



BEFORE THE NATIONAL GREEN  
TRIBUNAL (WESTERN ZONE) AT PUNE

Appeal No. 09/2022 (WZ)

Agnelo Fernandes & anr. ... Appellant

V/s

GCZMA & ors. ... Respondents

**AFFIDAVIT ON BEHALF OF THE GOA COASTAL  
ZONE MANAGEMENT AUTHORITY  
(RESPONDENT NO. 1)**

I, Shri. **Dasharath M. Redkar**, aged 55 years, S/o Shri. Mahadeo Redkar, Indian National, the Member Secretary of the **Goa Coastal Zone Management Authority (GCZMA)**, the Respondent No. 1 herein having Office at 4<sup>th</sup> Floor, Dempo Towers, Patto-Panaji, Goa most respectfully state and submit as under: -

1. I say that I am presently working as a Member Secretary of Goa Coastal Zone Management Authority (hereinafter referred to as the 'GCZMA' for the sake of brevity) which is the Respondent No. 1 in the present Application and I am authorized to file the present Affidavit on behalf of the GCZMA pointing out the correct facts / position as regards the subject matter in the Appeal on behalf of the Respondent No. 1. I say

that the contents herein are based on the records available in my Office and I am able to depose thereto.



2. I say that I have perused a copy of the captioned Appeal; and have read and understood the contents thereof. I say that the present Appeal lays a challenge therein to Order dated 11/02/2022 bearing No. GCZMA/N/ILLE-COMPL/19-20/01/1730 (hereinafter the '*Impugned Order*') directing demolition of the following illegal structures identified in Plan drawn by DSLR dated 26/03/2021 –

- i) 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;
- vi) Illegally constructed Swimming Pool

All located in the property bearing Sy. No. 243; 243/13; 243/13A and 243/4 of the Village of Calangute, Bardez, Goa

(Hereinafter the '*offending structures*') and further to restore the land to its original condition.

3. I say at the outset, that I deny each and every allegation in the captioned Appeal in so far as the same is inconsistent with my case. I say that any allegation and/or content and/or averment not specifically dealt

with and/or denied by me hereinafter ought not to be construed as having been admitted for want of specific denials.

4. I say that the Appeal is untenable on facts and in law.

I say that the Appellant has absolutely no permission to erect the structure(s) directed to be demolished. I say that in sum and substance the Appellant relied on the following documents to show that the offending structures were in existence prior to 1991, viz.,

- i) Letter from the Office of the Mamlatdar of Bardez dated 27/07/1987 issued to Emilian Fernandes (purportedly the father of the Appellant);
- ii) Letter granting Repair license dated 31/3/1990 issued by the Village Panchayat of Calangute;
- iii) Letter dated 16/03/1990 made to the Mamlatdar of Bardez at Mapusa, Goa for the purpose of Registration of a Mundkar;
- iv) Letter from Village Panchayat dated 31/3/1990 granting permission for repairs and renovation.
- v) Letter dt. 10/08/92 issued by the Village Panchayat stating that they have no objection to Village Panchayat to run a guest house;
- vi) Registration Certificate from Tourism Department dated 11/03/93 granting Appellant permission to run the hotel.

5. I say that the Impugned Order deals exhaustively with each of these documents.

- i) I say that the Letter dated 27/7/1987 cannot be considered as this letter does not prove any connection with the alleged original structure.



The Appellant has miserably failed to establish any connection of this letter with this case, nor has he produced the purchase document on record even though he has made a statement in his reply stating that the property wherein the structure is standing was indeed purchased by him ;

- ii) I say that the Letter granting Repair License dated 31/03/1990; is only a resolution passed to issue permissions but whether the permission was actually granted or not by the Village Panchayat of Calangute would have been proved only if the Respondents had produced the Repair License along with the Approved Plan;
- iii) I say that Letter dated 16/03/1990 made to the Mamlatdar of Bardez at Mapusa, Goa for the purpose of Registration of a Mundkar cannot be relied upon as the Appellant has failed to produce the order issued by the Mamlatdar of Bardez pursuant to the said application. Presuming that the application was of 1990; the Appellant should have been declared as Mundkar. Further, the said application for registration as Mundkar does not contain the survey number of the property wherein mundkarship is claimed.
- iv) Letter dated 31/03/1990 issued by the Village Panchayat of Calangute stating that vide resolution no.4 (VII)3; the Village Panchayat of Calangute had unanimously resolved to issue permission for repairs and renovation of the



existing floors of the guest house and a kitchen in Sy No. 243/13. The NOC granted by the Village Panchayat for repairs was for the structure situated in Sy No 243/13 and the old structure existed in 243/13-A

- v) The last two permissions are for running commercial activities are not any permissions quaod hoc the constructions.



