



BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE BENCH, PUNE

APPEAL NO. 82/2025 (WZ)

Sylvester D'Souza

...Applicant

*Versus*

Joseph S. Rosa & Ors

...Respondent

**AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT**

**NO. 4 (GCZMA)**

I, Shri Sachin Desai, major of age, holding the post of Member Secretary, Goa Coastal Zone Management Authority ("GCZMA") i.e., Respondent No 4 herein, having office at 4<sup>th</sup> 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 Member Secretary, GCZMA. 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.

A handwritten signature in blue ink, appearing to be "Sachin Desai", written at the bottom of the page.

2. I say that I am filing the present Affidavit-in-Reply for the purpose of opposing the relief sought in the present appeal. Nothing in the aforementioned Appeal filed by the Appellant be deemed to have been admitted for mere want of specific denial. Nothing may be deemed to have been admitted for want of *traverse seriatim*. I crave leave of this Hon'ble Tribunal to file an additional Affidavit, if found necessary.
  
3. I say that the present appeal challenges the Order dated 17.02.2025 ("**Impugned Order**") passed by the answering Respondent. I say that *vide* the Impugned Order disposed off the show cause notices dated 09.02.2024 and 30.07.2024 as against the other Respondents herein. I say that the Impugned order was passed upon giving the Appellant and the Respondents an opportunity of being heard in compliance with the principles of natural justice. I say that the Impugned order is a reasoned and speaking order.
  
4. I say that a complaint dated 23.01.2023 was received by the Answering Respondent from the Appellant herein with respect to illegal construction activities in Survey No. 242/1 of Village Calangute, Bardez, Goa ("**Subject Property**").
  
5. I say that the Subject Property falls within NDZ and 200m to 500m from the High Tide Line ("**HTL**").



6. I say that pursuant to the Complaint dated 23.01.2023, a site inspection was conducted on 05.06.2023 by the Answering Respondent through its Expert Members, Engineer and Field Surveyor and again on 24.11.2023 with the DSLR. (*Inspection Report dated 24.11.2023 is at page 64 of the Appeal*).
7. I say that pursuant to the Site Inspection dated 24.11.2023, a Show Cause Notice dated 09.02.2024 is issued to the Respondents herein to show cause as to why action should not be taken against the appellant with regards the structure identified and mentioned in the said show cause notice dated 09.02.2024. (*Show Cause Notice dated 09.02.2024 is at page 92 of the appeal*).
8. I say that another inspection was conducted by the Answering Respondent dated 20.05.2024. (*Inspection Report dated 20.05.2024 is at page 109 of the Appeal*)
9. I say that pursuant to the Site Inspection dated 20.05.2024, a Show Cause Notice dated 30.07.2024 is issued to the Respondents herein to show cause as to why action should not be taken against the Respondents with regards the structure identified and mentioned in the said Show Cause Notice dated 30.07.2024. (*Show Cause Notice dated 30.07.2024 is at page 123 of the appeal*).



10. It is submitted that, by the Impugned Order, the Answering Respondent has discharged the Show Cause Notice dated 30.07.2024 against the Respondent No. 1 herein insofar as it pertains to Structures identified as "A", "B" and "C" therein, on the ground that the said structures were found to have existed prior to February 1991 as the same are figuring in the survey plan of the subject property which was prepared in terms of the Land Revenue Code 1968 and promulgated in the year 1971-72.
11. I say that *vide* the Impugned Order the Answering Respondent has discharged the Show Cause Notice dated 09.02.2024 with regards Structures "A", "N1" & "T1" mentioned therein, as against the Respondent No.1 on account the same being pre-1991 structures as they are reflecting in the survey plan of the subject property which was prepared in terms of the Land Revenue Code 1968 and promulgated in the year 1971-72. I say that the Municipal Camara de Bardez has also granted approval for construction of the structures "A" and "N1".
12. I say that structures identified as "A", "B" and "C" in Show Cause Notice dated 30.07.2024 were the subject of the PIL Writ Petition 04/2020 [Wenceslau Francis D'Souza & Anr v. State of Goa & Ors] filed before the Hon'ble High Court of Bombay at Goa and structures identified as "A", "N1" & "T1" in Show Cause Notice dated 09.02.2024, which have been found to be pre-1991 structures and the respective show



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cause notices have been discharged against the said structures.

13. I say that, by the Impugned Order, the Answering Respondent has discharged the Show Cause Notice dated 09.02.2024 against the Respondent No. 2 herein insofar as it pertains to Structures identified as “F”, “G1” “J1 (ground floor)”, “L1 (ground floor)” and “Z (ground floor)” therein, on the ground that the said structures were found to have existed prior to February 1991. I say that structures “G1” and “J1 (ground floor)” are temporary sheds and find mention in the plan dated 20.09.1982. I say that the structure “F” finds a mention in the RSI image of March 1991 as per the report given by the Expert Member of GCZMA to the Hon’ble High Court in PIL Writ Petition 04/2020. Further, the report also mentions that the structure has approval from the Goa. State Committee for Coastal Environment (“GSCCE”). The structure “L1 (ground floor)” is reflecting in the survey plan which indicates that the structure is a pre-1991 structure, however the first floor of the structure “L1” is directed to be demolished. As regards Structure “Z”, the same is reflecting the in the approval dated 20.04.1982, and as such is found to have existed prior to February 1991.

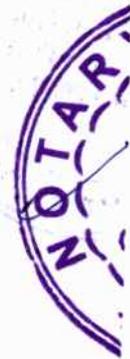


14. I say that, by the Impugned Order, the Answering Respondent has discharged the Show Cause Notice dated 30.07.2024 against the Respondent No. 2 herein insofar as it pertains to Structures identified as “A”, “C”, “D”, “E” and

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“F” therein. With regards structure “A”, the Respondent No 2 has placed reliance on repair and reconstruction approval dated 02.02.1990, as such the structure was found to have existed prior to February 1991. The structures “C”, “D” and “E” are reflecting in the approved plan dated 20.04.1982, as such the structures were found to have existed prior to February 1991. The Structure identified as “F” in Show Cause Notice dated 30.07.2024 has requisite permission issued on 15.01.2024 by the Answering Respondent.

15. I say that, by the Impugned Order, the Answering Respondent has discharged the Show Cause Notice dated 09.02.2024 against Isabela Fernandes insofar as it pertains to Structures identified as “M”, on the ground that the said structures were found to have existed prior to February 1991. The structure “M” is reflecting in the survey plan of the subject property, and the name of Isabel Fernandes is featuring in the “other rights” column of Form I and XIV of the subject property.
16. I say that in view of the above, the present appeal is liable to be dismissed.
17. I say that what has been stated in Paras 1 to 16 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: 30.07.2025

DEPONENT

MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA

Solemnly affirmed before me by

Sachin Desai

Reg. No: 21/290 Date: 30/7/25

known / identified to me by,

G. S. KUBAL  
Notary (Govt. of India)  
Panaji-Goa, India

