

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

**APPEAL NO. 42 OF 2022 (WZ)**

**IN THE MATTER OF:**

**JOSE FERNANDES & ANR.**

**... APPELLANT**

**VERSUS**

**GOA COASTAL ZONE**

**MANAGEMENT AUTHORITY &**

**ORS.**

**...RESPONDENTS**

**COUNTER AFFIDAVIT ON BEHALF OF  
RESPONDENT NO. 1  
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

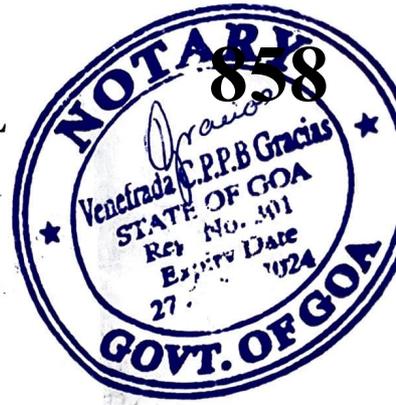
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GOA COASTAL ZONE  
MANAGEMENT AUTHORITY &  
ORS.

...RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF  
RESPONDENT NO. 1  
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

I, Dr. Sneha Gitte, IAS, adult, being the Member Secretary of the Goa Coastal Zone Management Authority, having my office at: 4<sup>th</sup> Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I am the Member Secretary of the Respondent No. 1 GCZMA and am, as such, capable of affirming the present Counter Affidavit on the basis of the records available in my office. The present Counter Affidavit is filed to oppose any reliefs, final or interim, from being granted to the Appellants above-named. Nothing in the memorandum of the Appeal may be deemed to have been admitted for want of specific denial unless the same is categorically admitted herein.

*Gitte*

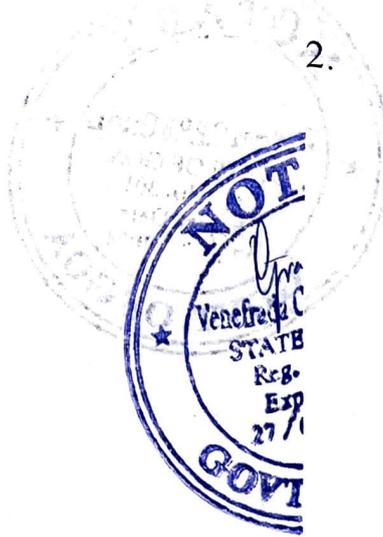
2. The issue in the present Appeal pertains to lands bearing Survey Nos. 147/15, 26, 28, 30, 32 and 34 of village Cavellosim, taluka Salcete, Goa owned by Respondent Nos. 2 and 3 [hereinafter, "*Subject Land*"]. The Appellant addressed a complaint dated 13.12.2021 to the answering Respondent alleging large-scale illegal filling of eco-sensitive low-lying Khazan lands in the Subject Land. Accordingly, the Appellants requested the answering Respondent to inspect the Subject Land and issue stop-work orders to Respondent Nos, 2 and 3.

A true copy of the complaint dated 13.12.2021 is annexed and is marked as **ANNEXURE R-1. 868-869**

3. Thereafter, the Appellants sent another complaint dated 14.01.2022 to the answering Respondent. In the said letter, the Appellants described the Subject Land as a low-lying water-logged land influenced by the tide. The Subject Land was said to have been demarcated as Khazan land under the Coastal Zone Management Plan [hereinafter, "*CZMP*"] prepared by the National Centre for Sustainable Coastal Management [hereinafter, "*NCSCM*"]. The Appellants sought action against Respondent Nos. 2 and 3 owing to large-scale illegal filling of the eco-sensitive, low-lying Khazan lands in the Subject Land.

A true copy of the complaint dated 14.01.2022 is annexed and is marked as **ANNEXURE R-2. 870-872**

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4. Pursuant to the aforesaid complaints, the answering Respondent issued a Show Cause Notice cum Stop Work Order dated 20.01.2022 to Respondent Nos. 2 and 3. The alleged illegal construction carried out by the Respondents was described as “illegal filling of low-lying Khazan land” in the Subject Land.

A true copy of the Show Cause Notice cum Stop Work Order dated 20.01.2022 is annexed and is marked as **ANNEXURE R-3. 873-875**

5. The answering Respondent considered the aforesaid complaints during its 293<sup>rd</sup> Meeting dated 24.02.2022. The answering Respondent considered the submissions of the Appellants as well as Respondent Nos. 2 and 3. The said Respondents had submitted, *inter alia*, that the portion of the Subject Land utilized for development/construction – which was said to be an area of 661 sq. mt. – is not Khazan land. In order to ascertain the situation on the ground, the answering Respondent decided to conduct a site inspection of the Subject Land.

A true copy of the relevant extracts of the minutes of the answering Respondent’s 293<sup>rd</sup> Meeting dated 24.02.2022 is annexed and is marked as **ANNEXURE R-4. 876-879**

6. Respondent Nos. 2 and 3 filed a reply dated 09.03.2022 before the answering Respondent in respect of the aforementioned Show Cause Notice cum Stop Work Order. The said Respondents refuted all allegations made by the

*Butte*



Appellants, and stated that they had not indulged in any construction activities amounting to filling of low-lying eco-sensitive Khazan lands in the Subject Land.

A true copy of the Reply dated 09.03.2022 is annexed and is marked as **ANNEXURE R-5.880-898**

7. The Subject Land was inspected by the answering Respondent on 23.03.2022. A site inspection report dated 20.05.2022 prepared in respect thereof indicated that the Subject Land partly falls in Khazan land as per draft CZMP, 2011. The small portion of building proposed to be constructed by Respondent Nos. 2 and 3 also falls within Khazan land as per CZMP, 2011.

