



**BEFORE THE NATIONAL GREEN TRIBUNAL  
(WESTERN ZONE) AT PUNE**

**Application No.103/2021(WZ)**

**Inacio Dominic Pereira and Ors, ..... Applicant**

**V/s.**

**Dwarka Eco Beach Resort**

**and Ors.**

**..... Respondents**

**AFFIDAVIT IN REPLY OF  
RESPONDENT NO.9 VILLAGE  
PANCHAYAT OF COLA,**

I, Shri. Damodar Gopinath Kankonkar, Son of Late Gopinath Kankonkar, Aged 57 Years, Service, r/o H.No. 194/2-1, Shristhal, Canacona-Goa do hereby state on oath and solemnly declare as under;

1. I say that I am posted as Secretary of Village Panchayat of Cola, in the year 2017. I am filing this affidavit to place on record the relevant fact in respect of above case. I am not dealing with each and every contention of the Applicant and I should not be deemed to have admitted any of the contention of the Applicant.

*(Signature)*

**SECRETARY**

**Village Panchayat Cola  
Cola, Canacona - Goa**

--2--

2. I say that as per record the Panchayat received a complaint from the Petitioner on 11/2/2020 against the Respondent no.1 for violation of the CRZ rules and in response to the said complaint, the Panchayat issued Show cause notice dtd.21/2/2020 to the Respondent no. 1 and 2 thereby directing to submit the reply within 15 days.
3. I say that vide letter dtd.11/3/2020 the Respondent no. 1 and 2, the Respondent no. 1 and 2 requested to furnish the copies of the complaint and the same has been furnished to the Respondent no.1 and 2 on 19/3/2020. In the meanwhile there was lockdown due to Covid19 and the functioning of the Panchayat was restricted.
4. The Respondent no.1 and 2 did not file any reply to the show cause notice, however the Respondent no.1 filed application, dtd.8/1/2021 for permission to erect huts in the property under survey no.131/3 of village Cola, Taluka Canacona along with the permission/approval, dtd.26/9/2018 granted by the Goa Coastal Zone Management Authority, thereby allowing the Applicant to



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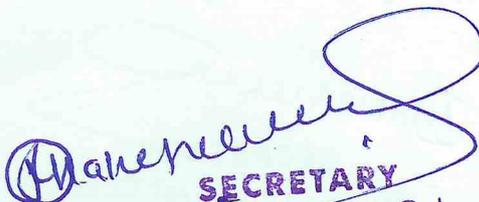
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erect temporary shacks/structures in the property under survey no.131/3 of village Cola, Taluka Canacona, for a period of 5 years from the date of issue, on the terms and conditions incorporated in the said permission.

5. I say that the said application along with the NOC, Form no. I and XIV, Survey plan, Site Plan and permission granted by Goa Coastal Zone Management Authority, were placed before the Panchayat Body and the same was disused by the Panchayat Body and it was resolved to issue Permission to the Respondent no.1 by resolution dated 02/12/2021, subject to production of NOC from Health Department, Tourism Department, Fire Department, Excise Department etc. within 3 months from the date of issue of NOC. Accordingly permission dated 8/12/2021 was issued to the Respondent no.1.

6. I say that in terms of the said Permission, the Panchayat has also received letter dtd.10/2/2022 from the Directorate of Food and Drugs Administration, which is issued based on the Inspection of the business premises to the Respondent no.1 and the copy of the same is endorsed to the Panchayat with a request to take necessary action.

  
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 Village Panchayat Cola  
 Cola, Canacona - Goa

--4--

7. I say that since the permission was issued to the Respondent no. 1 by Goa Coastal Zone Management Authority and Respondent no. 1 had filed an application for permission which was granted by the Panchayat, no further action was taken on show cause notice by the Panchayat. However now considering the issues raised in the present application the Panchayat has issued a notice dtd.26/02/2022 to the Respondent no. 1, thereby directing to file reply to the show cause notice. I say that the Respondent no.1, requested for copy of the complaint dtd.11/2/2020. The same has been received to the Respondent no.1. The Panchayat has not received reply till date from the Respondent no.1. Once reply is received the same shall be placed before the Panchayat and the Panchayat shall take necessary decision, and take further steps.

8. I say that Panchayat meetings are held fortnightly and there was Goa Assembly Election, declared on 7/1/2022 which were scheduled on 14/2/2022 and result was to be declared on 10/3/202. The Election Code of Conduct was in force and now the election results are declared on 10/3/2022. In view of the same Panchayat meeting and decision were postponed. I say that Panchayat meeting



**SECRETARY**  
Village Panchayat Cola  
Cola, Canacona - Goa



--5--

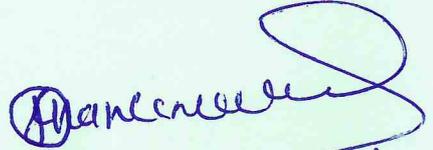


will be held at the end of March 2022 tentatively on 28/3/2022 and the complaint will be placed before the meeting for decision. Once Panchayat takes decision, further steps will be taken in accordance with law. I say that this Hon'ble Tribunal may consider the above facts and pass appropriate order.

9. I say that the contents of paragraph 1 to 8 of this reply are based on records of the Panchayat to which I have access and I believe the same to be true.

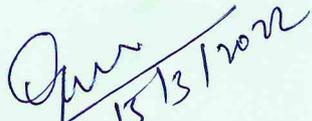
**Solemnly affirmed at Canacona-Goa on this day of 15<sup>th</sup> March, 2022.**

**Identification based:  
on driving licence no.  
GA0920101008732**

  
**DEPONENT  
SECRETARY**  
Village Panchayat Cola  
Cola, Canacona - Goa



Solemnly affirmed before me by  
Shri/Smt. Damodar G. Kankontkar  
Who is identified before me by  
Driving licence  
Who is personally known to me  
Date: 15/03/2022  
Place: Canacona  
Reg. No. 583/2022

  
**VIJAY J. GAYCAR**  
ADVOCATE & NOTARY  
CANACONA  
SOUTH GOA DISTRICT  
STATE OF GOA (INDIA)