

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

Interlocutory Application No. 68 /2026 (WZ)

IN

Original Application No. 129/2025 (WZ)

COLVA CIVIC & CONSUMER FORUM ...APPLICANT

*VERSUS*

THE GOA COASTAL ZONE MANAGEMENT  
AUTHORITY & ORS ... RESPONDENTS

**AFFIDAVIT -IN REPLY ON BEHALF  
OF RESPONDENT NO. 3 IN IA No. 68  
/2026 (WZ)**

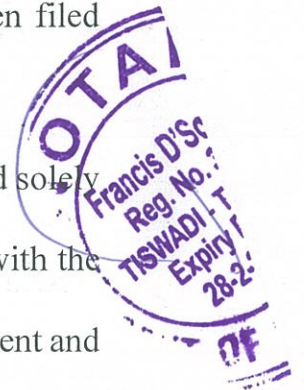
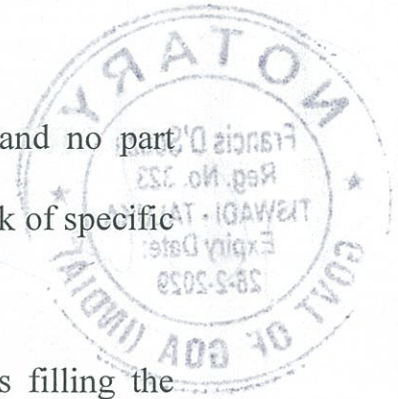
**MAY IT PLEASE YOUR HONOUR:**

I, MICHAEL FERNANDES, son of Mr. Domingos Fernades, major age years, Indian National, resident of H. No. 36/1(K-3), Annie Enclave, opp Green House, Pequeno Vanelim, Colva, Salcete, Goa 403708 i.e Respondent No. 3 (“answering respondent”), do hereby solemnly affirm and states as under:

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 IA filed by the Applicant herein, and at the very outset

denies, all and singular, the averments made therein and no part thereof may be deemed to have been admitted for the lack of specific traverse.

2. The Respondent No. 3 that is answering respondent is filing the present reply in response to the IA No. 68/2026 (WZ) filed by the Applicant in the Original Application No. 129/2025 (WZ). At the outset, the answering respondent states that the filing of the present IA is nothing but abuse of process of law and the same has been filed solely with an intent to harass the answering respondent.
3. At the further outset, it is stated that the present IA is premised solely on falsehood and deliberate mis-statements, which are made with the sole intention to create prejudice against the answering respondent and appear to be clearly an attempt to mislead this Hon'ble Tribunal.
4. To begin with, it is sated that the erection of the restaurant/shack by the answering respondent in Survey No. 96/1 of Betalbatim Village Salcete, Goa, is being carried out strictly in accordance with the permission dated 30.06.2025 and approved plan thereto issued by the Goa coastal Zone Management Authority. Further, it is sated that all are requisite permissions from other concerned authorities *inter alia* like from the Goa State Pollution Control Board, Village Panchayat,



Electricity Department, PWD, etc. have been duly obtained by the answering respondent before the commencement of erection of the subject matter restaurant/shack. The answering respondent craves leave to produce all such permissions / approvals if need arises.

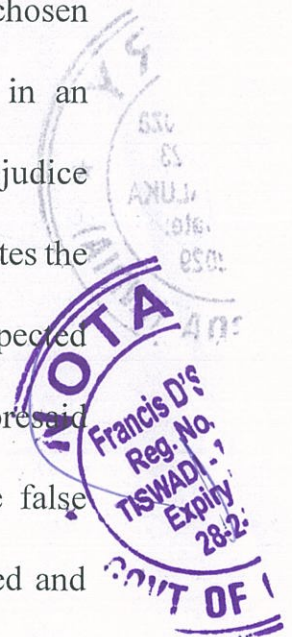
5. The answering respondent states that the present application is liable to be dismissed *in limine* since the same has been filed by creating artificial cause of action when there is no genuine cause of action to file such an application. The cause of action sought to be created by the applicant to file the present application in the month of March 2026 is that visible active construction activity was seen at the site. Firstly, it is stated that such a statement is nothing but complete falsehood inasmuch as in terms of the permission dated 30.06.2025, the answering respondent started the erection of the shack way back in November 2025 after having obtained all the permission as required under the law. The present IA appear to be an attempt to have second bite at the cherry inasmuch as the applicant having failed to secure any interim relief, the applicant has created an ingenious way of seeking an interim relief when the matter is ripe for final hearing.

