

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

I.A. No. 22/2022(WZ)

IN

Appeal No. 09/2022 (WZ)



Agnelo Fernandes and Anr

... PETITIONER

V/s

GOA COASTAL ZONE

MANAGEMENT AUTHORITY

and ors

... RESPONDENTS

**AFFIDAVIT-IN-REPLY ON BEHALF OF THE**

**RESPONDENT NO. 1**

I, Shri Dasharath M. Redkar, major of age, son of late Mahadeo S Redkar, Indian National, the Member Secretary of the Respondent No. 1 herein above, having office at 4<sup>th</sup> Floor, Dempo

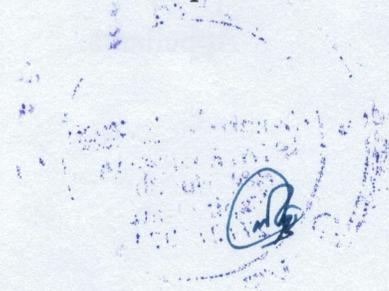
Towers, Patto Panaji Goa, do hereby on solemn affirmation state on oath as under:

1. I say that I am presently working as the Member Secretary of the Respondent No. 1, and I am authorized to file the present Affidavit. I state that I am filing the present affidavit based on the records available with my office and I am able to depose thereto.
2. I say that it appears that this Appeal has been filed to challenge the Order of the GCZMA dated 11/02/2022. I say that I am well conversant with the facts and events leading upto the filing of the preset Appeal.
3. I say that the Appellants have not yet served upon this Respondent a copy of the Memo of Appeal and the Annexures despite an Order dated 11/03/2022 by this Hon'ble Tribunal directing such service and/or directing the Appellants to provide copy of the Appeal and the relevant documents to the Respondents within a week.



4. I say that this Hon'ble Tribunal had also directed the Appellants to serve the Respondents a copy of the Appeal by both ways and also on available email.
5. I say that on account of such failure to Serve a Copy of the Appeal Memo and relevant documents relied upon by the Appellants, this Respondent is not in a position to file a reply to the present Appeal and/or the Application for Stay filed therein. Be that as it may, this Reply is being filed out of abundant caution in deference to the Order dated 11/03/2022 calling for a Reply from this Respondent.
6. I say that owing to the circumstances narrated above, I am setting out the role of this Respondent in the Appeal from records available in the Office of the Respondent No. 1.
7. I say that the Original Complainant in this Matter is Mrs. Nalini Fernandes who had directly approached the Hon'ble NGT Principal Bench Delhi, by filing O.A. No. 18/2020 seeking action against the Illegality of the structure erected by the Appellants.

8. I say that by the order dated 20/01/2022 in O.A. 18/2020 the Hon'ble National Green Tribunal directed the GCZMA to finalise the matter positively within one month and file an action taken report, after executing the order passed.
9. I state that in the GCZMA has been pleased to take its final decision directing demolition of the structures ex delicto, which decision is reflected in its directions issued under Section 5 of The Environment (Protection) Act, 1986, read with Rule 4 of the Environment (Protection) Rules, 1986 on 11/02/2022.
10. I say that I have also filed my Compliance Affidavit in O.A. 18/2021 and the matter is posted for hearing on the 20/04/2022. I am annexing a copy of the Compliance Affidavit herewith along with Copy of this Tribunal's Order dated 20/01/2022.
11. The Respondent states that they wish to bring it to the Notice of this Hon'ble Tribunal that the main matter based on which inquiry was conducted is pending before the Hon'ble Principal Bench NGT in O.A.18/2021 and is posted for Compliance of this Respondent on the 20/04/2022.

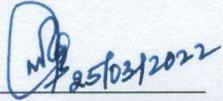


12.I say that since the connected matter is pending before the Principal Bench in O.A. O.A.18/2020, it would be expedient and proper ex debito justitiae if the present Appeal bearing No. 09/2022 (WZ) is heard and decided by same bench and/or the matters are clubbed together.

13.I say that the Respondent No. 1 reserves its rights to file a detailed reply within a reasonable time, as and when a copy of the Appeal Memo along with Documents are served upon the Respondent No. 1.

14.I say that the contents of the paras 1 to 13 are true to my knowledge and based on documents available on record.

Solemnly affirmed at Panaji on this 25<sup>th</sup> day of March, 2022.

