

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

Misc. Application No. 10/2024 (WZ)

**IN**

Execution Application No. 5/2023

**IN**

Appeal No. 16/2022

**IN THE MATTER OF:**

Mr. Suvarn Rajaram Bandekar                      **... Applicant**

*Versus*

Goa Coastal Zone  
Management Authority & Ors.                      **... Respondents**

**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT**

**NO. 7**

**FILED ON:** 15.10.2024

**PLACE:** Panaji, Goa



**ADVOCATES FOR RESPONDENT NO. 7**



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**FILED ON:** 15.10.2024

**PLACE:** Panaji

A handwritten signature in black ink, appearing to be 'J. A. ...', written over a horizontal line.

**ADVOCATE FOR THE  
RESPONDENT NO. 7**

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

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**IN THE MATTER OF:**

Mr. Suvarn Rajaram Bandekar

... Applicant

*Versus*

Goa Coastal Zone

Management Authority & Ors.

... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF**  
**THE RESPONDENT NO. 7**

I, Maria Audry Fernandes, aged about 49 years, daughter of Armando Cardozo, Indian Citizen, residing at S-5, Kurtarkar Vihar, Aquem Alto, Margao, South Goa, Goa, presently residing at 3 Third Avenue, B297EX, Selly Park, Birmingham, United



Kingdom, the Respondent No. 7 hereinabove, do hereby solemnly affirm as under:

1. I state that I have read and understood the contents of the present Application filed in Execution Application No. 5/2023 by the Applicant and I am filing the present Affidavit in Reply thereto.
2. I state that I am arrayed as Respondent No. 7 herein. I state that, albeit not dealing with the parawise averments and contentions of the Applicant, I am filing this Affidavit to the limited extent of setting out the case of the Respondent No. 7, opposing the present Application. I crave leave of this Hon'ble Tribunal to file a detailed/additional Affidavit at a later date, if so directed or advised.
3. I state that the Applicant herein has filed the present Application alleging that the Respondent Nos. 1 to 3 have failed to restore the land to its original condition in terms of Order 16.02.2024 passed by this Hon'ble Tribunal in the Execution Application No. 5/2023. It is the contention of the Applicant that the Respondent Nos. 1 to 3 have not restored the property bearing Survey No. 16/7 of Sernabatim Village, South



Goa, Goa, to its original condition in terms of Order dated 25.03.2022 passed by the Goa Coastal Management Authority and upheld by this Hon'ble Tribunal.

4. I state that the entire contention of the Applicant of restoring the land to its alleged original condition is baseless and bereft of any merit. In fact, in the interregnum, this Respondent has obtained certain documents from the office of the Respondent No. 1 which clearly establish the nature of the land and its original condition as it stood in the past. I state that this Respondent has material evidence and producing the same in this Affidavit.
5. I state that vide Application dated 24.04.2023 to the Respondent No. 1, this Respondent applied for the certified copies of the Satellite Imagery provided by the Remote Sensing Instrument (RSI). I state that the Respondent No. 1 is in possession of Satellite Imagery. I state that despite the application, no documents were being furnished to this Respondent. I state that I, either through myself or my representative, repeatedly visited the offices of the Respondent No. 1 and continuously followed up to secure the certified



copies of the documents. I state that I was informed that the satellite images are with a private party whose office is in Hyderabad and there was an alleged delay on the party of the private party.

*Annexed hereto and marked as "Annexure- A" is the Copy of the Application dated 24.04.2023 addressed to the Goa Coastal Zone Management Authority.*

6. I state that it was imperative to obtain these documents and place them before this Hon'ble Tribunal to establish that the structures were erected prior to the CRZ Notification of 1991 and hence, do not fall within the ambit of the CRZ notification. I state that I had filed an Application bearing MA No. 6/2023 to recall the Order passed in Appeal No. 16/2022 wherein this Hon'ble Tribunal upheld the Order of the GCZMA to demolish the structures existing in Survey No. 16/7 of Sernabatim. However, there was delay in supplying the documents on behalf of the Respondent No. 1 and this Hon'ble Tribunal was pleased to dismiss the Recall Application filed by this Applicant in MA No. 6/2023 in Appeal No. 16/2022 vide Order dated 08.05.2023.



7. I state that vide Letter dated 17.08.2023 addressed to the Respondent No. 1, a reminder letter was addressed to the Respondent No. 1 requesting them to share the certified copies of the documents at the earliest.