A true copy of the Report dated 20.05.2022 along with the site plan is annexed and is marked as **ANNEXURE R-6.899-600**

8. The answering Respondent further considered the Appellants' complaints during its 305<sup>th</sup> Meeting dated 20.05.2022. After hearing the parties, the answering Respondent allowed the Appellants to file a rejoinder to the reply filed by Respondent Nos. 2 and 3, and posted the matter for order.

A true copy of the relevant extracts of the minutes of the answering Respondent's 305<sup>th</sup> Meeting dated 20.05.2022 is annexed and is marked as **ANNEXURE R-7.601-903**

*Auto*

9. The Appellants opposed the claims of Respondent Nos. 2 and 3 by filing a Rejoinder dated 24.05.2022. In the said Rejoinder, the Appellants claimed that the entire Subject Land was demarcated as a Khazan land by the NCSCM in CZMP, 2011. The Appellants further claimed that the said Respondents had filled low-lying Khazan lands, and had also cut mangroves over the Subject Land.



A true copy of the Rejoinder dated 24.05.2022 along with the site plan is annexed and is marked as **ANNEXURE R-8. 904-919**

10. Thereafter, the Applicants filed an application dated 24.05.2022 before the answering Respondent praying, *inter alia*, that the aforesaid Report be declared null and void, and a fresh site inspection be carried out at the Subject Land. The Appellants impugned the Report on, *inter alia*, the following grounds:
- (i) The Appellants were not provided with sufficient notice to enable them to remain present for the site inspection;
  - (ii) The site inspection was not carried out by an expert member of the answering Respondent;
  - (iii) The Report was prepared two months after the site inspection was conducted;
  - (iv) The Respondents were apparently informed about the site inspection well in advance, while the Appellants were not; and

*Bitte*

- (v) The relevant extract of the CZMP, 2011 was not correctly relied upon.

A true copy of the application dated 24.05.2022 along with the site plan is annexed and is marked as **ANNEXURE R-9. 920-929**

11. The answering Respondent No.1 herein finally considered the Appellants' complaints during its 307<sup>th</sup> Meeting dated 02.06.2022. After hearing the parties and perusing the material available on record, the answering Respondent concluded that a small portion of the under-construction structure of Respondent Nos. 2 and 3 falls within the Khazan area on the draft CZMP. However, the answering Respondent observed that Respondent Nos. 2 and 3 had obtained all requisite permissions in accordance with the laws prevailing at the relevant point of time, and the development carried out by them was an ongoing construction. Respondents No.2 and 3 commenced the construction upon obtaining permissions from all competent authorities for construction of a residential structure in the said property, namely, Conversion Sanad under Goa Land Revenue Code from Collector of South Goa, Technical Clearance from Town & Country Planning Department, and Construction Licence from the Village Panchayat of Cavelossim. The Respondents did not deem it necessary to take permission of this Authority as the site was beyond 100 metres from the banks of Sal River bank. The CZMP for Goa in force did not depict the land as "khazan", nor was there any record or notification declaring the Respondents property as a "khazan". There was no



*Attu*

impediment in law to carry out the proposed development at the relevant time. Therefore, the answering Respondent deemed it fit to dismiss the Appellants' complaints, and discharge the Show Cause Notice cum Stop Work Order issued to the Respondents No.2 and 3.

A true copy of the relevant extracts of the minutes of the answering Respondent's 307<sup>th</sup> Meeting dated 02.06.2022 is annexed and is marked as **ANNEXURE R-10. 930 - 934**

12.It is submitted that during the course of the hearings pertaining to the Appellants' complaints, the Respondent Nos. 2 to 3 had filed on record the requisite approvals granted by the concerned authorities for the carrying out the proposed construction. Such approvals included the following:

- (i) Forms I and XIV of the Subject Land;
- (ii) Conversion Sanad dated 22.11.2019 issued by the Deputy Collector;
- (iii) Technical Clearance Order dated 10.06.2021 issued by the Town and Country Planning Department;
- (iv) NOC dated 06.08.2021 issued by the Primary Health Centre, Chinchinim; and
- (v) Construction License dated 14.09.2021 issued by the Respondent No. 7 Village Panchayat of Cavelossim.

13.Considering the fact that Respondent Nos. 2 to 3 possessed the requisite permissions to construct the proposed structures, the answering Respondent decided to discharge the

*Aitto*

proceedings against them. Furthermore, the answering Respondent also noted that the development carried out by the Respondents must be construed as an on-going construction and, hence, would not be hit by the draft CZMP.



14. It is submitted that the answering Respondent had relied upon the draft CZMP prepared by the NCSCM while deciding the Appellants' complaints. At the time when the answering Respondent passed the impugned order, viz. on 15.06.2022, the CZMP was in the draft stage and was not yet notified. A bare perusal of the draft CZMP indicates that a portion of the Subject Land has been demarcated as a Khazan land.

A true copy of the draft CZMP for village Cavelossim is annexed and is marked as **ANNEXURE R-11. 935-937**

15. The final CZMP was notified by the Respondent No. 6 Ministry of Environment, Forest and Climate Change on 06.09.2022. on perusal of the same, as compared with the draft CZMP, would indicate that the small portion of Subject Land falls within the Khazan lands.

