

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

Appeal No. 67/2019 (WZ)

In the matter of:

Kashinath Shetye and ors.

Appellant

V/s

GCZMA and Ors.

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 under No. GCZMA/NGT MATTER/APPL.NO.548 /2015/18-19/48/3011 dated 11/02/2019 discharging the Respondent No. 2 from proceedings with respect to property and structures located in Survey Nos. 181/2(part), 181/2,3,4,5(part), 182/7, 183/9, 180/1(part), 180/2(part) and 184/3 of Village Goa Velha Tiswadi Taluka. (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 Authority has passed the Impugned Order above based on material documents and after conducting a detailed inquiry into the matter. I say that various reports of on loco measurements of the HTL and the NDZ have been submitted, Reports have been carefully prepared by the Government Authorities. I say that on the contrary the Appellant has not shown anything to prove the contrary. I seek to rely upon and refer to the Impugned Order for further elaboration on this point.

Para-wise comments

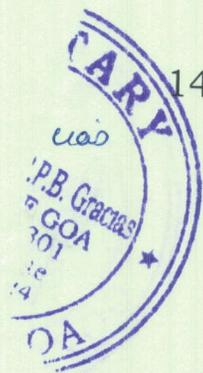
5. With respect to the Introduction and the contents of paragraph 1, the same do not concern this Respondent.

6. **With respect to Paras 1 to 2a of the Memorandum of Appeal** - the same pertains to the Address of the Appellants and the Respondents and the challenge in the Appeal.
7. **With respect to Paragraphs 3 to 10**, the same are general pleadings on protection of Environment and/or reproduce contents of various Orders passed by various Courts and/or the provisions of the Constitution of India ..etc; which is a standard practice adopted by the Appellants to form part of every Application/Appeal before this Hon'ble Tribunal and have no relevance to the present Appeal and warrant no Reply.
8. **With respect to Paragraphs 2 to 5 from the Brief Facts section**, the same are descriptions of the parties and do not concern this Respondent.
9. The contents of paragraph 6 do not concern this Respondent.
10. **With respect to the contents of paragraphs 7** it is denied that the Application No. 548/2015 (WZB) raise any substantial questions on environment as claimed or otherwise. The rest of the contents pertaining to the CRZ of Goa are a matter of record.
11. **With respect to Paragraphs 8 to 16**, the same are a matter of record and a description of the Annexures.



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12. **With respect to Paragraphs 17**, I say and submit that the GCZMA Order addresses all the points raised in the said paragraph -
- i) It is denied that the demarcation is fraudulent;
 - ii) Do not concern the GCZMA;
 - iii) Do not concern the GCZMA.
13. With respect to the contents of paragraph 18, it is denied that the Inquiry Committee decision was on any extraneous considerations as claimed or otherwise.
14. With respect to the contents of paragraph 19, I say and submit that the extent of the NDZ of the properties in question and the project limits are all specified in the plans. It is denied that the entire building falls within NDZ and violates the CRZ Notification.
15. The contents of paragraph 20 do not concern this Respondent.
16. **Contents of Paragraphs 21**, are a matter of record
17. The contents of paragraph 22, 23, 25, 26 do not concern this Respondent.
18. With respect to the contents of paragraph 24, it is denied that any part of the project falls within NDZ.
19. **Contents of Paragraphs 25 to 37**, are a matter of record



20. The Grounds in para 38 are denied. The same are addressed pointwise as under –

- a) It is denied that the construction activity violates CRZ Notification;
- b) It is denied that the entire area was illegally converted thereby violating the CRZ Notification;
- c) The contents do not concern the GCZMA
- d) The contents of Ground d (i) to (vi) that pertain to the Inquiry Committee Report are denied. I say and submit that Inquiry Committee Report referred to therein was a Report by a team of experts and the Appellants had several opportunities to refute those Reports that were submitted before the NGT. I say that the earlier Report had some erroneous conclusions owing to lack of necessary material. I say that the Appellant cannot discard or dissect the Report merely because it contradicts an earlier Report. I say that besides the said Report there are other Reports by the Water Resources Department and the Directorate of Land Survey that countenance the findings of the Inquiry Committee. I say that the Appellant ought to consider the Report objectively without picking and choosing.

21. Contents of Ground 38 (viii) are reproductions of various provisions of the CRZ Notification and various Judgments of Courts that are a matter of record.





- 22. The contents of paragraphs pertaining to Limitation and Prayers do not warrant any comments.
- 23. 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.
- 24. 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 23rd day of October ` 2020

*Identified by Pan Card
 AAJPF 3664N*

[Signature]
DEPONENT

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

Sr. No. 205/10/2020
 Date. 23/10/2020

[Signature]
 Venetrey C.F.P. Gracias
 Advocate & Notary
 Bardez - Goa