*Annexed hereto and marked as “Annexure- B” is the Copy of the Letter dated 17.08.2023 addressed to the Goa Coastal Zone Management Authority.*

8. I state the Respondent No. 1 vide in response to the Application seeking Satellite Images provided by RSI, addressed a Letter dated 14.09.2023 and requested this Respondent to submit ownership documents of Survey No. 16/7 of Sernabatim Village, Goa.

*Annexed hereto and marked as “Annexure- C” is the Copy of the Letter dated 14.09.2023 addressed by the Goa Coastal Zone Management Authority to Ms. Maria Odry Cardozo.*

9. I state that finally, vide Letter dated 09.01.2024 issued by the Respondent No. 1 to this Respondent, the Respondent No. 1 furnished the satellite imagery report of Survey No. 16/7 of Village Sernabatim, Goa, for the year 1991 and 1993. I state



that the Satellite Imagery for the year 1991 clearly shows 7 existing structures on survey no. 16/7, of Village Sernabatim, Goa. I state that the same is evidence of the fact that the 7 structures were existing structures and do not fall within the ambit of the CRZ Regulations of 1991. I state that the Satellite Imagery Report of 1993 as well shows the existing of 7 structures in Survey No. 16/7 of Village Sernabatim, Goa.

*Annexed hereto and marked as "Annexure- D" is the Copy of the Letter dated 09.01.2024 addressed by the Goa Coastal Zone Management Authority to Ms. Maria Odry Cardozo along with the enclosures.*

10. Despite the Respondent No. 1 being in possession of the said documents, the Respondent No. 1 failed to place them on record in the proceedings before the Goa Coastal Zone Management Authority, this Hon'ble Tribunal and the Hon'ble Supreme Court. I state that the suppression of material evidence on behalf of the Respondent No. 1 has resulted in demolition of the structures in Survey No. 16/7 on the ground that the structures were erected after the CRZ 1991 Notification coming into force. I state that suppression of this material



evidence has caused irreparable damage and grave prejudice to this Respondent. I state that I crave leave to initiate appropriate action or remedy in terms of the subsequent evidence obtained by this Respondent.

11. I state that in view of the this fresh material, the allegation of the Applicant to restore the land to its alleged original condition would mean to restore the land with the 7 structures. The Applicant had throughout all proceedings from GCZMA till the Hon'ble Supreme Court set up a false case and misled the Hon'ble Authorities and this Hon'ble Tribunal and the fresh material obtained by this Respondent clearly fortifies the stand of this Respondent.

12. Moreover, in view of the fresh material, the Goa Coastal Zone Management Authority cannot regulate any structure which was existing prior to the CRZ notification coming into force and hence, in these circumstances, the present application of the Applicant does not survive and requires to be dismissed with cost.

13. I state that the whatever has been stated in paragraph nos. 1 to 12 hereinabove is true to my knowledge and belief and also



based on legal submissions which I believe to be true and correct.