A true copy of the final CZMP for village Cavelossim is annexed and is marked as **ANNEXURE R-12.938-941**

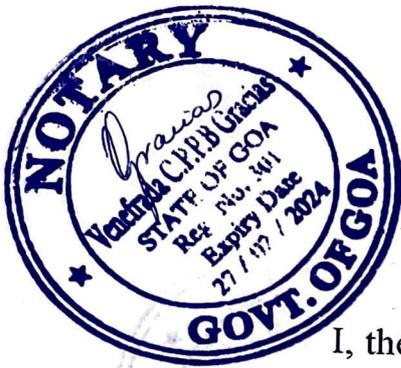
16. It is submitted that the answering Respondent has rightly considered all the relevant documents on record while passing the impugned order dated 15.06.2022. Since the final CZMP was not yet notified and Respondents No.2 and 3 had obtained all requisite permissions in accordance with

*ditto*

the laws prevailing at the time and commenced their construction.

17. By its order dated 22.03.2023 in the present Appeal, this Hon'ble Tribunal had directed the answering Respondent to file on record the final CZMP maps on the scale of 1:4000, provided they are ready. However, it is submitted that the final CZMP maps notified by the Respondent No. 6 Ministry of Environment, Forest and Climate Change are on the scale of 1:25000 scale. The final CZMP maps on the scale of 1:4000 are yet to be notified.
18. At this stage, the answering Respondent refrains from filing a paragraph-wise response to the memorandum of the present Appeal. Nothing in the present Counter Affidavit may be deemed to be an admission of the contents of the Appeal, unless the same is specifically admitted herein. Nothing in the memorandum of the present Appeal may be deemed to have been admitted for mere want of *traverse seriatim*. The answering Respondent craves the liberty of this Hon'ble Tribunal to file a detailed Counter Affidavit at a later stage, if so directed or advised.
19. In light of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to dismiss the present Appeal.

*Atto*  
DEPONENT



VERIFICATION

I, the abovenamed Deponent, do hereby state on solemn oath and affirmation that the facts stated hereinabove in this Counter Affidavit are true and correct to the best of knowledge, information and belief, and nothing has been concealed.

Verified at Panaji on this 18<sup>th</sup> day of May, 2023

IDENTIFIED BY:

*Dr. Sneha S. Gille*  
DEPONENT



Solemnly affirmed before me

Dr. Sneha S. Gille (IAS)

Who is identified before me by

\_\_\_\_\_ At Panjim - Goa

Sr. No. 101/05/2023/P

Date. 18/05/2023

*Gracias*  
**Venefrada C.P.P.B. Gracias**  
Advocate & Notary Goa State

Date: 13/12/2021

From  
Residents of Tamborim ward, Cavelossim village,  
C/o Paul Lobo,  
House No 14, Tamborim,  
Cavelossim, Salcete, Goa  
Tel: 9604591876



C/o Paul Lobo, Tamborim, Goa  
Dempo Towers, 4th Floor  
Patto Plaza Panjim Goa - 403001  
Goa Coastal Zone Management Authority  
Department of Environment & Climate Change

To  
The Member Secretary, Goa Coastal Zone Management Authority,  
4<sup>th</sup> Floor, Dempo Towers, Patto Plaza, Panjim, Goa

SUB: REQUEST TO ACT IMMEDIATELY AGAINST CRZ VIOLATIONS IN  
SY NOS 147/18, 26, 28, 30, 32 & 34, CAVELOSSIM VILLAGE, SALCETE

Sir,

This is to bring to your immediate attention gross violations of CRZ Notification 2011 by illegal filling of eco-sensitive, low-lying, water logged khazan lands at sy no 147/18, 26, 28, 30, 32 & 34 of Cavelossim village and to request you for immediate action to prevent further CRZ violations. Kindly consider our following submissions:

1. Large-scale illegal filling of eco-sensitive, low-lying khazan lands has taken place at sy no 147/18, 26, 28, 30, 32 & 34 of Cavelossim village in the last few days. Copies of photographs of the filling and destruction within CRZ area are attached herewith for your kind reference as **Exhibit A**.
2. The subject land is highly eco-sensitive land within CRZ and cannot be permitted to be filled under any circumstances. Some details of the nature of the land are:
  - a. The said land is a low-lying, saltwater-logged, khazan land influenced by the tide, since it is connected to the adjoining rivulet of River Sal. This land is demarcated as khazan land under the CZMP prepared by the Government of Goa. A copy of the relevant extract of the CZMP

*J. Lobo*

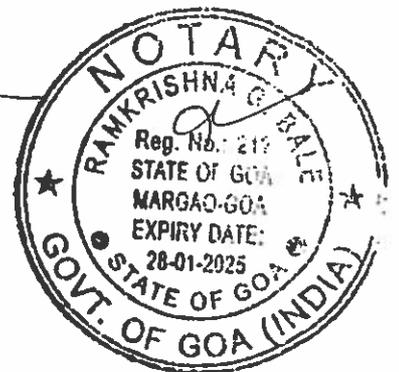
- c. These low-lying khazan lands are also the main drainage of the flood waters from our ward of Tamborim and any filling of these low-lying lands will cause disastrous, life and property threatening floods in our village.
3. The said lands are owned by Mrs Bina Bedi and Mr Gurdeep Singh Bedi, r/o House No 209, Golf Links, Lodi Road, New Delhi – 110003, Tel No 9810120408, who are also carrying out the illegal filling.

