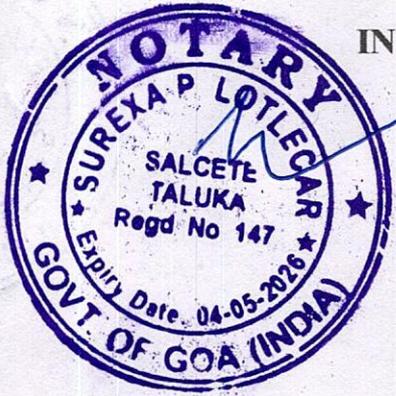


IN THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH AT PUNE



IA No.: 870 / 2025

in Appeal No.: 630/2025

CFI Church ... APPLICANT

VERSUS

State of Goa & Ors. ... RESPONDENTS

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

NO. 3 OPPOSING THE IA FOR STAY FILED BY THE

APPLICANTS

I, Mrs. Judith Almeida, President of Colva Civic & Consumer Forum, Respondent No. 3 herein, do hereby solemnly affirm and state as under:

1. I state that I am the authorised representative of Respondent No. 3 and I am competent to swear this Reply. I am conversant with the record, including the proceedings before Respondent No. 2 culminating in the impugned Direction/Order dated 21/07/2025, and the present Appeal and IA.

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2. Save and except what is specifically admitted herein, all statements, averments, allegations, insinuations and submissions in the IA for stay are denied and the Applicant is put to strict proof.

3. At the threshold, I submit that the IA is an attempt to obtain, through an interim order, what the Applicant seeks as final relief, namely, suspension of a statutory enforcement direction under environmental law. Such interim protection would freeze compliance, perpetuate an illegality, and render the appeal itself infructuous in effect.

4. The Applicant's entire case for stay is founded on collateral narratives, house numbers, tax receipts, tourism/excise registrations, and selective historical references, while avoiding the determinative issue: whether the structures standing today in the CRZ III NDZ are authorised by primary permissions (conversion, planning and building approvals, CRZ clearance/permission, and lawful change of use for commercial activity). The Applicant's inability to produce such permissions is the core reason the statutory authority issued demolition directions, and that very deficiency disentitles the Applicant to any interim stay.

5. I state that the subject property is in Sy. No. 50/2, now subdivided as Sy. No. 50/2-B of Colva village, and the impugned structures fall within 100 metres from the HTL in CRZ III NDZ (as

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reflected in the CRZ mapping material relied upon in the proceedings).

6. The central point, repeatedly established on record, is that the Applicant has not produced documentary evidence to prove that the large ground and G+1 structures/expanded built-up areas presently existing in the NDZ are authorised. The Applicant has not produced a Conversion Sanad, and has not produced permissions/NOCs/licences from the erstwhile Environment Development Council (EDC), the Goa State Committee for Coastal Environment (GSCCE) the present Goa Coastal Zone Management Authority (GCZMA), the Town and Country Planning Department (TCPD) or the Village Panchayat of Sernaabtim, Vanelim, Colva and Gandaulim (SVCG) alias VP Colva to establish lawful construction and/or lawful conversion to commercial/tourism activity.

7. I further state that the only old tourism-related NOC relied upon by the Applicant is for a single structure described as "Beach Villa Ventura", linked to only one house number (295) and not accompanied by any sanctioned plan; contemporaneous mapping (including Bhunaksha/DSLIR references in the record) shows a single structure, not the multiple/expanded structures presently standing.





8. The record also shows a dramatic escalation in built-up footprint over time, illustratively:

- 1972: 1 structure, about 100 sq. m.
- 2013: about 12 structures, total area about 1056.38 sq. m. (increase by ~956 sq. m.)
- 2024: about 6 structures, total area about 1320 sq. m. (increase by ~1220 sq. m. over the 1972 baseline)

This escalation is wholly incompatible with the Applicant's attempt to portray the present development as a mere "old existing house" plus repairs.

9. The Village Panchayat itself had issued a demolition order (19/04/2014), recording that legal documents were called for to prove legality, and since no documentary evidence was produced to prove legality of the said structures, demolition was directed. The Applicant cannot seek stay by suppressing the evidentiary significance of such contemporaneous Panchayat action.

10. The Applicant must demonstrate a strong prima facie case. In CRZ matters, "prima facie case" is not established by house numbers, tax receipts, tourism registration or excise licensing. It is established, if at all, by primary permissions: conversion/change of

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land use approvals, sanctioned plans, construction permissions, and CRZ permissions/clearances where applicable.



11. The Applicant fails this threshold. The Applicant has not produced (i) Conversion Sanad, (ii) any approvals from the planning authority/TCP, (iii) any CRZ permission/NOC for the expanded construction, and (iv) any lawful permissions for conversion of a residential villa into a commercial/tourism entity from the competent authority.