Place: *fernandes maia oduy Fernandes also known as  
Cardozo maia oduy Cardozo*

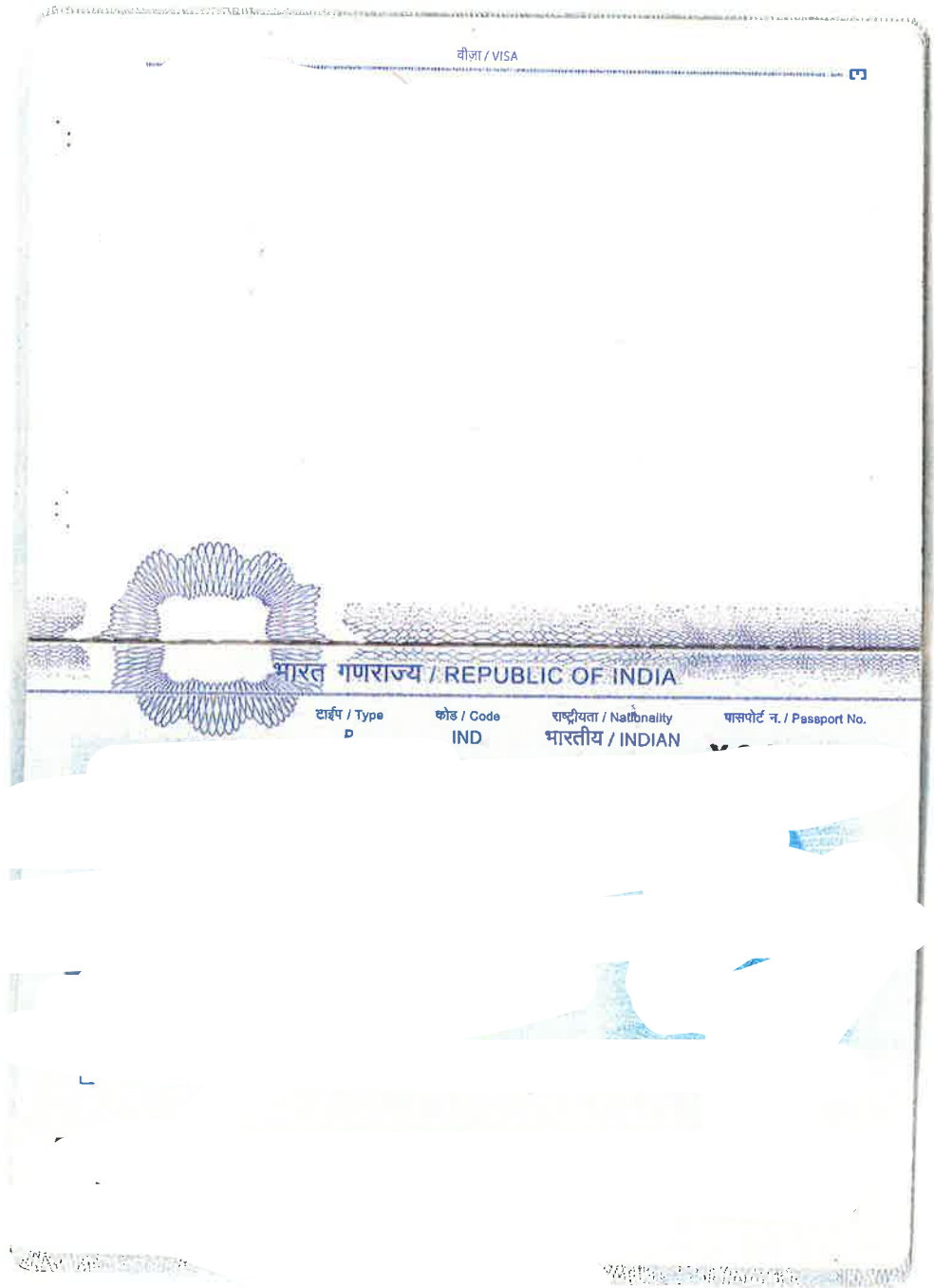
Date: *14/10/2024*

*[Signature]*  
RESPONDENT NO. 7

ATTESTED *[Signature]*  
**Muhammad Ibrahim Shah**  
Commissioner For Oath /  
Licensed Conveyancer



**BOURNVILLE SOLICITORS LIMITED**  
37A Westley Road  
Acocks Green Birmingham B27 7UQ  
Tel: 0121 448 7880  
Fax: 0121 336 1900



*General*

To,  
The Member Secretary,  
Goa Coastal Zone Management Authority,  
C/o Department of Science, Technology & Environment,  
4<sup>th</sup> Floor, Dempo Towers Patto,  
Panaji -Goa.

Date.24/04/2023

*Pell 24/04/23*  
D/o Member Secretary  
Goa Coastal Zone Management Authority  
C/o Department of Environment & Climate Change  
Dempo Towers Patto,  
Panaji -Goa. 403001

**Subject : Application Seeking Information**

Dear Sir/Madam,

The Undersigned on 03/4/23 had applied for certified copies of the Satellite imagery , which were provided by the Remote Sensing Instrument (RSI) to the Goa Coastal Zone Management Authority pursuant to the directions of the Hon'ble High Court for the Property bearing Survey no. 16/7 of Sernabatim Village Salcete Goa ( copy of the survey plan was enclosed ).

I m in receipt of the certified copy satellite Imagery in a Survey plan form , mentioning the Title as , 'STRUCTURES IN CRZ - III ( 200Mt TO 500 Mt FROM HTL) SERNABATIM VILLAGE "

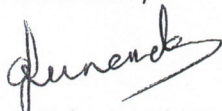
I would kindly request you to issue me the Satellite imagery for the Area between (0) Zero meters to 200 meter from the HTL in the CRZ , for the Property bearing survey No. 16/7 of Sernabatim village salcete Goa.

Kindly treat the aforesaid application as most urgent since the information sought is of important and urgent nature and kindly provide to the undersigned the information sought as mentioned herein above.

The undersigned undertakes to pay the necessary fees towards the same.

