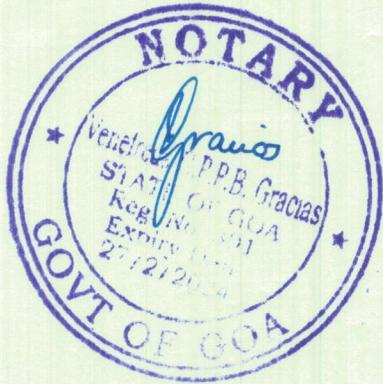


BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL (WESTERN ZONE BENCH) AT PUNE



Appeal No. 34/2016 (WZ)

In the matter of:

Anthony Cardozo

Jessy Cardozo

.....Appellant

V/s

Goa Coastal Zone Management Authority

.....Respondents

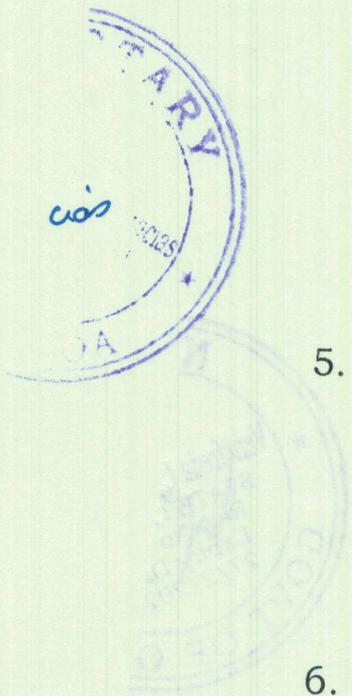
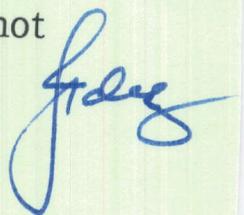
**AFFIDAVIT- IN -REPLY ON BEHALF OF GOA
COASTAL ZONE MANAGEMENT AUTHORITY
(RESPONDENT NO. 1)**

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 dated 6/05/2016 directing demolition of permanent structures mentioned therein. (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 structures directed to be demolished (hereinafter referred to as the '**offending structures**').
5. The Appellant has set out facts leading up to filing of the present Appeal which the Respondent seeks to rely upon and are not being repeated here for the sake of brevity.
6. Contents of paragraphs 1 to 11 of the Appeal are a matter of record.
7. With respect to the contents of paragraph 12, I say that the Appellants were heard prior to passing of the Impugned Order before the final meeting where decision for demolition was taken, not only by the GCZMA when it took all material on record, but also by the Inquiry Committee which fact is recorded in the Inquiry Committee Report and the GCZMA minutes. I say that the Inquiry Committee formed pursuant to directions from this Hon'ble Tribunal aids and abets the GCZMA in making decisions, the GCZMA is not



bound to share or solicit comments on Inquiry Committee reports from the aggrieved parties. I say that the Appellant has admitted to have submitted all relevant documents before the GCZMA which have been considered.

8. With respect to the contents of paragraph 13, I say with respect to each structure enlisted -

- I. M/s Pretty Petal: No proof of GCZMA permission given.
- II. M/S Rising Wave: No proof of GCZMA permission given.
- III. Sunset Beach Resort: No proof of GCZMA permission given.

9. Grounds I to XVI of the Appeal are baseless, frivolous and denied. I say that the reasons for ALL the constructions given are 'CONSTRAINTS ON ACCOUNT OF WATER SEPAGE'. I say that the reason is incredulous and defeats the very purpose of the enactment of the CRZ law.

10. I say that at paragraph 10 of the Appeal, the Appellant states that the Appellant has filed an Application for Regularization dated 22/04/2016 during the course of hearing before the GCZMA pertaining to the permissibility of the offending structures. I say that no such regularization is permissible under the CRZ Notification 2012, in that the Appellant neither belongs to the traditional fishing committee, moreover the structures are admittedly being used for commercial purpose which completely disqualifies any regularization under the Notification.



Venefreda P.B. Gracias
Advocate & Notary
Bardez - Goa

Gracias

11. Paragraphs 15 and 16 are pleadings pertaining to jurisdiction , court fee and Limitation and warrant no comments.

12. 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.

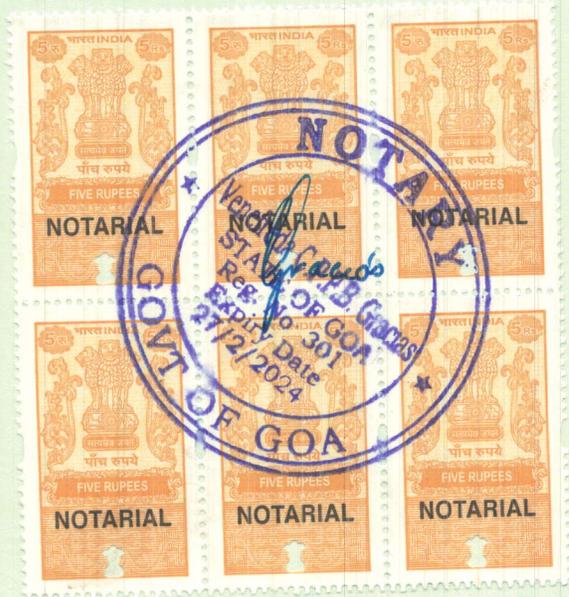
13. I state that whatever has been stated herein above is true to my own knowledge and based on the documents/records available with the office of this respondent to which I have access and the contents of the same which I believe to be true and correct.



Solemnly affirmed at Panaji - Goa
This 8th day of October 2020

PAN CARD N° AAJPF3664N

[Signature]
DEPONENT



Solemnly affirmed before me
Attho Johnson Bedy Fernandes
Who is identified before me by
Pan Card AAJPF 3664N
_____ At Calangute - Goa

Sr. No. 189/10/2020
Date. 8/10/2020

[Signature]
Venefreda C.P.B. Gracias
Advocate & Notary
Bardez - Goa