  
Member Secretary (GCZMA)  
Deponent

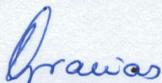
Solemnly affirmed before me

Dasharath M. Redkar

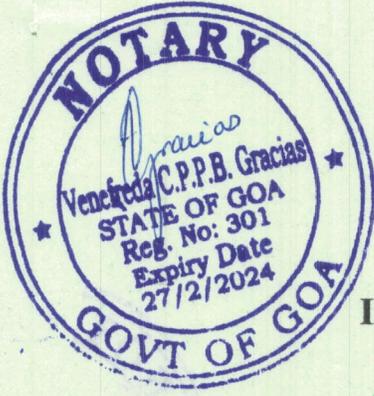
Who is identified before me by

At Calangute - Goa

Date 39/03/2022  
25/03/2022

  
Venefreda C.P.P.B. Gracias  
Advocate & Notary Goa State





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

O.A No.18/2020

**Nalini Fernandes**

**... PETITIONER**

**Versus**

**GOA COASTAL ZONE**

**MANAGEMENT AUTHORITY**

**And ors**

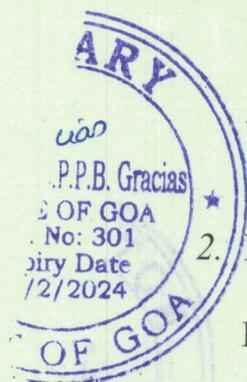
**... RESPONDENTS**

**COMPLIANCE AFFIDAVIT OF THE RESPONDENT**

I, Shri Dasharath M. Redkar, major of age, son of late Mahadeo S Redkar, Indian National, the Member Secretary of the Respondent herein above, having office at 4<sup>th</sup> Floor, Dempo Towers, Patto Panaji Goa, do hereby on solemn affirmation state on oath as under:

1. I say that I am presently working as the Member Secretary of the Respondent, and I am authorized to file the present Affidavit. I state that I am filing the present affidavit based on

*my*



the records available with my office and I am able to depose thereto.

2. I state that by the order dated 20/01/2022 in O.A. 18/2021 the Hon'ble National Green Tribunal had passed an order directing the Goa Coastal Zone Management Authority as under: "*.....We further direct the GCZMA to finalise the matter positively within one month and file an action taken report, after executing the order passed.....*" .

3. I state that in deference to the said order, the GCZMA has been pleased to take its final decision which is reflected in its directions issued under Section 5 of The Environment (Protection) Act, 1986, read with Rule 4 of the Environment (Protection) Rules, 1986 annexed hereto is the said order of the GCZMA dated 11/02/2022.

4. I say that the said Demolition order has been communicated to the concerned Deputy Collector for the purpose of execution who is empowered in that behalf to carry out the directions in case the Respondent violator has failed to comply.

5. I say that Appeal No 09/2022(WZ) has been filed against the Order dated 11/02/2022 before this Hon'ble Tribunal. I say that vide order dated 11/03/2022, this Hon'ble Court has been pleased to issue notice to this Respondent.



6. I say that since the Hon'ble NGT has not granted any stay in the Appeal file by the Violator Mr. Agnelo Fernandes. I have issued directions to the Deputy Collector vide letter bearing Reference No. GCZMA/NGT-MATTER/O.A. Appl.No.18/2020/20-21/02/2270 dated 17/03/2022 to execute the Order dated 11/03/2022.

7. I therefore states that I have duly complied with the directions passed by the National Green Tribunal in its order dated 20/01/2022 and passed an order of Directions to demolish (i) Illegally constructed three storied (G+2) Guest House used for commercial purpose; (ii) Illegally constructed 15 Rooms, named as M/s Zinhos (L) Beach Resort. (iii) Illegally constructed 10 Rooms named as M/s Zinhos 1 Beach Resort. (iv) Illegally constructed 07 Rooms named as M/s Zinho's Beach Resort. (v) Illegally constructed Restaurant, and (vi) Illegally constructed a Swimming Pool of the Respondent,

located in the property bearing Sy. No. 243/13A and 243/4 of Calangute Village, Bardez-Goa in terms of Section 5 of The Environment (Protection) Act, 1986, read with Rule 4 of the Environment (Protection) Rules, 1986.

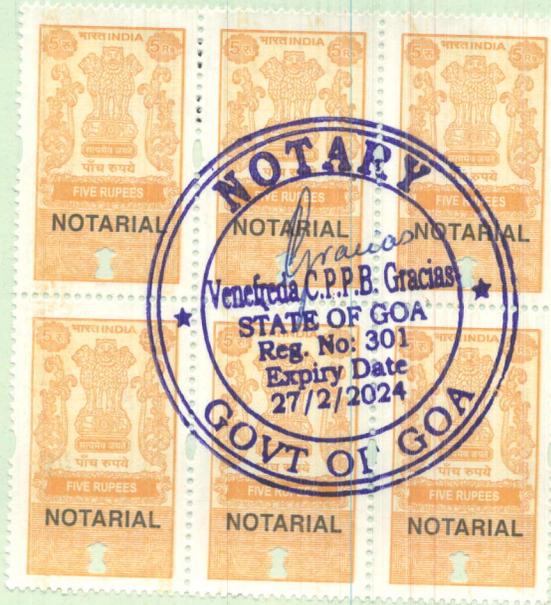


8. I say that the contents of the paras 1 to 5 are true to my knowledge and based on documents available on record.

Solemnly affirmed at Panaji on this 23<sup>rd</sup> day of March, 2022.