In view of the above, we pray that you shall:

- A. Inspect the site of the subject CRZ violation in sy no 147/18, 26, 28, 30, 32 & 34 of Cavelossim village with intimation to us, record the details of the CRZ violation and issue Stop Work Orders to the offenders immediately with a copy provided to us.
- B. To refuse any requests/applications for CRZ Clearance for construction or any other activities in sy no 147/18, 26, 28, 30, 32 & 34 of Cavelossim village. To kindly inform us at the above address if any such request/application is received by you, and to provide us with a fair opportunity to put forth our submissions on the importance and ecological sensitivity of the said lands.

Thanking you,

Paul Lobo - *[Signature]*  
 Jose Fernandes - *[Signature]*  
 Glenna Gracias  
 Vayceir Gracias  
 Jennifer Pereira  
 Senzila Miranda  
 Filomena Gonsalves  
 Alexandre Lobo  
 Narcimonta Fernandes  
 Mena Atonso



T/C

Date: 14/01/2022

From,  
Mr. Jose Fernandes,  
House No.22, Tamborim,  
Cavelossim, Salcete,  
Goa:-403717.  
Tel: 9822389706

Member Secretary  
G. C. Z. M. A.  
Inward No. 5984  
Date: 14/01/2022

To,  
1). The Collector,  
South Goa District,  
MatanhySaldanhaAdministrative Complex,  
Margao, Goa:- 403601.

2). The Senior Town Planner,  
TCP Department,  
Salcete, Osla Building,  
Margao, Goa:- 403601.

3). The Dy Collector & SDO,  
Collectorate Building,  
Salcete, Margao,  
Goa:- 403601.

4). The Dy. Collector (DRO),  
Flying Squad Division,  
South Goa District,  
MatanhySaldanha Administrative Complex,  
Margao, Goa:- 403601.

5). The Mamlatdar,  
South Goa District,  
MatanhySaldanha Administrative Complex,  
Margao, Goa:- 403601.

6). The Sarpanch and Secretary,  
V.P. of Cavelossim, Salcete,  
Goa:-403717.

7). The Member Secretary,  
The Goa State Coastal Zone Management Authority,  
04<sup>th</sup> Floor, Dempo Towers,  
Patto, Panaji,  
Goa:-403001.

8). The Department of Water Resources,  
SinchaiBhavan, Porvorim,  
Goa:-403517.

**SUBJECT MATTER:- REQUEST TO ACT IMMEDIATELY TO PREVENT FURTHER ONGOING ILLEGAL FILLING OF ECO-SENSITIVE, LOW-LYING KHAZAN LANDS AT SY. NO. 147/18, 26, 28, 30, 32 & 34 OF CAVELOSSIM VILLAGE, SALCETE.**

Sir/Madam,

This is to bring to your notice that there is ongoing illegal filling of eco-sensitive, low-lying khazan lands at Sy. no 147/18, 26, 28, 30, 32 & 34 of Cavelossim Village, Salcete, Goa and thereby request your immediate action to prevent further illegal filling of these lands.

Kindly consider our following submissions:

1. OFFENCE VERIFIED BY FLYING SQUAD ON 02/12/2021

*J. Fernandes*



Large-scale illegal filling of the eco-sensitive, low-lying khazan lands at sy. no 147/18, 26, 28, 30, 32 & 34 of Cavelossim Village, Salcete was observed by us on 01<sup>st</sup> December 2021 and one of us, Mr. Paul Lobo complained to the Flying Squad Office, South Goa on 02<sup>nd</sup> December 2021 at around 8.30 am. The Flying Squad visited the site at around 12 Noon and inspected the site in our presence. The Flying Squad confirmed that the filling was indeed a violation of Section 17-A of the TCP Act and Stop Work Orders would be issued immediately.

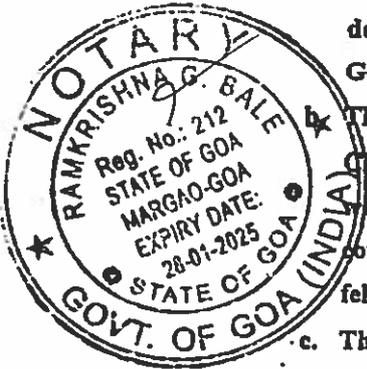
Subsequently Stop Work Order vide Case No.57/Fly-Squad/Illeg-Land Fill/Sal/2021/275 was issued by the Office of the Dy. Collector-I, South Goa District, Judicial Branch, Margao to the Respondent (Ms. Bina Bedi) with a copy marked to the complainant (Mr. Paul Lobo, R/o House No 14, Tamborim, Cavelossim, Salcete.

We would like to bring to your notice that we have received a copy of the above said Stop Work Order on 11/01/2022 incidentally the same Stop Work Order was inwards on 09/12/2021 in Colva Police Station which is a delay of approximately 32 days.

## 2. NATURE OF LAND

The subject land is highly eco-sensitive land and cannot be permitted to be filled under any circumstances. Some of the details of the nature of the land are:-

- a. The said land is a low-lying water-logged land influenced by the tide. This land is demarcated as khazan land under the CZMP prepared by the Government of Goa.
- b. The said land is filled with mangroves and hence is protected not just under the CRZ Notification, but also by the Forest Laws. A large number of mangroves were cut by the owners of this land on 08/12/2021 and the Forest Department conducted a panchanama and recorded that 26 clumps of mangroves had been felled in this land.
- c. These low-lying khazan lands are also the main drainage of the flood waters from our ward of Tamborim and any filling of these low-lying lands will cause disastrous, life and property threatening floods in our village.



## 3. DETAILS OF OWNERS

The said lands are owned by Mr Gurdeep Singh Bedi and Mrs Bina Bedi, R/o House No 209, Golf Links, Lodi Road, New Delhi:-110003, Mob.No 9810120408 who should be held responsible for carrying out the said illegal filling.

