



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

Appeal No. 25/2020 (WZ)

In the matter of:

Victor Fernandes

.....Appellant

V/s

Goa Coastal Zone

Management Authority

.....Respondents

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

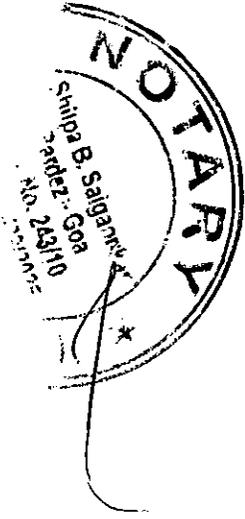
MAY IT PLEASE YOUR LORDSHIPS:

I, Mr. Johnson Bedy Fernandes, Son of Germano Herculano Fernandes, aged about 44 years, Indian National, resident of Curchorem – South Goa, 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/NGTmatter/19-

Johnson Bedy Fernandes

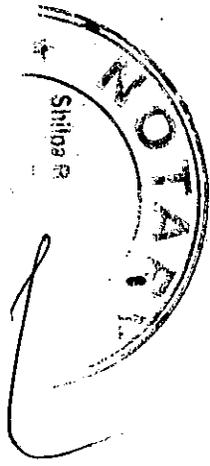
20/01/1114 dated 11/02/2429 directing the removal of 16 sunbeds on the beach attached to the Bar and Restaurant M/s Rai Resorts and pay a fine/penalty of Rs. 1 lakh for damage in terms of NGT orders dated 2/11/2017 and 25/02/2019 (hereinafter referred to as the '**Impugned Order**' for the sake of brevity).



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 put up 16 sunbeds and cause environmental damage. (hereinafter referred to as the '**offending structures**').
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 vide a detailed Order dated 02.11.2017 in OA 23/2014 : Goa Paryavaran Sanvrakshan Sangharsh Samittee v State of Goa and ors., this Hon'ble Tribunal had directed demolition of all structures in violation of the CRZ Notification especially those located in and around turtle nesting sites in Morjim, Mandrem, Galgibag, Agonda. I say that pursuant to the said Order and Order dated 25/2/2019 passed in Execution in OA 23/2014, the NGT appointed a three member committee which identified the offending structures of the Appellant, inter alia, as being in violation of the

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CRZ Notification and photographs of the placement of sunbeds clearly indicts that same were placed by the appellant. Hereto Annexed are the photographs of the placement of beach beds at **Annexure R-1-1 Colly**.



7. Based on the Report of the Three Member Committee, which had observed violation in relation to placement of beach beds, the GCZMA after hearing the offender passed the impugned order.
8. I say with respect to the paragraphs 1 to 3 of the Appeal the same are a matter of record.
9. With respect to paragraph 4, it is denied that the Impugned Order suffers from non-application of mind.
10. With respect to paragraph 4 II & VI, it is denied that the Impugned Order is a review .
11. With respect to paragraph 4 III & IV, there is no difference in decisions taken in the meeting and the Impugned Order communicated,
12. With respect to paragraph 4 V, the contents thereof are denied.
13. With respect to paragraph 4 VII, the sunbeds as referred to being present in the NDZ and in proximity to the turtle nesting sites are in violation of the CRZ Notification
14. With respect to paragraph 4 VIII & IX, Ashvem and Morjim are part of the same beach. That

Shilpa R

once the fact finding committee has reached a decision about the area covered under the sensitive zone, the same has to be considered in the absence of any material to the contrary.

15. With respect to paragraph 4 IX, the Impugned Order does not deal with the permanent structure and hence ought not to be a part of the Appeal.

16. Paragraphs 5 to 8 are pleadings pertaining to jurisdiction, court fee and Limitation and warrant no comments.

17. 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.

18. 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 12th day of October 2020

[Signature]
DEPONENT

Identified him by his Pan Card
Bearing No.AAJPF 3664 N

SOLEMNLY AFFIRMED AND VERIFIED
BEFORE ME BY *[Signature]*
WHO IS IDENTIFIED BEFORE ME
BY *[Signature]*
WITNESSED ON 12/10/2020
SERIAL NO. 2359 / 103 FD

[Signature]
SHILPA B. SALGAONKAR
NOTARY AT BARDEZ - GOA
STATE OF GOA-INDIA
REG. NO. 243/10