Thanking you in Anticipation

Yours Sincerely



Maria Odry Cardozo

Resident at S-5

Kurtarkar Vihar Aquem Alto

Margao South Goa

403601.

Enclosed herein:

Copies of the documents to showing the structures existed in the Property sy no. 16/7 since

To,  
The Member Secretary,  
Goa Coastal Zone Management Authority,  
C/o Department of Science, Technology & Environment,  
4<sup>th</sup> Floor , Dempo Towers Patto,  
Panaji -Goa.

O/o Member Secretary *Del 18/08/23.*  
Goa Coastal Zone Management Authority  
C/o Department of Environment & Climate Change  
Dempo Tower 4th Floor,  
Patto Plaza Panaji-Goa 403601

Date.17/08/2023

Ref : To my Application dated 24/4/2023 in ward at your Office on 24/4/2023.

Sub: To know about the status of my Application dated 24/4/2023

Goa Coastal Zone Management Authority

Dear Madam,

The Undersigned on 24/4/2023 had applied for certified copies of the Satellite imagery, in warded on 24/4/2023. After that I had meet your respected madam on two different Occasion to know the status of my Application, as you had agreed to provide me the same ,till date I have not received any communication from your office

I would kindly like to know what the status of my Application.

Thanking you in Anticipation

Yours Sincerely

*Maria Odry Cardozo*  
Maria Odry Cardozo

Resident at S-5  
Kurtarkar Vihar Aquem Alto

Margao South Goa  
I would kindly like to know  
403601.

Thanking you in Anticipation

Yours Sincerely  
Enclosed herein:

Copy of the Application dated 24/04/2023  
Maria Odry Cardozo

To,  
 The Member Secretary,  
 Goa Coastal Zone Management Authority,  
 C/o Department of Science, Technology & Environment,  
 4<sup>th</sup> Floor, Tempo Towers Patta,  
 Panaji-Goa.

Date: 24/04/2023

Subject: Application Seeking Information

Dear Sir/Madam,

The Undersigned on 03/4/23 had applied for certified copies of the Satellite Imagery, which were provided by the Remote Sensing Instrument (RSI) to the Goa Coastal Zone Management Authority pursuant to the directions of the Hon'ble High Court for the Property bearing Survey no. 16/7 of Sernabatim Village Salcete Goa (copy of the survey plan was enclosed).

I'm in receipt of the certified copy satellite Imagery in a Survey plan form, mentioning the Title as "STRUCTURES IN CRZ - III ( 200M TO 500 M FROM HTL) SERNABATIM VILLAGE".

I would kindly request you to issue me the Satellite Imagery for the Area between (0) Zero meters to 200 meter from the HTL in the CRZ, for the Property bearing survey No. 16/7 of Sernabatim village salcete Goa.

Kindly treat the aforesaid application as most urgent since the information sought is of important and urgent nature and kindly provide to the undersigned the information sought as mentioned herein above.

The undersigned undertakes to pay the necessary fees towards the same.

Thanking you in Anticipation

Yours Sincerely

  
 Maria Odry Cardozo

Resident at S-5

Kurtankar Vihar Aquem Alto

Margao South Goa

403601

Enclosed herein:

Copies of the documents to showing the structures existed in the Property sy no. 16/7 since the year 1984

Copy of the Survey plan of Survey No. 16/7, village Sernabatim, Salcete Goa.

Copy of the Application dated 03/04/2023

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Environment (Govt. of Goa)

4<sup>th</sup> Floor, Dempo Tower, Patto,

Panaji- Goa 403 001

**Website: [www.czma.goa.gov.in](http://www.czma.goa.gov.in)****Ref. No. GCZMA/High Court Matter/07/656/part I/1639 Date: 14/09/2023**

To,

✓ Maria Odry Cardozo

Resident at S-5,

Kurtarkar Vihar Aquem Alto,

Margao, South -Goa

**Sub : Submission of ownership documents of Survey No. 16/7 of  
Sernabatim Village, Salcete – Goa.**

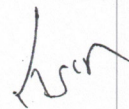
Madam,

This is with reference to your application dated 17/08/2023 seeking Satellite Imagery of the Survey No. 16/7 of Sernabatim Village, Salcete - Goa.

In this regard you are required to submit ownership documents of the said Survey Number to this office.