6. Further, the applicant has premised his IA on averment/grounds which are not even subject matter of the captioned OA, which is certainly not



permissible in law. It is also pertinent to note that the applicant had deliberately and malafidely made complete false statements on oath and has stated that the answering respondent has used concrete material and /or suggested that the answering respondent has carried out permanent works. Such statements are not factual incorrect but are factual incorrect to the knowledge of the Applicant. The applicant despite being aware that the answering respondent has not used any concrete material and / or carried out any permanent works has chosen to deliberately make such incorrect statements, obviously, in an attempt to mislead this Hon'ble Tribunal and to create prejudice against the answering respondent. The answering respondent states the answering respondent is ready and willing to have the site inspected by the GCZMA and/or any other authority to determine the aforesaid factual position and is it found that the applicant has made false statements then the IA along with OA is liable to be dismissed and should be dismissed on this ground alone of making false statements on oath.

7. As regards Para 1 of IA, it is stated that the Original Applicant filed by the petitioner is itself not maintainable in law and liable to be dismissed on the ground which has been raised by the answering

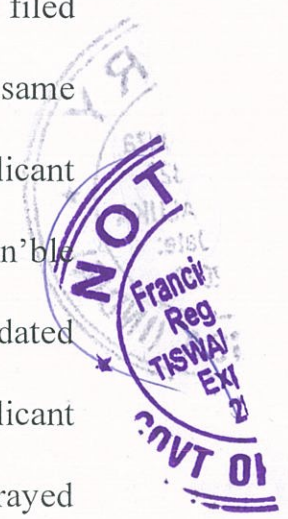


respondent in its reply to the OA. Further, the OA is premised on a factually incorrect premise that the site on which the permission has been granted by the GCZMA to the answering respondent has sand dunes. Such assertion by the Applicant is factually incorrect and the same is fortified by a bare perusal of the approved GCZMP, which clearly shows that there exist no sand dunes in the Survey number for which the permission has been granted by the GCZMA. It is relevant to state that the permission was granted by the GCZMA after having perused all the relevant document including the approved Coastal zone Management Plan and most importantly after physically verifying the fact that there exist no sand dunes in the subject matter property. Further, the GCZMA in its reply filed to the captioned OA have very categorically stated that there exist no sand dunes in the subject matter property. Considering the aforesaid factual position the basic fulcrum of the OA filed by the applicant is completely bereft of any substance and therefore the captioned OA itself is liable to be dismissed and consequently question of entertaining the present IA or granting any relief in the present IA does not even arise. Also as regards the unfounded and unwarranted allegations of non-compliance of the earlier demolition order and / or non-verification of restoration, it is



stated that same is faculty incorrect statement inasmuch as the demolition order has been duly complied and the same has been duly verified by the authorities.

8. In respect of Para 2, it is sated that the Applicant has ingeniously attempted to create an artificial cause of action to file the present IA and such artificial cause of action is premised on factually incorrect statements. The Applicant has stated that at the stage of admission the Applicant did not press interim relief as there was no visible active construction activity then apparent on site, in this regard it is stated that such statement is faculty incorrect for two reasons firstly, that even prior to filing of the present OA, the Applicant herein had filed an Appeal on the same subject matter challenging the very same permission dated 30.06.2025 and in which proceedings the applicant did press for an interim relief, which was not granted by this Hon'ble Tribunal and infact the Appeal itself stood dismissed vide Order dated 09.09.2025 of this Hon'ble Tribunal. Thereafter, the Applicant preferred the present OA and in the said proceeding also had prayed for interim relief which was never granted to the Applicant. Secondly, the erection of the shack/restaurant commenced in November 2025 and the Applicant has chosen to file the present IA only in the Month



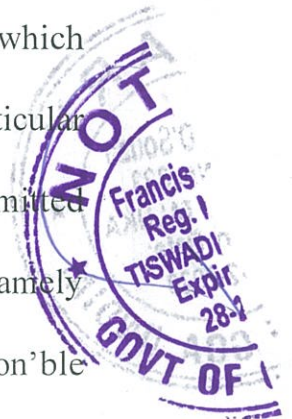
of March 2026. It is stated that the erection of the shack/restaurant in accordance and in consonance with the permission granted by the GCZMA had commenced way back in November 2025 and the Applicant has chosen to file the present Application 5 months after the commencement of the work at the site and consequently this Hon'ble Tribunal should not even entertain such an Application.

