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BEFORE THE NATIONAL GREEN TRIBUNAL
ZONE

BENCH, PUNE AT PUNE

IN

APPEAL N6-O. 428/2025

IN THE MATTER OF:-

DIPIN SHRIDHAR MORZO

.... APPELLANT

Versus

GOA COASTAL ZONE MANAGEMENT

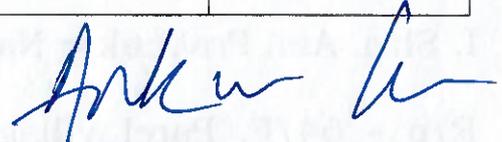
AUTHORITY & ANR.

....RESPONDENTS

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PLACE: Pune

DATE: 23/08/2025

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
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....RESPONDENTS

**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 5,
NAMELY MR. ANIL PRABHAKAR NAIK FILED BY THE
APPELLANT IN APPEAL NO. 428/2025.**

MOST RESPECTFULLY SHEWETH:-

I, Shri. Anil Prabhakar Naik, S/o late Prabhakar Shambhoo Naik,
R/o - 64/F, Parel Village, Parel, Mumbai -400012, do hereby
solemnly affirm and state on oath as under:-

1. That I am the Respondent No. 5 and such I am well conversant with the facts and circumstances of the case and in that capacity I am duly competent to swear to the present affidavit.

Anil Prabhakar Naik



2. That after carefully going through the Appeal filed on behalf of the Appellant, I am submitting the present Reply for kind consideration of this Hon'ble Tribunal.
3. That the issue involved in the present Appeal is quite significant: ensuring effective administration of justice and preserving the Rule of Law:

Preliminary Submission:

1. That Appellant has not approached this Hon'ble Tribunal with a clean hand, therein tried to mislead this Hon'ble Tribunal by making wrong allegations and manipulated facts with the mala-fide intention to harass Respondents and to illegally grab Respondent No. 5 property.
2. It is submitted that this Hon'ble Tribunal by order dated 19/08/2025^A

“directed the Respondents to submit their reply affidavits within two days^A through e-filing portal of NGT and also circulate the same to the appellant as also other respondents by available e-mail”.



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4. The **Hon'ble High Court of Bombay at Goa in Public Interest Litigation (Sou Motu) No. 2 of 2022 vide order dated 26/04/2023** has held

"11. We further note that in the case of 175 structures which are subject matter of the resolutions discharging show cause notices under Section 66 of the Act, fall in the areas demarcated as No Development Zone (NDZ), in which, there is a blanket ban on construction, either temporary or permanent, unless approval for the same has been accorded by the GCZMA. This authority is charged with evaluating and granting all such permissions under the CRZ notification issued under the Environmental Protection Act. It is now a matter of record that GCZMA has not issued any permission for the construction of these 175 structures in question. So also, the GSPCB is on record stating that it has not issued the requisite consent to operate under the Air Act and the Water Act. It is thus clear that none of the owners of these 175 structures in question have produced any of the

A. P. Menon



permissions referred to above, before the Panchayat, to obtain a legal discharge of the show cause notice issued to them under Section 66 of the Act.”

“12. We further take note of the fact that many of the resolutions refer to the production of electricity bills or house tax receipts produced by the occupants of the structures as proof of their existence prior to 1991 when CRZ notification was issued. The resolutions rely upon documents such as the house tax receipts or electricity bills, to arrive at a conclusion that the structures were in existence prior to the CRZ notification and therefore, are legal. Such a resolution, on the face of it, is illegal and wholly without justification as the Environment Protection Act and CRZ notification of 1991 exclusively vest the powers to decide the legality of the structures (whether it was in existence before or after 1991 notification) with the GCZMA, and neither the panchayat nor the Town and Country Planning Department or concerned Planning



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Authority would have the jurisdiction to arrive at such a decision. That being the case, we declare that all the resolutions in relation to 175 structures which are detailed herein below in a tabular form, passed by the Village Panchayat of Anjuna-Caisua on 13.01.2023, 06.02.2023, 20.02.2023, 14.03.2023, 15.03.2023 and 18.03.2023 are without jurisdiction and therefore illegal.

Copy of the Order is marked and annexed as

Exhibit R-1.

3. The Respondent No. 5 would like to list out certain facts/developments, that the answering Respondent is the rightful owner of the property bearing survey No. 119/3.
4. Further, the Respondent No. 5 hereby denies each and every allegation, contention, and submission contained in the present under Appeal which is contrary to or inconsistent with the pleading that forms the part of the record hereunder. The answering Respondent No. 5 further reserves right to file further additional reply in the matter if the need arises. The

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answering Respondent No. 5 does not admit any of the allegations and contentions made by the Appellant in the present Appeal and denies everything that is stated therein so far as it is contrary to or inconsistent with anything that is stated by the answering Respondent hereinafter.

