

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



Appeal No. 56/2019 (WZ)

In the matter of:

Luciano Joao Fernandes

@ Luis Joao Fernandes

.....Appellant

V/s

**Goa Coastal Zone Management Authority
and Anr.**

.....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/ILLE-COMPL/18-19/73/3049 dated 18/02/2019 directing demolition of structures in property bearing No. 130/4 of Village Morjim, Pernem Taluka - 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 authority clearly observed that erection/operation of shacks/huts/cottages doesn't contemplate issuance reconstruction licence to the structures by local authority i.e Village Panchayat. I say that even the Inspection report of the Expert Members has clearly noted the existence of shack with kitchen, bar counter on a concrete plinth. I say that alleged reconstruction license is not at all relevant to the Appellant's case, in that the erection of temporary seasonal structures / shacks/ huts/cottages are permissible only after obtaining necessary N.O.C/permission from the GCZMA in terms of the CRZ Notification. It follows that the Appellant is relying on such alleged documents only to mislead the authority and further coerce into believing that his seasonal shacks/structure were in fact prior to 1991 which is wholly untenable and unsustainable.



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Para-wise comments

5. **With respect to the facts set out in Paragraph 1 to 4 of the Memorandum of Appeal** – the same are a matter of record.
6. **With respect to the facts set out in Paragraphs 4 to 10, 13 of the Memorandum of Appeal**, the same are of no relevance to the structures directed to be demolished.
7. **Contents of paragraphs 11 and 12 of the Memorandum of Appeal** are a matter of record.
8. **With respect to the contents of paragraphs 14 to 16**, I say that the impugned Order is very clear about the description of the offending structures. I say that the Show Cause Notice annexed at page 45 of the Appeal are also clear in description. There is absolutely no ambiguity about the structures directed to be demolished.
9. **With respect to Paragraphs 18 of the Memorandum of Appeal**, the contents thereof are denied. The grounds raised thereunder are also incorrect and denied.
10. **With respect to Grounds (a)**, the Appellant does not get any protection under the CRZ Notification;
11. **With respect to Grounds (a) to (e)**, I say that there is no ambiguity about the structures directed to be demolished.
12. **With respect to Grounds (f) to (i)**, it is denied that the principles of natural justice were not



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