



**BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN  
ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 46 OF 2025 (WZ)**

**Dikshay Dattu Phadte & Anr**

**...Appellants**

*Versus*

**GCZMA & Ors**

**...Respondents**

**AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT  
NO 4 & 6.**

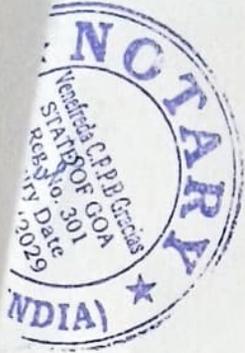
I, Shri Sachin Desai, major of age, holding the post of Director of Department Of Environment & Climate Change, i.e., Respondent No 4 herein, having office at 4th Floor Dempo Towers, Patto, Panaji, Goa, do hereby make solemn affirmation and state as under:-

1. I say that I am holding the post of Director of Department Of Environment & Climate Change. I say that I am filing this affidavit on behalf of Respondent No 4 and 6. I say that I am filing the present affidavit based on the records available with my office and that I am competent to depose in this case.



2. At the very outset, the Answering Respondents deny all the averments, allegations and contentions raised by the Appellant *in toto*, save and what are matter(s) of record. Nothing stated in the present application shall be deemed to be admitted by the Answering Respondents unless specifically admitted hereinafter. I say that I am filing the present Affidavit-in-Reply for the purpose bringing certain facts on record before this Hon'ble Tribunal. Nothing may be deemed to have been admitted for want of *traverse seriatim*.

3. I say that the present application has been instituted seeking a declaration and consequential direction to the effect that the nine jetties (Respondent Nos. 8 to 16) established along the Mandovi River between Britona and Ecoxim have been constructed in contravention of the provisions of the Coastal Regulation Zone (CRZ) Notification, 2011, and are therefore liable to be removed and demolished in accordance with law.

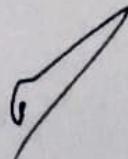


4. It is respectfully submitted that, on the contrary, the Coastal Regulation Zone (CRZ) Notification, 2011, expressly permits the establishment of foreshore facilities, which include jetties, as permissible activities within the designated CRZ areas. Clause 3(i)(a) of the said Notification stipulates that the setting up of new industries and expansion of existing industries are prohibited activities within the CRZ; however, an express exception is carved out for those industries or activities which are directly related to the waterfront or directly requiring foreshore facilities.

5. The Explanation appended to Clause 3(i)(a) further elucidates the term foreshore facilities to mean such activities which are permissible under the Notification and which necessarily require direct access to the waterfront for their operational purposes. Illustratively, the said Explanation enumerates facilities such as ports, harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations, and similar activities of like nature.

6. In view of the above, it is submitted that jetties have been explicitly recognized under the CRZ Notification, 2011 as permissible foreshore facilities, being activities that are inherently dependent upon direct interaction with tidal waters for their very functionality. The language of the Notification leaves no ambiguity that jetties, by their nature, fall squarely within the ambit of permissible activities under the CRZ regime, provided that such facilities conform to the other regulatory stipulations, including prior clearance from the competent authority and adherence to the applicable conditions prescribed under the said Notification.

7. I say that Clause 8 of the Coastal Regulation Zone (CRZ) Notification, 2011, serves to regulate the activities specified therein. I say that Paragraph 8, by its very nature, is not prohibitory in character; it does not impose an absolute ban on activities but rather delineates the regulatory framework and permissible parameters for the activities mentioned therein.