12. The very points framed and considered in the proceedings (including whether documentary evidence of authorisation exists; whether conversion to commercial use had due permission; and whether a Village Panchayat can issue permissions for such conversion) show that the decisive inquiry was legality/authorisation, not mere existence. On this decisive inquiry, the Applicant's case is an admitted failure.

13. The Applicant's stay plea is therefore built on assertion, not proof. A party that cannot demonstrate authorisation on the face of the record is not entitled to a stay that would effectively immunise unauthorised structures from enforcement.

14. The balance of convenience is overwhelmingly against the Applicant. Grant of stay would:

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- i. allow continuation of structures within CRZ III NDZ within 100 m of HTL, where restrictions are stringent and environmental sensitivity is presumed;
- ii. reward non-production of permissions by permitting the Applicant to enjoy the benefit of the very illegality under challenge.
- iii. impede statutory enforcement under the Environment (Protection) Act and undermine deterrence.

15. The Applicant's narrative of "longstanding structures" is not an equity. Environmental law does not recognise "oldness" as a defence when the present footprint is demonstrably enlarged and authorisations are absent. Where the record indicates expansion from ~100 sq. m. to over 1000 sq. m., the equity, if any, tilts towards restoration of legality, not interim protection.

16. In any event, the Applicant seeks to convert the stay jurisdiction into a regularisation-by-interim-order. That is impermissible. The Tribunal's interim powers are to protect justice, not to freeze enforcement so that the violator continues to benefit pending adjudication.

17. The Applicant alleges irreparable injury in a broad, self-serving manner. However, the Applicant has not demonstrated a prima facie lawful right. Without a prima facie lawful right, there is no irreparable injury in being asked to comply with the law.

18. On the contrary, the irreparable harm lies in allowing continued occupation and commercial exploitation of NDZ land and coastal areas, thereby compounding environmental harm and frustrating enforcement. The public interest and ecological sensitivity embedded in the CRZ regime must predominate over private commercial inconvenience.

19. The Applicant's IA proceeds by misdirection, seeking to equate collateral documents with statutory permissions, and presenting selective historical references while avoiding the crucial mapping/area escalation and the absence of conversion/sanctioned permissions.

20. The Applicant also attempts to draw an impermissible inference that because certain temporary structures were proceeded against in earlier panchayat action, whatever remains is legal. Such inference is demonstrably false; illegality is not exhausted by partial action and the record shows lack of documentary authorisation for the present expanded built form.

21. A discretionary interim relief is available only to a litigant approaching with clean hands and with a demonstrable prima facie right. The Applicant meets neither criterion.

22. In the aforesaid circumstances, I pray that this Hon'ble Tribunal may be pleased to:



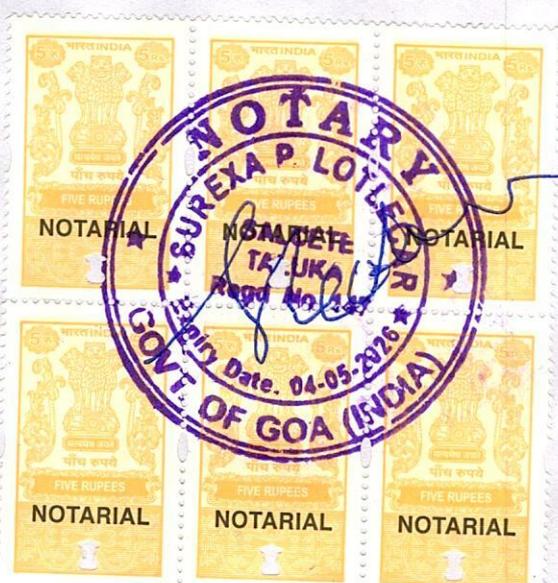


- A. Dismiss the IA for Stay with costs;
- B. Decline any interim protection that would obstruct execution and compliance of the impugned Direction/Order dt. 21.07.2025;
- C. Pass such other order(s) as this Hon'ble Tribunal deems fit in the interest of justice, environmental protection, and rule of law.

I say that the contents of this affidavit are true and to the best of my knowledge and nothing material has been concealed therein.

*Solemnly affirmed at Margao, Goa,
on this 2nd day of March, 2026.*

[Signature]
 DEPONENT



Solemnly affirmed before me by
Mrs. Judith Almeida
 who is identified by [Signature]
 to whom I personally know
 Reg. No. 2242 / 2026
 Date: 02 / 03 / 2026

[Signature]
 SUREXA P. LOTLECAR
 NOTARY MARGAO
 SALCETE TALUKA
 STATE OF GOA (INDIA)