## 4. IMMINENT THREAT OF FURTHER FILLING

Concrete mixer truck along with concrete pumps were present on the site on 12/01/2022 laying concrete and laterite stones and have been photographed indicating that the offenders are intending to continue the filling despite numerous complaints and above said Stop Work Order. It is therefore essential that the heavy machinery placed at the site be immediately seized to prevent any further filling.

*J. Felix*

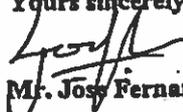
In view of the above, we pray that:-

- A. The heavy machinery kept at the subject site be immediately seized;
- B. Criminal charges and contempt proceedings be initiated against the offenders immediately.
- C. To restore the said land back to its original condition.

I/we would appreciate if we are kept informed in writing about the action taken in this matter.

Thanking you,

Yours sincerely,

  
Mr. Jose Fernandes,



T/C



ANNEXURE-R3  
**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Environment and Climate Change (Govt. of Goa)  
4<sup>th</sup> floor, Dempo Towers, Patto, Panaji-Goa  
E-mail: goacoastalzone@gmail.com

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Ref.No.GCZMA/S/211E-ComPL/21-22/35/1852

Dated:20/01/2022

**SHOW CAUSE NOTICE CUM STOP WORK ORDER ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

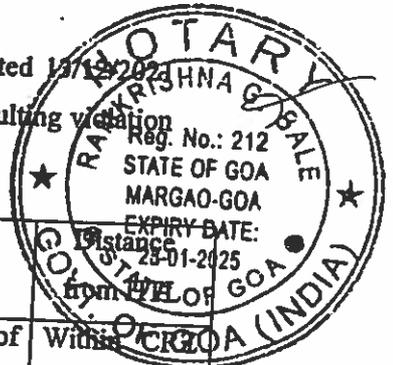
AND WHEREAS, Residents of Tamborim ward, Cavelossim c/o Paul Lobo vide letter dated 13/12/2021 filed a complaint against Mrs.Bina Bedi and Mr.Gurdeep Singh Bedi for carrying out illegal filling of eco-sensitive, low-lying khazan lands in Survey no's 147/18, 26, 28, 30, 32 & 34 of Cavelossim Village. Further another complaint dated 19/01/2022 was filed by Mr.Jose Fernandes was filed on same subject matter inter alia stating filling of the said properties.

Copy of the complaints dated 13/12/2021 and 19/01/2022 are enclosed herewith as Annexure 'A' colly.

AND WHEREAS, upon close perusal of the said complaints dated 13/12/2021 and 19/01/2022 respectively the following alleged illegal construction resulting violation of CRZ Notification 2011 is noticed:

Sr.no.	Name of the Party/alleged violator	Survey No. / Village	Type of Construction	Within
1.	Mr.Bina Bedi	Sy. No. 147/18, 26,	Illegal filling of	With
2.	Mr.Gurdeep Singh Bedi R/o House no.209, Golf Links, Lodi road, New -Delhi 110003	28, 30, 32 & 34 of Cavelossim Village of Salcete Taluka	low-lying Khazan land	area

AND WHEREAS, all proposed 're-construction / construction / development / repair', and other permissible activities between 100 mts. from the River, and 500 mts of the Sea require the prior approval of the GCZMA under the CRZ Notification, 2011.



*Jfady*

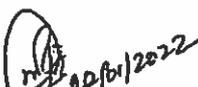
AND WHEREAS, the alleged construction/ activity appears to be without any prior approval of GCZMA as required under CRZ Notification, 2011.

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NOW THEREFORE, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, hereby directs you to **STOP WORK** with immediate effect and **SHOW CAUSE** as to why a direction to demolish the structures and to restore the land to its original condition should not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

FURTHER TAKE NOTE THAT, you are required to file your reply alongwith compliance report and construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 4th Floor, Dempo Towers Patto, Panaji- Goa on or before 03/02/2022. Further you directed to remain present for the personal hearing or depute your duly authorized representative with all the documents, approved site plans and other related documents if any in support of your case/ structure before the Authority, 4<sup>th</sup> floor, Dempo Towers Patto, Panaji- Goa on 03/02/2021 at 3.30 pm. Please take note that if you fail to submit your reply/appear along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.



  
(Dasharath M Redkar)  
Member Secretary (GCZMA)

Encl: As above

To,

1. Mrs. Bina Bedi
2. Mr. Gurdeep Singh Bedi both r/o House no.209, Golf Links, Lodi Road, New Delhi-110003.

Copy to:

1. The Collector & District Magistrate (South), Office of the Collector (South), Manthany Saldanha Administrative Complex, Margao-Goa... for information and necessary action.

*J. Bedi*

2. The Dy. Collector & S.D.O of Salcete, Office of the Dy. Collector & S.D.O of Salcete, Manthany Saldanha Administrative Complex, Margao-Goa... who is required to enforce these directions and ensure that no work is carried out at site, other than in accordance with law.
3. The Secretary, Village Panchayat of Cavelossim, Cavelossim, Salcete - Goa...who is required to enforce these directions and ensure that no work is carried out at site and also initiate action under the Goa Panchayat Raj Act, 1994 and to report compliance to the GCZMA.
- ✓ 4. Residents of Tamborim ward, Cavelossim village, C/o Paul Lobo, House no.14, Tamborim, Cavelossim, Salcete,Goa... for information.
5. Mr.Jose Fernandes r/o House no.22, Tamborim, Cavelossim, Salcete 403717... for information.



