

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE BENCH) AT PUNE**

Appeal No. 01/2020 (WZ)

In the matter of:

Joaquim Patrick FernandesAppellant

V/s

Goa Coastal Zone Management Authority
and ors.Respondents

**AFFIDAVIT- IN -REPLY ON BEHALF OF GOA
COASTAL ZONE MANAGEMENT AUTHORITY
(RESPONDENT NO. 1)**

MAY IT PLEASE YOUR LORDSHIPS:

I, Shri. Dasharath M. Redkar, s/o Mahadeo Saulo Redkar, 54 years of age, Indian National, Respondent No1; the Member Secretary, Goa Coastal Zone Management Authority (GCZMA), the Respondent No.1 herein most respectfully state and submit as under: -

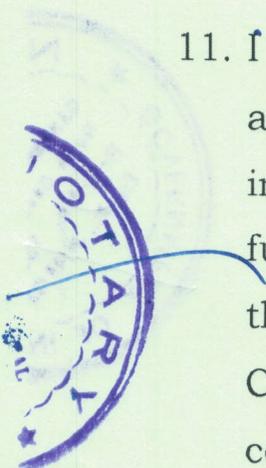
1. I say that I am presently the Member Secretary, Goa Coastal Zone Management Authority (GCZMA), the Respondent No. 1 herein. I say that I am authorized to file the present Affidavit.
2. I say that I have perused a copy of the captioned Appeal filed by the Appellant; and have read and understood the contents thereof.

3. I say that the present Appeal challenges the Order bearing No. GCZMA/N/ILLE-COMPL/18-19/09/1899 dated 10/12/2019 directing demolition of COMPUND WALL to the extent of 28.5 sq. mts. in property bearing No. 272/19 of Village Mandrem, Bardez – North Goa. (hereinafter referred to as the '**Impugned Order**' for the sake of brevity).
4. I say that the Appeal is untenable on facts and in law. I say that the Appellant is misleading this Hon'ble Tribunal. I say that the Appellant has absolutely no permission to erect the Compound Wall directed to be demolished.
5. Before dealing with the contents of the Appeal, the Respondent No. 1 places the following facts on record which are relevant for the purpose of deciding the present Appeal.
6. I say that the dispute in question pertains to erection of compound wall to the extent of 28.5 sq. mts. in property bearing No. 272/19 of Village Mandrem, Bardez – North Goa constructed by the Appellant herein. I say that
7. I say that upon receipt of complaint dated 9/11/2017 from the Respondent No. 3 Gabriel Fernandes, the GCZMA directed the District Level Committee constituted to aid and abet it's functioning to conduct and inquiry into the Complaint and submit a Report. I say that since the Inquiry Report clearly indicated construction of illegal compound wall, the GCZMA issued Show Cause Notice dated 15/11/2018 to the parties, and after hearing the parties and perusing all documents



including the Inquiry Report, directed demolition of the wall vide Order dated 27/12/2018.

8. I say that the said Order dated 27/12/2018 was challenged before the Hon'ble NGT in Appeal No. 08/2019 and the matter was remanded to the GCZMA to consider the new document produced, viz., 'NOC of 1989 from the Village Panchayat' for the alleged erection of compound wall.
9. I say that, after due deliberation and discussion, the GCZMA requested the Secretary of the Village Panchayat of Mandrem to verify the authenticity of the said NOC and the Village Panchayat submitted an Affidavit stating that "... The undersigned had verified the construction license register of V.P. Mandrem for the year 1989-90 and I say that I have not found record pertaining to permission no. 8/89.90 in the construction license register"
10. I say that upon consideration of the said Affidavit and after hearing the parties, the GCZMA has passed the impugned Order.
11. I say and submit that as per the GCZMA records and the documents and various hearings conducted in the matter, the Appellant has not been able to furnish any document to show approval/NOC from the Panchayat and /or GCZMA in respect of the Compound Wall. I seek to refer to and rely upon the contents of the Impugned Order for a better understanding of the present matter.
12. I say with respect to the paragraphs 1 to 3 of the Appeal the same are a matter of record.



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13. With respect to the contents of paragraph 4. 1 to 4.20 of the Memo of Appeal, the same are facts pertaining to the matter.
14. With respect to the submissions in paras 4.21 to 4.26, I say the same have been considered by the Authority, and the Authority has concluded that all the submissions would hold good in case the Panchayat has misplaced the documents, however in the present case all the records of the year are available with the Panchayat. I say the very fact that the alleged NOC produced by the Appellant belatedly is missing from the Panchayat records itself shows raises serious doubts about the authenticity of the document and makes it difficult to connect the dots. I say the fact is further countenanced by the local Authority.
15. I also say and submit that the Demolition Order in question was issued pursuant to a Report submitted by the District Level Committee.
16. With respect to the grounds raised by the Appellant, the same are denied. All the alleged permissions and documents referred to in the grounds have been taken into consideration before passing of the Impugned Order. It is denied that the Impugned Order is erroneous and/or based on misconstruction of material on record and the Regulations.
17. With respect to the contents of paragraphs 7 and 8, it is denied that the Appellant is entitled to any order as sought.



- 18. With respect to the contents of paragraphs 9, it is denied that the Inspection Report is in violation of the Principles of natural justice or otherwise.
- 19. Paragraphs 10 to 13 are pleadings pertaining to jurisdiction, court fee and Limitation and warrant no comments.
- 20. I state that in view of whatever is stated hereinabove, no relief whatsoever can be granted in favor of the Appellants and the matter may be dismissed.
- 21. I state that whatever has been stated herein above is true to my own knowledge and based on the documents/records available with the office of this respondent to which I have access and the contents of the same which I believe to be true and correct.



Solemnly affirmed at Panaji - Goa
 This 06th day of August 2021

[Handwritten Signature]
 6/8/2021

DEPONENT

Solemnly affirmed before me by
Dashrath M Bedde

Reg. No: *3777* Date: *6/8/2021*
 known / identified to me by.

[Handwritten Signature]
GANESH KUBAL
 Notary (Govt. of India)
 Panaji-Goa. India