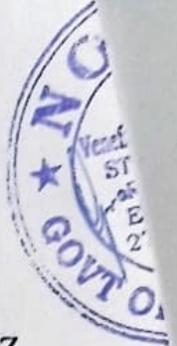


8. It is submitted that Clause 8 of the CRZ Notification, 2011, which lays down the Norms for Regulation of Activities in CRZ Areas, also reinforces this position. Under Clause 8(I) pertaining to CRZ-I and Clause 8(II) pertaining to CRZ-II areas, activities directly related to waterfront or foreshore facilities are specifically permitted, subject to clearance by the Ministry of Environment and Forests (now MoEF&CC) or the concerned Coastal Zone Management Authority. This statutory framework thus recognizes that the construction and operation of jetties, when undertaken in compliance with prescribed environmental safeguards and after obtaining due clearances, are lawful and permissible activities within the CRZ area. Further, foreshore facilities are permissible in CRZ-III NDZ. The CRZ Notification 2011 defines “foreshore facilities” as under:

*“Explanation: The expression “foreshore facilities” means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters,*

A simple, handwritten signature or mark consisting of a single, sweeping stroke that starts from the bottom left and curves upwards and to the right, ending in a small loop.

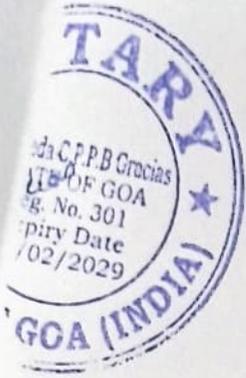
*pipelines, lighthouses, navigational safety facilities, coastal police stations and the like”*



9. Accordingly, it is humbly submitted that the CRZ Notification, 2011 itself contemplates and permits the establishment of jetties as part of legitimate foreshore facility and waterfront-related development.

10. I say that the Department of Environment and Climate Change had constituted a Committee for the purpose of preparing a draft plan titled “Comprehensive Plan for Fishermen Community Living in CRZ Areas.” I say that pursuant thereto, the said Committee submitted a document titled “Draft Comprehensive Plan for Fisherman Community Living in CRZ Area,” which was addressed the issues concerning the welfare, protection, and sustainable livelihood of the fishermen community residing in areas governed by the Coastal Regulation Zone norms.

11. It be noted that the ‘Draft Comprehensive Plan for Fisherman Community Living in CRZ Area’ contains only

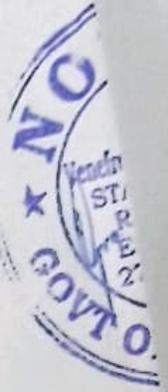


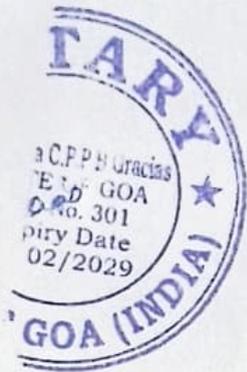
recommendations made by the Committee and does not have the force of law, until the same are notified or adopted by the Government, in accordance with law.

12. I say that the contention raised by the Applicant that the "Draft Comprehensive Plan for Fisherman Community Living in CRZ Area" prohibits the establishment of jetties within designated fishing areas or fishing wards is wholly incorrect, misconceived, and contrary to the contents of the said document. It is pertinent to note that the said Committee, under the "Draft Comprehensive Plan for Fisherman Community Living in CRZ Area," has set out certain "Recommendations" (pages 86 to 94). I say that the said recommendations primarily pertain to the protection and safeguarding of dwelling houses of the fishing community residing in CRZ areas. I say that a plain reading of the said draft plan makes it abundantly clear that it does not contain any prohibition on the installation or operation of jetties within CRZ areas.

13. I further say that the Committee, at paragraph 12 of the 'Recommendations,' has observed that fishing villages in both North and South Goa are significantly influenced by the tourism sector. The Committee has noted that while such influence may appear to affect the sustainability of the fishing profession, it also creates opportunities due to the increased demand for seafood and processed fish products. This observation clearly shows that the Committee has acknowledged the changing socio-economic conditions of fishing communities and has not imposed any blanket prohibition on infrastructure such as jetties.