T/C

**MINUTES OF THE 293<sup>rd</sup> MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 24/02/2022 at 03.00 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 293<sup>rd</sup> Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 24/02/2022 at 03.00 p.m. in the conference hall, fourth floor, Patto-Panaji – Goa.

**The following members were present for the meeting on 24/02/2022.**

1. Secretary Environment/Chairman(GCZMA)
2. Representative on behalf of Director, Directorate of Industries, Trade and Commerce.
3. Representative on behalf of Director, Department of Tourism.
4. Representative on behalf of Principal Chief Engineer, (PWD), Panaji, Goa.
5. Representative on behalf of Principal Chief Conservator of Forest Panaji, Goa.
6. Shri Flaviano .J.Miranda , Expert Member (GCZMA).
7. Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
8. Member Secretary (GCZMA).

**Case No. 1.1**

**To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr MahabaleshwarMayekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos. (High Court matter)**

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as ‘the GCZMA’ in short) is in receipt of a Complaint from Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr Sachin Satardekar, Mr MahabaleshwarMayekar, dated 20/08/2019; regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez, at Mapusa; directing them to inspect the site immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village, Bardez, Taluka.

The Authority was also in receipt of a legal notice from AdvH.D.Naik filed on behalf of the earlier Complainants Rajesh V. Dabholkar, Mr AdvinoFernandes,

within No Development Zone and application for Review is frivolous and application has to be rejected/dismissed.

The Advocate for Applicant/Original Respondent submitted that findings of the Inquiry Committee cannot be discarded. The present application is maintainable in law. The Application is filed after withdrawing the Appeal filed before the Hon'ble NGT. The Authority has to consider the present Application based on documents before it. The structure is existence prior to year 1991. The Advocate prayed that Application be allowed.

The Authority directed the Respondent to produce the copy the previous NGT order on record and posted the matter on 24.02.2022 at 3.pm.

**Proceeding:** Complainant Smt Judith Almeida present in person, Adv Shivan Desai present for the Respondent. The Complainant submitted that the matter pertains to the review application filed by the present Respondent and the said review is otherwise not maintainable. The Adv for the Respondent stated that a question of maintainability of review application has already been decided. The maintainability of the review was considered in 211<sup>th</sup> GCZMA meeting held on 24.08.2019 and 215<sup>th</sup> Meeting held on 22.10.2019. The said minutes clearly indicates that the Authority has categorily found that the present application is maintainable. The Authority at this juncture questioned the Adv for Respondent as to the decision taken by the Authority in its meeting that tent amounts to passing an order or an independent order has to be prepared and send to the party. In the present case the decision of the Authority is an interim decision and the same has been already communicated to the parties through a notice of hearing hence no specific communication of an interim order is required. The Adv for the Respondent further submitted that the minutes are also in public domain and parties are required to take note on the same. Further submitted that communication of the order to the parties is only enabling the parties to seek proper legal recourse as the date of limitation begins from the date of communication of such order. The Complainant submitted that the present review application has been filed after misleading the Hon'ble High Court and NGT and is complete abuse of judicial process. The NGT order was in fact passed exparte. The Adv for the Respondent submitted the said order of the NGT has not been challenged by the Complainant and the Authority has power to review.

**Decision :-** The Authority heard the parties and decided to communicate the decision on allowing the review application to the parties and further posted the matter on 24.03.2022 at 3.00pm for final arguments on merits.

#### **Case No.1.4**

**To decide on complaint from Paul Lobo against Mrs.Bina Bedi and Mr.Gurdeep Singh Bedi for carrying out illegal filling of eco-sensitive, low-lying khazan lands in Survey no's 147/18, 26, 28, 30, 32 & 34 of Cavelossim Village.**

Background: Residents of Tamborim ward, Cavelossim c/o Paul Lobo vide letter dated 13/12/2021 filed a complaint against Mrs. Bina Bedi and Mr. Gurdeep Singh Bedi for carrying out illegal filling of eco-sensitive, low-lying khazan lands in Survey no's 147/18, 26, 28, 30, 32 & 34 of Cavelossim Village. Further another complaint dated 19/01/2022 was filed by Mr. Jose Fernandes was filed on same subject matter interalia stating filling of the said properties.

Accordingly this office issued show Cause notice on 19/01/2022 and called both the parties for personal hearing.

During 288<sup>th</sup> GCZMA meeting held on 03/02/2022 The Complainants along with their representative Abhijeet Prabhudessai present, the Authority directed the Complainant to submit the Authority letter. Adv Somnath Karpe appeared on behalf of the Respondent. The Complainant stated that the property bearing survey no 147 is a khazan land and was cultivated and now covered with the mangroves. The Complainant submitted that presently the property is water locked and earlier some mangroves were cut and offence was registered by the Competent Authority. The Complainant submitted that as per the NCSCM plan the property is shown as a khazan land, the Complainant submitted that the Respondent had undertaken the work of land filling and development/construction, however this Authority had issued them a stop work order.

The Respondents states that the property under question is the huge property and portion which is presently being utilized for the development/Construction is not khazan land. The Respondent further states that the entire property is khazan land made by the Complainant is misleading. He further submitted that presently an area of 661 sq mt is being developed for the purpose of construction of dwelling house after obtaining the necessary permission from the Village Panchayat, TCP and conversion sanad. The Respondent submitted that the status of the property can be ascertain by the Authority after holding a site inspection, and further submitted that the permission granted to him by the Village Panchayat, TCP and conversion sanad are not challenged by the Complainant till now. The Respondent further submitted that he will file his reply in detail.

The Authority heard the parties and directed the Respondent to file reply with advance copy to the Complainant and posted the matter on 24.02.2022at 3.00pm.