Thanking You,

Yours faithfully,



(Sanjeev Joglekar)  
OSD (GCZMA)

**GOA COASTAL AND ENVIRONMENT MANAGEMENT SOCIETY (GC&EMS)**

C/o Department of Environment and Climate Change  
4th Floor, Dempo Towers, Patto Panaji Goa - 403001.  
e-mail: goacoastalandenvtmangscy@gmail.com

---

No:2-4-2023/GC&EMS/MISC/43

Dated: 09/01/2024

**To,**

**Maria Odry Cardozo**

Resident at S-5,

Kurtarkar Vihar Aquem Alto,

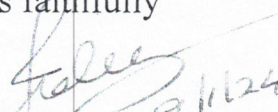
Margao South Goa

**Sub: Satellite Imagery Report in Survey No.16/7 of Sernabatim Village Salcete  
Goa**

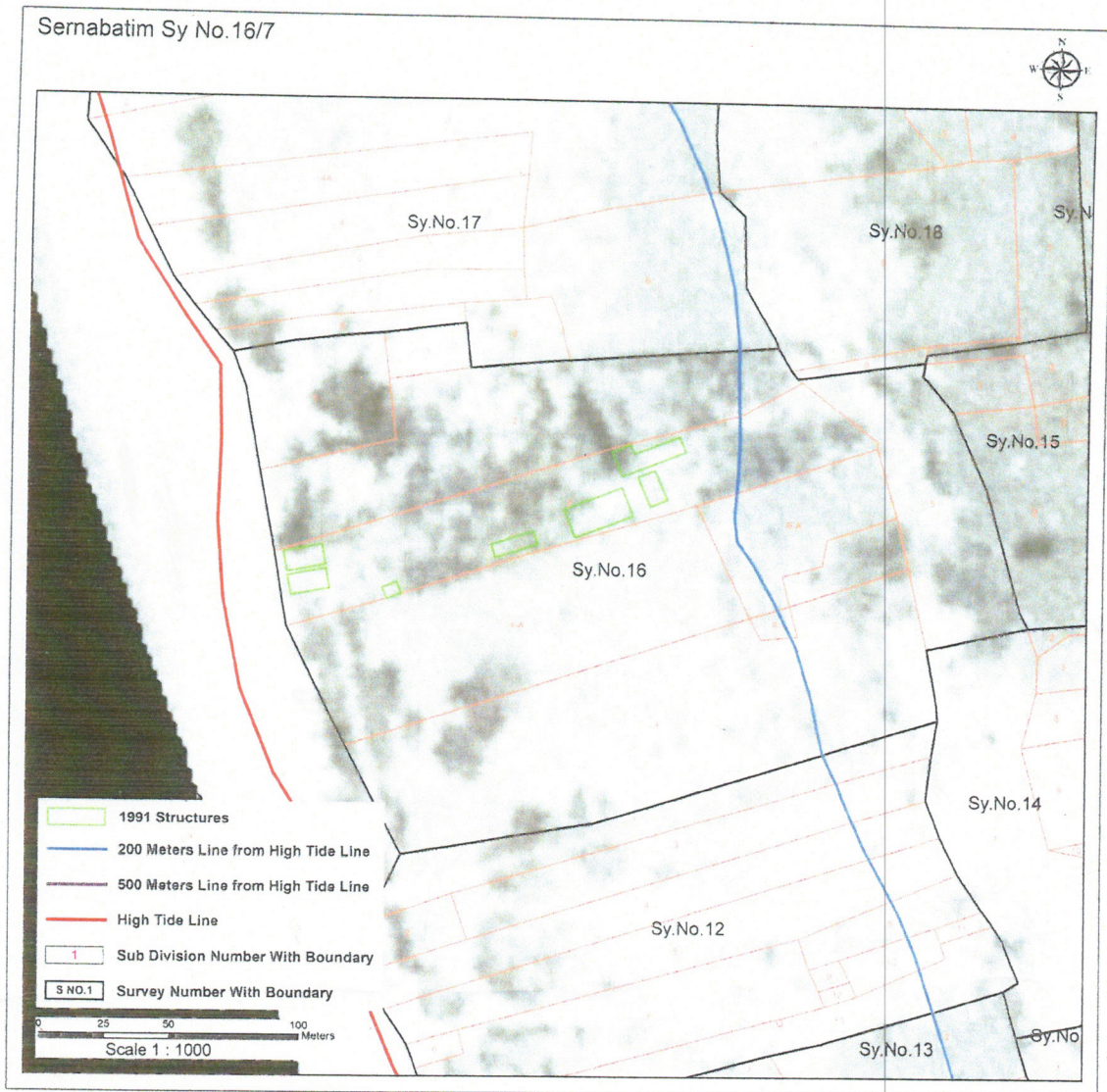
Madam,

With reference to the above subject matter, please find enclosed herewith  
Satellite Imagery Report in respect of property bearing Survey No. 16/7 of  
Sernabatim Village Salcete Goa for the year 1991 & 1993.