6. I say that as seen above, the Appellant has carried out unabated and mammoth violations ad abundantium to the extent of thousands of square feet as can be seen on the Plan on page 47 of the Appeal Memo. The Appellant deserves no indulgence from this Hon'ble Tribunal. I say that none of the documents produced by the Appellant prove the existence of old structures of the same size, nor permissions to carry out the construction.

7. I say that the structure existing in Survey No. 243/13-A was in approximation of 103 sq. meters only. I say that what exists today is not at all a house structure but rather a Guest House/Hotel running in The name and style of 'Zinhos Beach Resort'. I say that in the circumstances foretasted the GCZMA has been pleased to pass the Impugned Order directing demolition and restoration. I say that the GCZMA is conscious of the objectives with which it has been constituted, which includes the enforcement, proper implementation, regulation of the CRZ Notification. I

say that the Impugned Order has been passed in in consonance with these objectives.

8. With respect to Paras 1 and 2 of the Memorandum of Appeal - the same pertains to the particulars of the parties herein.
9. With respect to the contents of paragraph 3, it is denied that the Impugned Order is erroneous and/or based on any misconstruction of material and/or perverse and/or unsustainable in law and the regulations applicable.
10. With respect to the contents of paragraph 4 and 5, the same are a matter of record.
11. The claims made in paras 6 to 11 of the Appeal Memo are denied.
12. Contents of para 12 to 20 are a matter of record.
13. The grounds taken in para 21 (a) to (w) are denied.
14. Contents of para 22 to 23 are denied.
15. The contents of paragraphs pertaining to Jurisdiction, Limitation and Prayers do not warrant any comments.
16. I state that in view of whatever is stated hereinabove, no relief whatsoever can be granted in favor of the Appellant and the Appellant is liable to be



proceeded ex delicto and the Appeal is liable to be dismissed with exemplary costs.

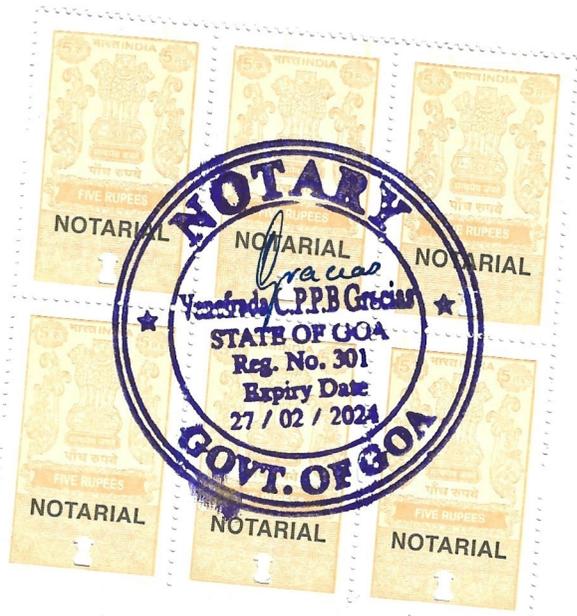
17. I state that whatever has been stated herein above is true to my own knowledge and based on the documents/records available with the office of this respondent to which I have access and the contents of the same which I believe to be true and correct.



Solemnly affirmed at Panaji - Goa  
This 13<sup>th</sup> day of April, 2022

*[Signature]*  
13/04/2022

**DEPONENT**



Solemnly affirmed before me  
Dasharath M. Redkar  
Who is identified before me by

\_\_\_\_\_ At Panjim - Goa  
Sr. No. 95/04/2022/P  
Date. 16/04/2022

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