5. At the further outset, the answering Respondent opposes the present appeal against the answering Respondent as it is humbly submitted that disputed questions of facts and incorrect facts stated in the appeal have to be determined and decided by the authorities examined on-site in the presence of the answering Respondent.
6. That the answering Respondent submits that the complaint is related to an illegal conversion of land use of the property bearing survey No. 119/3. That the Appellant has failed to bring on record the Permission issued by the appropriate authority.
7. Without prejudice to the above preliminary objections, it is stated that the appeal is without any merit and is required to be dismissed.
8. I submit that the Appellant's premises is an illegal structure, without any permission and in direct violation of CRZ norms.



S. K. Uenani

Para-wise Affidavit in reply to the Appeal filed by the Appellant.

1. The contents of Para 1 of the Appeal are a matter of fact and hence require no reply, subject to duly verification.
2. The Contents of Para 2 of the reply are misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para-2 are vehemently denied.
 - a. The contents of Para a are partially correct that the illegal structure falls in the property bearing survey No. 119/3 of village Morjim, Pernem, Goa. It is wrong and misleading that there exist old structures. It is submitted that the said illegal structure identified by House No. 1361 is a newly constructed structure without any permission from the concerned authorities. It is submitted that the said illegal structure falls within CRZ and the said illegal structure is used for commercial activities by the Applicant herein.
 - b. The contents Para b misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para is vehemently denied. It is denied that the said

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structure is a Mundkarial Dwelling house of the Appellant, which has been in existence since times immemorial and was constructed by the forefathers of the Appellant much prior to the coming into force of the CRZ Notification in 1991. That the Appellant failed to bring on record any document that declares the Appellant as Mundkar. The said illegal structure is newly constructed structure which is evident from the order MCA. 103/2017 vide dated 10/06/2018 by District Judge Mapusa is marked and annexed as **EXHIBIT R-2.**

c. The contents Para c misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para -c is vehemently denied. That the Appellant is doing commercial activities from the illegal structure.

d. The contents Para d misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering



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Respondent. It is submitted that the house tax is forged and concocted, which is very much evident from the RTI report filed by the answering respondent wherein the Village panchayat clearly states that House Tax record from year 1971 to 1987 is not available with the Panchayat. The Copy of the RTI report vide dated 22/02/2025 is marked and annexed as **EXHIBIT R-3.**

e. The contents Para e misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. It is denied that the late father of the Appellant reconstructed the said structure/house after informing the bhatkar/landlord. It is submitted that the Appellant failed to bring on record till date any permission granted by the Landlord.

f. The contents Para f misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. It is submitted that as GCZMA

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notification bearing Ref No. GCZMA/GEN-MISC/14-15/726 dated 09/07/2014 against clause 4 & 5, the same is marked and annexed as **EXHIBIT R-4.**

g. The contents of the para-g, the matters of fact after duly verification, hence need no reply.

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3. That the contents of the para -3 is the matter of fact after duly verification, hence need no reply. That it is pertinent to mention here that the Hon'ble High Court of Bombay at Goa in WP No. 2146/2024 (F), after careful perusal of the case of the answering respondent, has passed the order to act on illegal construction in the survey No. 119/3, Morjim, Goa. The copy of the order passed by the Hon'ble High Court of Bombay at Goa in WP No. 2146/2024 (F) is marked and annexed as **EXHIBIT R-5.**

4. That the contents of -para -4 is the matters of fact after duly verification, hence need no reply. It is submitted that the answering respondent has taken objection and filed a detailed and brief rejoinder to the Appellant herein vide dated 21/11/2024 and reply to sur rejoinder vide dated 02/12/2024, and written arguments vide dated



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26/11/2024, which is marked and annexed as **EXHIBIT**

R-6.

5. The contents Para 5 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That there is an illegal use of land or illegal construction carried out by the Appellant in the suit Property, hence required to be removed in terms of provision of section 32(1) of the Land Revenue Code 1968. Admittedly, there is no conversion Sanad produced on record by the Appellant. In fact, the suit property is owned by the answering Respondent and his family members. The Appellant has no right, title, or interest in the suit property. Hence the Appellant has approached this Hon'ble Forum with the most unclean hands.
6. The contents Para 6 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the Appellant is a master manipulator and operates a syndicate to grab land for illegal construction. That the answering respondent has filed a well-reasoned

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detailed rejoinder, and the GCZMA was pleased to pass a favorable demolition order on merit.

7. The contents Para 7 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That it surprised and shocking that despite filing reply vide dated 13/11/2024, which clearly shows that Appellant never objected and bought to the notice of the GCZMA about the late father. It is further submitted that it was the answering respondent who bought to the notice of the GCZMA through his rejoinder and written argument.
8. The contents Para 8 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. It is vehemently denied that reasonable time was not given to the Appellant to bring the documents on record. In-fact, despite giving ample opportunity, the Appellant failed to bring relevant documents on records and tried to derail the matter despite the direction of Hon'ble High Court.
9. The contents Para 9 misleading facts while suppressing the material facts on record in order to prejudice this



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Hon'ble Tribunal against the answering Respondent. It is denied that the Appellant ancestral house, to which extension has been carried out, is all beyond the CRZ area (between 200 -500 mtrs of the HTL),. It is submitted that the Appellant has violated the CRZ norms by constructing illegal structures in the said property without prior permission from the authority.