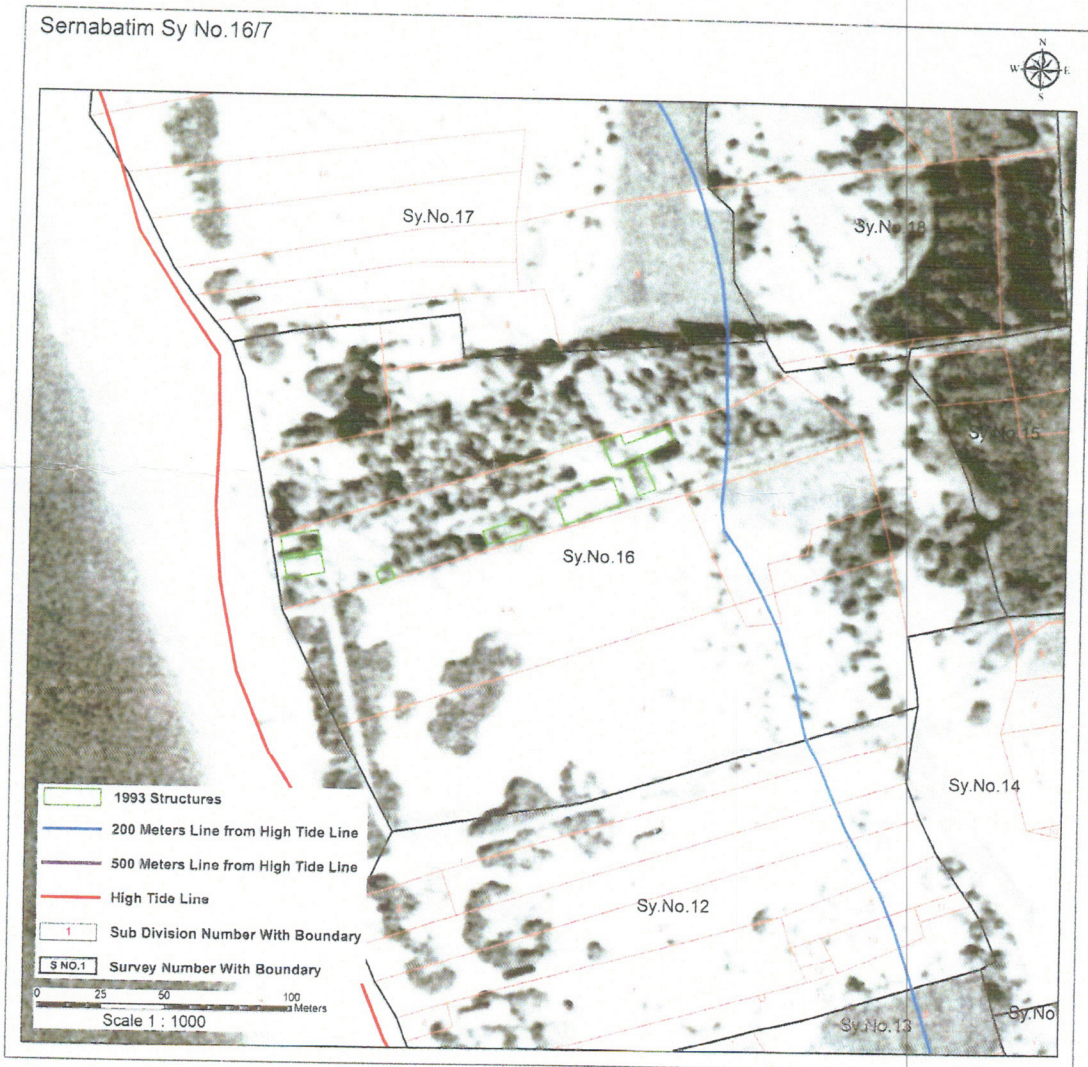
Yours faithfully

  
(Johnson B. Fernandes)  
Project Director, GC&EMS  
& Director (Envt & CC)

Encl: As above.



Source of the Imagery Data : Russian MIR Imagery  
 Year of Imagery Capture : 1991



Source of the Imagery Data : Indian Airforce Aerial Data  
 Year of Imagery Capture : 1993