*[Handwritten Signature]*  
23/03/2022

Member Secretary (GCZMA)  
Deponent



Solemnly Affirmed Before Me by  
Mr. Dasharath M. Redkar  
Who is identified before me by

\_\_\_\_\_ at Calangute - Goa

Sr No. 33/03/2022/P

Date: 23/03/2022

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

Item No. 01

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 18/2020(WZ)

Nalini Da Rosa Fernandes

Applicant

Versus

GCZMA &amp; Ors.

Respondent(s)

Date of hearing: 20.01.2022

**CORAM:** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant: Ms. Samridhi S Jain, Advocate

Respondent(s): Ms. Ruchira Gupta Advocate for GPCB  
Ms. Fawia Mesquita, Advocate for R-1  
Mr. Shivan Desai, Advocate for R - 2 to 4**ORDER**

1. Issue raised in this application is the inaction of GCZMA to enforce CRZ notification against illegal construction of Zinhos Beach Resort, Zinhos (L) Beach Resort, and Zinhos I Beach Resort located at Survey No. 243/13A and Survey No. 243/4 comprising of a Ground +2 structure with 32 rooms and a swimming pool at Saunta Vaddo, Calangute,

recommendations made, Land Survey Department has done the demarcation and the constructions put up by the Private Respondent Nos. 2 to 4 fall within the prohibited zone and hence, prays for appropriate orders.

- (iii) **The Learned Standing Counsel appearing for Respondent No.1 would submit that the Private Respondent Nos. 2 to 4 had been put on notice as to the alleged violation for which, it had also submitted its response with the supporting documents and hearing is fixed for tomorrow and hence, prays for some accommodation.**
- (iv) *The Learned Counsel appearing for the Private Respondent Nos. 2 to 4 would also prays for short accommodation in the light of the fact that in response of the notice sent by the Respondent No.1, a detailed reply with the supporting documents has been filed and unless the hearing is concluded and conclusion is reached, the Tribunal may not be in a position to pass any further orders."*

5. The matter was taken up again on 11.11.2021 but still report was not filed. The Tribunal observed:

**"2. Ms.Fawia Mesquita, learned Counsel appearing for the 1st Respondent-GCZMA, would submit that the 4th Respondent -Project Proponent (PP) submitted some additional documents and the authentication of the same had been questioned by the Original Applicant and therefore, documents have been sent to the concerned department for authentication and on receipt of the same, hearing will be completed and appropriate orders will be passed at the earliest.**

3. *The learned Counsel appearing for the Respondent Nos. 2 to 4 would submit, in the light of submission made by the learned Counsel appearing for the 1st Respondent, short accommodation may be granted and it is also their specific case that the super structure exists prior to the cut-off date in the year 1991. The learned Counsel appearing for the Original Applicant would submit that after the site inspection was made on 14/10/2020, revised site plan came to be prepared, in respect of Survey No. 243 and as per the said plan some portion of the superstructure belonging to the Respondent Nos. 2 to 4 falls within 200m of CPZ*

List for further consideration on 20.04.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 20, 2022  
Original Application No. 18/2020(WZ)

Item No. 02

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Appeal No.09/2022(WZ)

In

I.A. No. 22/2022 (WZ)

Agnelo Fernandes &amp; Anr.

Appellant(s)

Versus

GCZMA &amp; Ors.

Respondent(s)

Date of hearing: 11.03.2022.

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**Appellant(s): Mr. Dhruv Mehta, Sr. Advocate with Mr. Ninad Laud,  
Advocate**ORDER**

1. Challenge in this Appeal is the order dated 11.02.2022 passed by the Goa Coastal Zone Management Authority (GCZMA) whereby and where-under the Respondent No.1-GCZMA issued the directions to demolish the structure as follows:-

*"Directions to demolish (i) Illegally constructed three storied (G+2) Guest House used for commercial purpose; (ii) Illegally constructed 15 Rooms, named as M/s Zinhos (L) Beach Resort. (iii) Illegally constructed 10 Rooms named as M/s Zinhos 1 Beach Resort. (iv) Illegally constructed 07 Rooms named as M/s Zinho's Beach Resort. (v) Illegally constructed Restaurant, and (vi) Illegally constructed a Swimming Pool of the Respondent, located in the property bearing Sy. No. 243/13A and 243/4 of Calangute Village, Bardez-Goa."*

2. Contentions of the Learned Counsel appearing for the Appellant are that the very existence of offending structure was not decided according

to rules and the order impugned was passed on the basis of presumptions, surmises and conjectures.

3. Before passing any order, we think it appropriate to issue notices to the Respondents to submit the reply with the records.
4. Issue notices to the Respondents. Returnable within three weeks.
5. Applicant is directed to provide copy of the Appeal and relevant documents to the Respondents within a week.
6. Applicant is also directed to take necessary steps for service to the Respondents by both ways and also on available email.
7. Respondents may submit their replies within three weeks.

List it on 11.04.2022.

Sheo Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 11, 2022  
Appeal No.09/2022(WZ)  
In I.A. No. 22/2022 (WZ)  
JG