

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

**Appeal No. 7/2022 (WZ)**

**Lavu Namdev Toraskar ... Appellant**

**V/s**

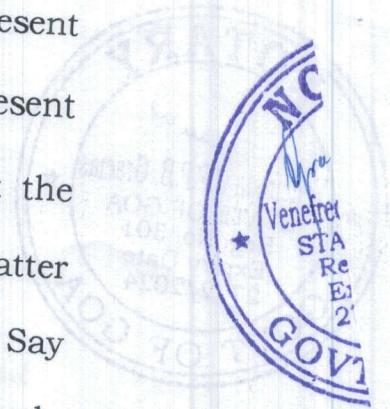
**GCZMA & ors. ... Respondents**

**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.

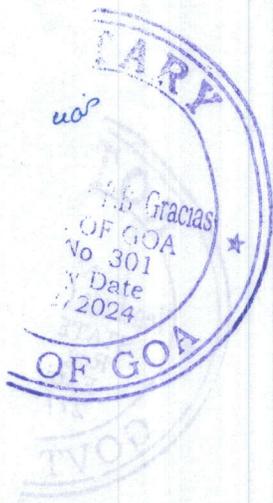


2. I say that I have perused a copy of the captioned Appeal; and have read and understood the contents thereof. I say that the present Appeal lays a challenge therein to Order dated 03/01/2022 bearing No. GCZMA/N/ILLE-COMPL/19-20/01/730 directing demolition of illegal structures viz., Ground floor comprising a Restaurant and First and Second floors comprising Apartments in Survey No. 127/3 in Vaddy of Village Candolim and further to restore the land to its original condition (hereinafter referred to as the '*Impugned Order*').
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 (hereinafter referred to as the '**offending structures**'). 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) The Survey Plan of in Survey No. 127/3 in Vaddy of Village Candolim
- ii) The Form I & XIV of in Survey No. 127/3 in Vaddy of Village Candolim
- iii) The Gut book extract from the Office of the Talathi showing existence of a structure therein
- iv) Electricity Bills of the year 1991 and 2000



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That the first two documents have been disregarded by the Authority as they do not show existence of any structure.

The Gut book extract from the Office of the Talathi has also been disregarded as the same is contradictory to the Gut book maintained by the Inspector of Surveys and Land Records which show no structure. The latter prevails over the former as the former is only a referential book and any changes made ought to have reflected in the Principal book maintained in the ISLR Office. The reasoning is well elucidated in internal page 6 of the Impugned Order.

Similarly, the electricity bills have been disregarded on account of major discrepancy(ies) and misrepresentation. Wherein the first bill shows the structure was energised on the 02/01/1991 and the second bill shows the structure was energised on the 11/09/2000 and although the legacy number on both the respective bills are the same but the energisation date differs; the reasoning is well founded.





5. 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.
  
6. Contents of paragraphs 1 and 2 of the Appeal are a matter of record.
  
7. With respect to the contents of paragraph 3 of the Appeal it is denied that the Impugned Order is erroneous and/or misconceived and/or passed in exercise of jurisdiction with material irregularity.
  
8. With respect to the contents of paragraph 4, it is denied for reasons mentioned in the Impugned Order that any structure existed prior to 1991 in Survey No. 127/3 in Vaddy of Village Candolim. It is denied that any house tax was being paid with respect to any structure in the said property. The Appellant has not

furnished any document to substantiate the claims qua the existence of the alleged structure H. No. 13/5 (old). The contents of para 4 are hence not admitted.

9. I say that my office is in receipt of a letter from the Village Panchayat of Candolim which states that as per their records the House No. 13/5 is registered as House No. 447A(13/5) and stands registered in the name of Fermina Ferrao Cardinho.

Annexed hereto and marked as Exhibit A is the copy of the Letter bearing Ref No VPC/33/23/2022-23 from the Village Panchayat dated 04/04/2022.

10. With respect to the contents of paragraph 5, the alleged letter of the Village Panchayat dated 10/07/2007 was never produced before this Authority, the same being a posteriori cannot be looked into.

11. I further state that the Appellants have approached this Hon'ble Court with unclean hands and have manipulated the records of the Village Panchayat.

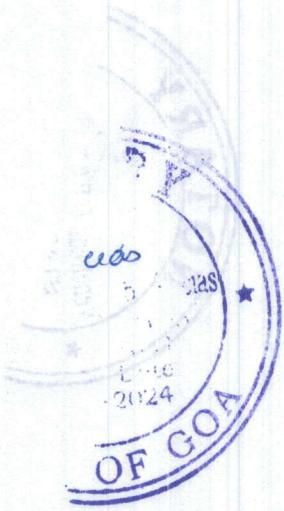
  


12. I say that the Annexure A2 is a manipulated as the same does not bear the stamp of the Village Panchayat and is contrary to the Letter at Exhibit A

13. With reference to the Contents of paragraphs 6, 7 and 9 are a matter of record, except the allegations therein which are denied. The contents of this para have got nothing to do with the present appeal as the complaint dated 20/04/2016 is an independent matter and the same has attained finality after hearing the parties and order being communicated.

14. With respect to contents of para 8 and 9 are well explained in the demolition order and the answering Respondent seeks to rely on the order to avoid repetition.

15. With respect to the Contents of para 10 and 11 are denied. However, with regards to discarding the Site Inspection report dated 6/12/2016 is well explained in the order at pages 7 and 8.



16. With respect to the Contents of para 12 and 13, 15, 18, to 23 are a matter of record.

17. With respect to contents of para 14, 16 and 17, it may be noted that date 28/02/2019 on the Personal Hearing Notice is erroneously figuring and only One Show Cause Notice was issued on the 25/04/2016 to the Appellant, wherein the same was acknowledged by the Appellant in his reply dated 22/7/2021 and which forms part of the records.

18. The grounds A to K are denied and baseless.

19. With respect to the contents of paragraph 24, 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.

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.



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**Village Panchayat Candolim**  
Bardez- Goa  
403 515

Ref. No.: VPC/33/23/2022-23

Date: 04/04/2022

To,

Shri. Shanil G. Toraskar,

H. No. 435, Vaddy,

Candolim, Bardez, Goa.

Sub:- Application dated 26/03/2022 under Right to Information Act, 2005.

Sir,

With reference to your application dated 26/03/2022 having inward no. 4348, on the above cited subject, this is to inform you that the H. No. 13/5 is registered as H. no. 447A(13/5) and in the name of Fermina Ferrao Cardinho.

Yours faithfully,

**P.I.O./ V.P. Secretary**  
Public Information Officer  
V P Secretary  
V P Candolim  
Bardez Goa