10. The contents Para 10 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. It is vehemently denied that Appellant neither heard any further from the Respondent No. 1 nor any final order, if any , passed in the matter of the Appellant was communicated to the Appellant herein. That despite that the Appellant duly participated in the proceeding and due process was followed, after the demolition order was passed by the GCZMA. It is further submitted that all the correspondence in proceedings before the GCZMA was done by the Appellant and the Appellant was duly communicated by the authorities about the demolition of the illegal structure. Further, the conjectures of getting a

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sudden call on 05/08/2025 and not hearing any further from Respondent No. 1 are not only vague and concocted stories but also without any sufficient cause and evidences. Since the order of demolition was passed way long ago vide dated 10/02/2025.

11. The contents Para 11 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. The said observation is irrelevant in the Present case.

12. The contents Para 12-13 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. It is vehemently denied the contents. Further, the conjectures of getting a sudden call on 05/08/2025 and not hearing any further from Respondent No. 1 are not only vague and concocted stories but also without any sufficient cause and evidences. Since the order of demolition was passed way long ago vide dated 10/02/2025.



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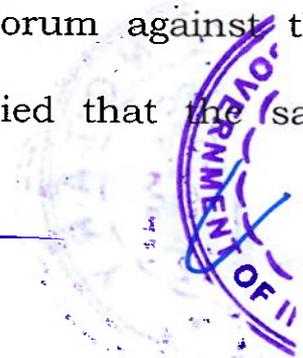
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13. The contents Para 14 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. The grounds taken by the Appellant are not tenable in law, the said grounds are not only vague and concocted stories but also without any sufficient cause and evidences

A. The Contents of Para A-B of the grounds are misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Forum against the Respondent. It is vehemently denied that the Impugned Direction is wholly without jurisdiction and a gross violation of principles of natural justice. It is submitted that the Appellant never brought to the notice of the GCZMA or took any objection to the show cause notice. The order passed by the GCZMA after following due process of law.

B. The Contents of Para C of the grounds are misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Forum against the Respondent. It is vehemently denied that the said

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structure identified as Z4 is majorly beyond the 500 mts CRZ line. . It is denied that the Appellant ancestral house, to which extension has been carried out, is all beyond the CRZ area (between 200 -500 mtrs of the HTL),. It is submitted that the Appellant has violated the CRZ norms by constructing illegal structures in the said property without prior permission from the authority.

C. The Contents of Para E-H of the grounds are misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Forum against the Respondent.

D. The Contents of Para I-L of the grounds are misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Forum against the Respondent. It is vehemently denied that gross violation of the Principles of Natural Justice and Fair Play. It is submitted that the Appellant was given ample opportunity, but despite being given the opportunity,

the Appellant failed to establish his case on merit.



Appellant

14. The contents of paragraphs 15-20 is false and misleading. It is vehemently denied as being totally baseless. The Respondent denies the alleged grounds raised by the Appellants, which are nothing but repetitive in nature and all the alleged grounds have been traversed above. There does not exist any legal or valid grounds for challenging the impugned order after scrupulously following all the prescribed procedure.

Therefore, it is most humbly prayed that this Hon'ble Tribunal be Pleased to dismiss the above appeal with exemplary costs and such further or other orders as this Hon'ble Tribunal may deem fit and thus render Justice.

Dated at Goa on this date 23/08/2025.

A. Pratik



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

I.A _____/2025

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.... APPELLANT

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GOA COASTAL ZONE MANAGEMENT

AUTHORITY & ANR.

....RESPONDENTS

AFFIDAVIT

I, Shri. Anil Prabhakar Naik, S/o late Prabhakar Shambhoo Naik, R/o – 64/F, Parel Village, Parel, Mumbai -400012, do hereby solemnly affirm and state on oath as under:-

1. I state that I am the Respondent No. 5 in the present Application/Appeal, and being fully conversant with the records, facts, and circumstances of the case, we are competent to swear this affidavit.



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2. I have read and understood the contents of the accompanying Application/Appeal. The contents of the Application/Appeal are true and correct to my knowledge and the same are not being repeated herein for the sake of brevity.
3. That no part of this affidavit is false and no material facts have been concealed therefrom.

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DEPONENT

VERIFICATION

I, Shri. Anil Prabhakar Naik, S/o late Prabhakar Shambhoo Naik, R/o - 64/F, Parel Village, Parel, Mumbai -400012, do hereby solemnly affirm and state on oath as under, above named Deponent do hereby verify that all the facts stated in the affidavit are all true to my knowledge no part thereof is false and nothing material is concealed therefrom.

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Solemnly affirmed on this 23rd day of Aug, 2025 at,

Goa.

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Apnaik

Identified by:

(ANEUK KUMAR)

DEPONENT

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Solemnly affirmed / verified before me by

Mr. Prabha kumar

Notary

known / identified to me by

Prabha kumar