9. In respect of Para 3, is stated and categorically denied that substantial semi-permanent / permanent structure is been erected by the answering respondent. The answering respondent reiterated that the erection of the restaurant/shack is been carried out strictly in accordance with the permission and approved planes thereto. As stated above the erection of the shack/ restaurant commenced in November 2025 and the same within the knowledge of the Applicant and the statement made in para 3 to the extent that the active construction/ erection activates have commence at the site now, is statement of complete falsehood and false narrative sought to be created by the applicant. It is stated that the Applicant having failed to secure any interim relief have now chosen ingeniously to file the present IA seeking interim relief which is not permissible in law.



10. In respect of Para 4, the contents therein are categorically denied.

Further, the inferences drawn by the applicant to suggest that there is permanent foundation work which has been camouflaged are completely misleading and false statements made by the Applicant. It is stated that the photographs produced by the Applicant cannot even be looked into on account of the facts that the same are not supported by the mandatory certificate under Section 63 of Bharatiya Sakshya Adhiniyam (BSA), 2023. In any event of the matter the photographs do not depict the correct factual position at site. The answering states that there is absolutely no concrete material used by the answering respondent and / or that there is no permanent work carried out by the answering respondent. The use of GI pipes and mild steel is in accordance with the clause of the permission dated 30.06.2025, which permits such usage, however, it restricts the same usage to a particular percentage. It is pertinent to mention that the such usage as permitted under the permission is in accordance with the expert report namely beach carrying capacity report which was approved by this Hon'ble Tribunal in its Judgement and Order dated 17.12.2024 in OA No. 03/2014. At the cost of repetition, the answering respondent reiterates that the erection of the restaurant/shack is being carried out



in consonance with the permission and in accordance with the approved plans thereto.

11. In respect of Para 5, the contents therein which appears to be inferences drawn based upon the photographs enclosed by the Applicant, the same is denied in totality. Further, the statement made in para 5(c) is categorically denied and it is stated such statement is factually incorrect statement made in an attempt to mislead the Hon'ble Tribunal. The answering respondent states that neither any concrete material has been used nor it is covered up by sand to camouflage the permanent work. As stated, answering respondent is ready and willing to get the site inspected by any authority to confirm the same and if the statement of the applicant is found to be factual incorrect the present IA as well as the OA should be dismissed on this ground alone for making false statement on oath in attempt to mislead this Hon'ble Tribunal.

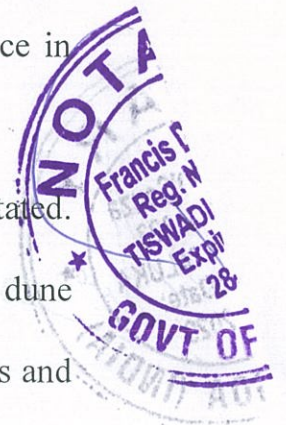
12. The content of Para 6 is denied in totality. As regard to para 7 the letter dated 06.03.2026 made by the applicant to the GCZMA is nothing but an attempt to create an illusory and artificial cause of action that to on basis of false and misleading statements.



13. In respect of Para 8, whilst denying the averments therein, it is stated that the allegation of existence of sand dune at the subject matter property today stand bellied by the fact that the approved Coastal Zone Management Plan does not shows any sand dunes at the subject matter property and further the GCZMA in affidavit in reply have categorically stated that there exist no such sand dunes in the subject matter property.

14. In respect of Para 9, it is stated that the applicant is trying to raise grounds which not even part of the Original OA and consequently the same cannot be raised by the filing the present IA. In any event of the matter the works carried out by the answering respondent are strictly in accordance with the permission granted and therefore references to the judgment made in para 9 by the applicant has no relevance in respect of the present matter.

15. The content Para 10 are denied in the manner that they are been stated. Whilst once again reiterating that allegation of existence of sand dune in subject matter property is based on surmises and conjunctures and as matter of fact there exist no sand dune at the subject matter property.



16. The content of para 11 are denied in totality. As regards to the balance of convince, it is stated that the work is been carried out in terms of a valid and subsisting permission and consequently question any interim relief does not even arise. It is sated that stoppage of the work would cause serious prejudice financially and otherwise to the answering respondent. It is stated that the answering respondent and his family member the source of lively hood depends upon running of the restaurant and consequently it shall cause serious and irreversible damage to the answering respondent if the work is stopped. On the contrary no prejudice of whatsoever nature shall be cause to the applicant herein.