**Proceeding:** Complainant represented by Abhijeet Prabhudessai present, Adv A Sawant present for the Respondent. The Adv for the Respondent seeks time to file reply on the

ground that his party is out station. Further the Complainant submitted that the entire property is khazan land as depicted on CZMP plan. Further he submitted that the huge mangroves have been cut destroying the Environment.

**Decision:** The Authority decided to conduct site inspection and notices may be issued to the parties intimating the date of inspection and further directed the Respondent to file reply and posted the matter on 24.03.2022 at 3.00pm.

**Case No. 1.5**

**To decide on a complaint letter dated 22/11/2021 from Mrs. Rama Rani Arora, with respect to Illegal construction of a metal stage on the beach and compound wall. Illegally placed stone pavers on the beach in NDZ Area. in the property bearing survey no 176/17 Calangute Village Bardez Goa carried out by Mr. John Jude Adolfo Crecencio Lobo and his wife Mrs L. Lobo.**

Background: the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 22/11/2021 from Mrs. Rama Rani Arora, resident of B224, Priyadarshini Vihar, Laxmi Nagar, Shakarpur, East Delhi, 110092 and presently residing at H. No. 5/154, Umta vaddo, Calangute, Bardez Goa; with respect to Illegal construction of a metal stage on the beach and compound wall. Illegally placed stone pavers on the beach in NDZ Area. in the property bearing survey no 176/17 Calangute Village Bardez Goa carried out by Mr. John Jude Adolfo Crecencio Lobo and his wife Mrs L. Lobo, c/o Souza Lobo, both resident of Calangute, Bardez Goa within NDZ area.

The Authority through its field surveyor and Engineer conducted a Site Inspection on 07/12/2021. Subsequently the Authority issued a Show Cause Notice with a direction to file reply and remain present for personal hearing today.

During the 280<sup>th</sup> GCZMA meeting Ld. Adv For the Complainant present, Adv Naik for Respondent. Complainant seeks copy of the report. The Authority directed both the parties to peruse the file and take the required documents and report from the file during working days. The Authority further directed the Respondent to file reply with advance copy to the Complainant. The matter is posted on 23.12.2021 at 3pm.

During the 281<sup>st</sup> Meeting due to paucity of time the matter is adjourned and posted on 13/01/2022 at 3.00p.m

During 284<sup>th</sup> GCZMA meeting held on 06/01/2022 Complainant absent. Adv Abhijeet Gosavi appeared for Respondent. Adv Gosavi requested for copy of Site Inspection report and the copy of the complaint based on which the Show Cause Notice was issued.

**ANNEXURE-R5****BEFORE THE GOA COASTAL ZONE MANAGEMENT  
AUTHORITY AT PANAJI**

Ref no. GCZMA/S/Ille-Compl/21-22/35/1852.

Residents of Tamborim Ward,

C/o Paul Lobo

...Complainants

*Versus*

Mrs. Bina Bedi & anr.

...Respondents

**REPLY ON BEHALF OF RESPONDENTS****TO THE SHOW-CAUSE NOTICE DATED****20.01.2022****MAY IT PLEASE YOUR HONOUR**

The Respondents above named most respectfully states and submits as under:-

1. The Respondents herein on 29.01.2022 received a "Stop-Work/Show-Cause Notice" dated 20.01.2022, issued by this Hon'ble Authority directing these Respondents to stop work undertaken by these Respondents and calling upon these Respondents to show-cause as regards the alleged illegalities mentioned therein. These Respondents pursuant to which

craves leave of this Hon'ble Authority to file the present reply dealing with the Show-Cause Notice dated 20.01.2022, hereinafter referred to as "*said show-cause*". It is submitted that perusal of the said show-cause notice reveals that same is based solely on the complaint filed by the Complainants dated 13.12.2021 and 14.01.2022 which are based on false and concocted facts and as such, in-order to enable this Hon'ble Authority to appreciate the true and correct facts, the present reply is being filed.

2. At the outset, it is specifically denied that these Respondents have done any activity contrary to the permissions and approvals granted by any Competent Authority. It is further specifically denied that these Respondents have carried out construction activity in any eco-sensitive low-lying khazan land as alleged. It is submitted that these Respondents do not have any intention of doing any sort of construction activity otherwise than in due course of law. It is also specifically denied that these Respondents have illegally done ground filling of low-lying khazan land as alleged. It is further specifically denied that construction activities undertaken by these Respondents in property bearing Survey no. 147/18, 26, 28, 30 32 & 34 of Village Cavelossim are with the CRZ area as

alleged. The allegation in the said complaints that concerned land is low-lying land influenced by the tide and hence is protected under CRZ Regulations and forest law is with respect false and not tenable. It is further denied that any mangroves were cut by these Respondents as alleged in the said complaints. As a matter of fact, if one peruses the records maintained by this Hon'ble Authority, there are no mangroves in the portion of land where concerned structure is proposed to be constructed by these Respondents, the allegations and plea to that effect by the Complaints is false and concocted. As far as Forest Department is concerned, whilst granting Sanad for conversion of land, the Office of Collector had sought for NOC from Department of Forest, who by letter dated 10.11.2017 has granted NOC for conversion of land. It is specifically denied that said lands are low-lying khazan land and that same act as main drainage of flood water from Tamborim as alleged. It is also stated that the photographs annexed to the Complaint dated 13.12.2021 are illegible and as such the Complainant be directed to furnish legible copies of same. On receipt of coloured copies of same, this Respondent craves leave to file additional reply dealing with same. Furthermore, perusal of Exhibit B of the said complaint also reveals that the

land in question is not khazan land as the Complaint expects this Hon'ble Authority to mark the said land as khazan land.

