : 28/11/2025

CONSUMERID 28261015 BILL DATE 28/11/2025 DUE DATE 12/12/2025

NAME & ADDRESS R - NUVEM-26

MICHAEL FERNANDES

SY NO. 96/1 THONWADDO BETALBATIM

MOBILE NO : 9822486393

CODE : NUAC0600734001

BILL NO 026580013 INSTALL DT METER NO 06/09/2025 A3100007

REV SUBDIV	ZONE	CATEGORY	DEPOSIT
IX-I	NUAC	ES	2640
FROM DATE	TO DATE	DAYS	USER SIZE
06/09/2025	28/11/2025	84	0 0.5"
LPCD	BASE MIN	UNITS	AVG UNITS
0	M	20.0	20.0

CURRENT/FAULT : 37
 PREVIOUS : 0
 UNITS CONSUMED : 37
 ADDITIONAL UNITS : 0
 UNITS BILLED : 56
 WATER CHARGES : 2723
 SEWERAGE CHARGES : 0
 METER RENT : 140
 CORRECTIONS : -0
 ADDITIONAL CHARGES : 0
 ARREARS/CREDIT : 0
 NET PAYABLE : 2863

*Q. Pay on 28/11/25
 HOPC same
 129*

AMOUNT IN WORDS
Rupees Two Eight Six Three Only

GOVERNMENT OF GOA
PUBLIC WORKS DEPARTMENT
ACCOUNTS COPY MR : PWD0026 ZONE DATE : 28/11/2025



CONSUMERID 28261015 BILL DATE 28/11/2025 DUE DATE 12/12/2025

NAME & ADDRESS R - NUVEM-26

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LPCD	BASE MIN	UNITS	AVG UNITS
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CURRENT 37 PREVIOUS 0 UNITS 37 USEDUNIT 56
 ADD UNITS 0 WATER CHARGES 2723 METER RENT 140
 SEWERAGE 0 CORRECTIONS -0 ADDL CHARGES 0
 ARREARS/CREDIT 0 / 0 NET PAYABLE 2863

AMOUNT IN WORDS
Rupees Two Eight Six Three Only

BE DIGITAL | PAY DIGITAL