17. In respect of Para 12, the content is denied and further it is once again categorically denied that there is any concrete foundation used by the answering respondent and allegation terming the work of the answering respondent as the illegal work is clearly bereft of any merit and/or substance inasmuch as the said work is been carried out under a valid and subsisting permission granted by the GCZMA and all other concerned authorities.

18. The content of Para 13 are clear statements of falsehood and the application is liable to be dismissed on this ground alone. The



statement that construction commenced on 06.03.2026 is deliberate factually incorrect statement made only to mislead this Hon'ble Tribunal inasmuch as in term of permission date 30.06.2025 the work of erection of shack/restaurant started way back in November 2025. It is reiterated that the present IA should be dismissed for making such false statement on oath. The applicant is not entitled for any relief much less the reliefs stated in the application and the IA is liable to be dismissed with cost and be dismissed accordingly.

Place: Panaji, Goa  
Date: 13.04.2026

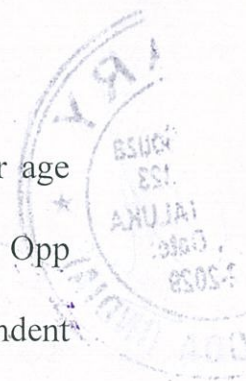


Respondent No. 3  
**Mr. MICHAEL FERNANDES**



### VERIFICATION

I, MICHAEL FERNANDES, son of Mr. Domingos Fernades, major age years, Indian National, resident of H. No. 36/1(K-3), Annie Enclave, Opp Green House, Pequeno Vanelim, Colva, Salcete, Goa 403708 i.e Respondent No. 3, do hereby verify that the contents of the paragraphs namely paras 1, 2, 3(part), 4, 5(part), 6(part), 7(part), 8(part), 9(part), 10(part), 11(part), 12(part), 13(part), 14(part), 15, 16, 17 & 18(part) of the reply are true to my knowledge and/or as per the records available and what is stated in the



remaining paragraphs namely para 3(part), 5(part), 6(part), 7(part), 8(part), 9(part), 10(part) , 11(part), 12(part), 13(part), 14(part) and 18(part) are in the nature of legal submissions and/or inferences of facts which I believe to be true and that I have not suppressed any material fact.

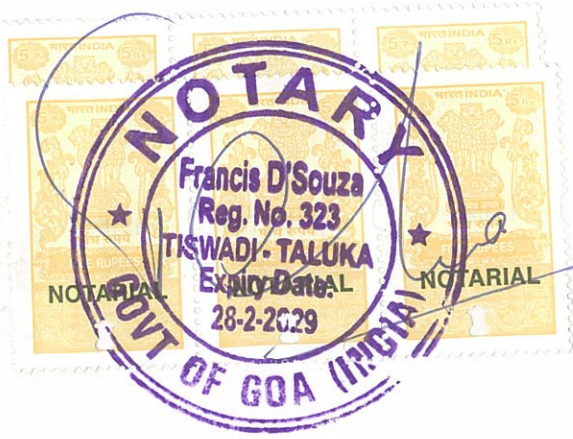
Solemnly Verified at Panaji, Goa

On this 13<sup>th</sup> April, 2026

*[Signature]*  
DEPONENT

IDENTIFIED BY  
*[Signature]*  
Adv. L. Onkonkar

BEFORE ME  
*[Signature]*  
SHRI FRANCIS D'SOUZA  
NOTARY FOR TISWADI TALUKA  
STATE OF GOA (INDIA)



I hereby attest the above signature of Shri/Smt/Miss. *Michael Fernando* the *deponent* *above named* who has been identified before me by *A.C. NO. 449075161090* who is personally known to me registered under No. *6812626* *Old. 13-04-2026*

ADV. FRANCIS D'SOUZA  
NOTARY  
KAMAKSHI PRASAD BLDG  
THIRD FLOOR, FLAT NO. 304  
PATTO, PANAJI  
TISWADI GOA - 403 001

ADV. FRANCIS D'SOUZA  
NOTARY  
KAMAKSHI PRASAD BLDG  
THIRD FLOOR, FLAT NO. 304  
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TISWADI GOA - 403 001 *13-04-2026*