14. I say that pursuant to the 'Draft Comprehensive Plan for Fisherman Community Living in CRZ Area,' the Department of Environment and Climate Change, in accordance with the recommendations contained in the said report, constituted a Fishery Planning Committee (FPC) vide Notification dated 15.02.2021. I say that the said Fishery Planning Committee was mandated to undertake a detailed survey of areas falling between 100 to 200 meters from the coast for the purpose of identifying houses of local





coastal communities. The scope of the said survey further included identification of fishermen houses within fishing wards, assessment of existing fishing infrastructure, determination of the need for additional infrastructure, and identification of suitable locations for net mending sheds, canoe sheds, and other allied facilities, with the assistance of Taluka-level Committees constituted by the Department.

Annexed hereto is a copy of the Notification dated 15.02.2021 marked as "Annexure A"

15. I say that the present Application is wholly misconceived, devoid of merit, and based on an incorrect interpretation of the applicable legal framework. Neither the Coastal Regulation Zone Notification, 2011 nor the 'Draft Comprehensive Plan for Fisherman Community Living in CRZ Area' imposes any absolute prohibition on the construction, installation, or operation of jetties. On the contrary, the CRZ Notification, 2011 permits and regulates waterfront and water-dependent activities, subject to compliance with prescribed conditions. Likewise, the 'Draft Comprehensive



Plan for Fisherman Community Living in CRZ Area' is primarily concerned with safeguarding the residential rights and traditional livelihood of fishing communities and does not prohibit the establishment of jetties in CRZ areas. The Applicant has therefore proceeded on an erroneous assumption, and the reliefs sought are liable to be rejected on this ground alone.

16. I say that what has been stated in Paras 1 to 14 are true to my own knowledge and/or are based on documents/records available with the Respondent and the contents of the same are true and correct and nothing material has been concealed herein.

Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 21.01.2026

**DEPONENT**

Solemnly affirmed before me  
Sachin Desai

Who is identified before me by

At Calangute - Goa

Gr. No. 058/01/2026  
Date. 21/01/2026

Venefrada C.P.P.B. Gracias  
Advocate & Notary Goa State



Panaji, 18th February, 2021 (Magha 29, 1942)

SERIES II No. 47



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 46 dated 11-02-2021 as follows:—

- (1) Extraordinary dated 17-02-2021 from pages 1427 to 1428 regarding Notifications from Department of Panchayati Raj and Community Development.

### GOVERNMENT OF GOA

Department of Education, Art & Culture  
Directorate of Art & Culture

—  
**Order**

No. DAC/Accts/IMB-Committee/2020-21/3383

In exercise of powers conferred by Clause 4(i) read with Clause 20(b) of the Constitution of Institute Menezes Braganza, Panaji-Goa, the Government of Goa is pleased to appoint Shri Dasharath Parab, r/o D-3 Raj Heritage, Shanti Nagar, Ponda-Goa as Chairman of Institute Menezes Braganza, Panaji-Goa with immediate effect.

By order and in the name of the Governor of Goa.

*Sagun R. Velip*, Director & ex officio Jt. Secretary (Art & Culture).

Panaji, 09th February, 2021.

—  
**Order**

No. DAC/Accts/IMB-Committee/2020-21/3384

In exercise of powers conferred by Clause 3(ix) of the Constitution of Institute Menezes Braganza, Panaji-Goa, the Government of Goa is pleased to nominate following Members on General Council of Institute Menezes Braganza, Panaji-Goa with immediate effect.

- |                          |                                       |
|--------------------------|---------------------------------------|
| 1. Smt. Hema Naik        | r/o H. No. 219, Volvoi,<br>Ponda-Goa. |
| 2. Shri Gorakh Mandrekar | r/o Porvorim,<br>Bardez-Goa.          |

- |                         |  |
|-------------------------|--|
| 3. Dr. Rajay Pawar      | r/o Omkar Navadurga<br>Garden, Kalmamal,<br>Borim Tisk, Ponda-Goa. |
| 4. Shri Sagar Jawadekar | r/o 7/C Government<br>Quarts., Patto Colony,<br>Panaji-Goa.        |

By order and in the name of the Governor of Goa.

