



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

Appeal No. 66/2018 (WZ)

In the matter of:

Kashinath Shetye and ors.Appellant

V/s

Prasad Naik and Ors.Respondents

**AFFIDAVIT- IN -REPLY ON BEHALF OF GOA
COASTAL ZONE MANAGEMENT AUTHORITY
(RESPONDENT NO. 4)**

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. 4 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. 4 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/N/ILLE-COMPL/16-17/61/614 dated 12/07/2018 DISCHARGING the Respondent No. 1 from proceedings with respect to properties surveyed under Nos. 63/1 and 63/2 of Village Penha de Franca and directing the stoppage of commercial activities in Survey No. 63/3. (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 on the contrary the Appellant has not shown anything to prove the contrary.

Para-wise comments

5. **With respect to Paras 1 to 3 of the Memorandum of Appeal** - the same pertains to the Address of the Appellants and the Respondents and the challenge in the Appeal.

6. **With respect to Paragraphs 1 to 11**, 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 as a standard practice adopted by the Appellants form part of every Application/Appeal before this Hon'ble Tribunal and have no relevance to the present Appeal and warrant no Reply.



7. **With respect to Paragraphs 1 to 6 from the Brief Facts section**, the same are descriptions of the parties and do not concern this Respondent.
8. **With respect to Paragraphs 7**, I say and submit that the GCZMA Order addresses all the points raised in the said paragraph –
 - i) The structures exist before 1991;
 - ii) The Impugned Order directs the Respondent to stop commercial activities;
 - iii) The residential structures are permissible;
 - iv) The Impugned Order directs the Respondent to stop commercial activities.
9. **With respect to Paragraphs 8 15**, the same are a description of the Annexures.
10. Contents of paragraph 16 do not concern this Respondent.
11. **Contents of Paragraphs 17, 18 and 19**, are a matter of record
12. **With respect to Paragraphs 20**, the contents thereof are denied. It is stated that plea regarding non-furnishing of report was never raised by the appellant at the time of final

arguments before the authority. It is stated that even otherwise inspection report is always available on record for parties for perusal and reference or to get a copy thereof.

13. **With respect to Paragraphs 21**, the exercise of seeking a survey was not needed in this case. I say and submit that such exercise is carried out when there is a doubt about the distance from the HTL/LTL etc, which was not the case here.

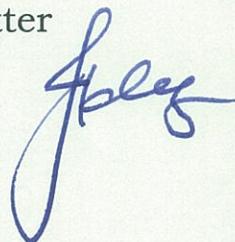
14. Contents of paragraphs 22 are denied.

15. The allegations in paragraph 23 of political pressure and/or in action are denied. I say that the GCZMA has conducted a detailed inquiry and passed an Order, part of which is under challenge before the Hon'ble Supreme Court of India. The Appellant is put to strict proof thereof.

16. **With respect to Paragraphs 24**, the commercial activities referred to therein have been directed to be stopped in the Impugned Order.

17. With respect to Grounds in para 25, the same are denied.

18. Contents of Ground 25g are reproductions of various provisions of the CRZ Notification and various Judgments of Courts that are a matter of record.



19. The contents of paragraphs pertaining to Limitation and Prayers do not warrant any comments.

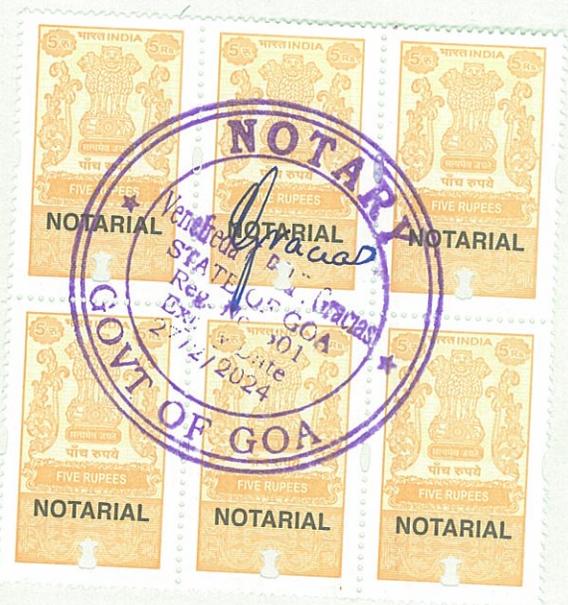
20. I state that in view of whatever is stated hereinabove, no relief whatsoever can be granted in favor of the appellants and the matter may be dismissed.

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 2nd day of November 2020

[Signature]
DEPONENT

PAN CARD AAJPF3664N



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

Sr. No. 214/10/2020
Date. 2/11/2020

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