*Sagun R. Velip*, Director & ex officio Jt. Secretary (Art & Culture).

Panaji, 09th February, 2021.



### Department of Environment and Climate Change

—  
**Order**

No. GCZMA/GEN/MISC-13-14/Part-VI/1362

Whereas the Department of Environment and Climate Change had constituted a Committee for preparation of draft plan titled "Comprehensive Plan for Fishermen Community living in CRZ areas, whereas the said Committee has submitted the comprehensive draft plan for fishermen community living in CRZ area and whereas in the said plan the community has recommended constitution of the Fishery Planning Committee (FPC) comprising of representative of GCZMA, Directorate of Fisheries and three knowledgeable representative of Fishermen Community.

- |  |             |
|--|-------------|
| 1. Director Environment & Climate Change | — Chairman. |
| 2. Directorate of Fisheries              | — Member.   |

- |                          |   |  |
|--------------------------|---|--|
| 3. Shri Henrique D'mello | — Goenche<br>Ramponkarche<br>Ekvot.             | dwelling units in the CRZ belt shall be permitted on priority, based on the survey.  |
| 4. Shri Ashok Dhuri      | — Akhil Goa<br>Khshatriya<br>Pagui Samaj.       | D.The State Government shall notify fishing villages wherein foreshore facilities.   |
| 5. Adv. C.V. Chodankar   | All Goa<br>Fisherman<br>Co-op. Association Ltd. | E. The FPC shall study the genuine needs of the major fishing villages in terms of the facilities needed and prepare indicative plan for the same, duly superimposed on the respective Cadastral Scale Village CRZ maps. |

Whereas in the draft plan the committee has recommended the following:-

- A. Dwelling units of fishermen community can be considered for regularization as per Clause 6(d) of the CRZ Notification, 2011.
- B. To regularized dwelling units located within 200 to 500 mts. from HTL provision of Clause 8 III of the CRZ Notification, 2011 to be relied upon to permit maximum possible extension of their units in accordance to the TCP regulations.
- C. A detailed survey of the CRZ belt within 100 to 200 mts. from HTL shall be conducted to identify the Housing needs and land ownership of the traditional fishing community. Individual proposals from the traditional fishermen for construction of

The Committee will undertake the detail survey between 100 to 200 mts. from the coast for identification of houses of local coastal communities. Identification of fishermen houses in fishing wards, existing fishing infrastructure need for additional infrastructure location of net mending sheds, sheds canoe etc. with the assistance of taluka level committees constituted by this Department.

The Committee shall complete the exercise in 60 days. The non-official members will be paid seating fees as per Finance Department.

*Dasharath M. Redkar*, Director (Environment & Climate Change).

Panaji, 15th February, 2021.

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Department of Forest

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Order

No. 4-2-2011/FOR/259

The Government of Goa is pleased to order posting and transfer of the following Assistant Conservator of Forests, with immediate effect and until further orders in public interest as shown below:-

Sr. No.	Name of the Officers & Designation	Present place of posting	Transferred & posted as/Charge
1	2	3	4
1.	Shri Jose Colaco, Assistant Conservator of Forests	Assistant Conservator of Forests, South Goa Division, Margao-Goa	Assistant Conservator of Forests, Working Plan Division, Panaji-Goa.
2.	Shri Vishal Surve, Assistant Conservator of Forests	Assistant Conservator of Forests, SDFO, Quepem	Assistant Conservator of Forests, SDFO, Quepem with additional charge of Assistant Conservator of Forests/SDFO Canacona.
3.	Shri Amar Heblekar, Assistant Conservator of Forests	Assistant Conservator of Forests/Principal Forests Training School, Valpoi	Assistant Conservator of Forests/Principal Forests Training School, Valpoi.