3. It is most respectfully submitted that said *show-cause notice* with respect is based on misconception of fact. It is stated that perusal of the said *show-cause notice* clearly reveals that same is purely based on the complaint dated 13.12.2021 filed by *Residents of Tamborim ward, Cavelossim C/o Paul Lobo* and complaint dated 19.01.2022 filed by *Mr. Jose Fernandes* (hereinafter collectively referred to as **said complaints**). It is most respectfully stated that the allegations made in the said complaints which is the basis for issuance of *show-cause notice* is incoherent, vague and untenable. It is stated that perusal of the said complaints clearly reveals the entire allegations contained therein are based on conjectures and surmises. The vagueness and the cryptic nature in which the allegations are made itself makes it very clear that the entire complaint is nothing but a tool used by the complainants to blackmail and restrain these Respondents from exercising their proprietary rights over the said properties. It is stated that construction activity undertaken by these Respondents is in-terms of the permissions and licenses granted by the competent authorities in-terms of provision of law,

furthermore through vide Sanad dated 22.11.2019, area of 2035 sq. mts. is converted to be used for residential purpose i.e. Survey No. 147/2,4,6,8,10,16,18,26,28 and 30 out of which property bearing Survey No. 147/18, 26, 28 and 30 is owned by these Respondents admeasuring 660 sq, mts. As apparent from the approved plan these Respondents only intent to use area of 661 sq. mts. for construction of their residential house in the said area. It is imperative to note that as on the date the conversion sanad, technical clearance and construction license was granted by competent authorities to these Respondents and as on the date the construction was commenced by these Respondents, said area was not khazan land.

4. It is stated that the perusal of the averments made in the said complaints itself makes it clear that the land in question cannot be termed as low lying or eco-sensitive land. Complainants in their complaints itself calls upon this Hon'ble Authority to declare the concerned area as 'khazan' land which implies that the said land cannot by any stretch of imagination be considered as khazan land. Considering the said fact, all the competent authorities in terms of the building bye laws have granted permissions to these

Respondents for construction of a residential house in the said property details of which are set out herein after. The complainant in spite of knowing the fact that the said land is not 'khazan' land has approached this Hon'ble Authority with misleading averments and called upon this Authority to issue notice to the Respondents. The admission as to the said lands not being khazan land is clear and unambiguous from the complaint itself wherein the complainant specifically urges this Authority to declare the said land as khazan land. In any event none of the provisions of CRZ Regulations are applicable to the land in question in as much as the said land is earmarked in the regional plan as settlement zone and upon due consideration to the said fact the authorities on application of mind and upon considering the relevant material have granted approval. It may also be relevant to take note of the fact that the said land is also ordered to be converted from agricultural use to non agricultural use in terms of section 32 of Land Revenue Code 1968. While doing so the learned Collector who granted Sanad for conversion of land has undertaken all the required procedure, including obtaining NOC's from the concerned department which are required to be obtained in terms of Land Revenue Code and

accordingly upon due application of mind of the facts of the case, and after having come to the conclusion that the said land can be converted in terms of the Land Revenue Code 1968 granted the conversion Sanad for an area of 2035 sq.mts. comprising of Survey No. 147/2(part), 4(part), 6(part), 8(part), 10(part), 16(part), 18(part), 26(part), 28(part) and 30(part). The converted area as per the Sanad granted by the Dy. Collector, which is referable to property purchased by the Respondent admeasures an area of 661 sq. mts, although by Deed of Sale dated 27.11.2019, the Respondent purchased an area of 3075 sq. mts. The said approvals sought for were in accordance with the building bye laws. As such, the pleas urged by the Complainants which is solely based on the purported claim that the land in question is low lying and that the same being khazan land is not tenable and the complaint is liable to be withdrawn forthwith.

The Respondent craves leave to refer and rely upon the CZMP plan as made available online at [dstegoa.gov.in/czmp%20pLANS.html](http://dstegoa.gov.in/czmp%20pLANS.html)

5. Before dealing with the allegations in the said *show-cause notice*, these Respondents would like to raise certain preliminary objections which go into the root of the matter

and same ought to be considered at the first instance. The Preliminary objections are as follows:-

**PRELIMINARY OBJECTIONS**

- a. The perusal of the present complaint under reply reveals that the Complainants seeks to raise issues as regards certain development activities undertaken by these Respondents in the property bearing survey no. 147/18, 26, 28, and 30 of the Village Cavelossim, Salcete Taluka, Goa (***said properties***). It is however stated that perusal of the CZMP prepared by this Hon'ble Authority reveals that said properties do not fall within CRZ area as such, it is most respectfully submitted that this Hon'ble Authority does not have jurisdiction to adjudicate upon issue of alleged illegal land filling.
- b. It is stated that the Complainants in the most callous and casual manner have sought to usurp jurisdiction upon this Hon'ble Authority by making a vague and omnibus allegation without substantiating the same. The Complainants though in the Complaints have sought to alleged that said properties fall within the CRZ area. In-fact in the plan submitted along with Complaint dated 13.12.2021, states that "*the marked highlighted portion*

*need to be immediately marked as khazan lands* only.”, wherein the complainant marked the said properties which are rightly not shown as khazan land and the complainant wants them to be declared as khazan lands. In fact, such statement on part of the complainant is a tacit admission of the fact that said properties are not “khazan lands” currently and as such nothing survives in the present matter. In any event, as on the date the permission was granted by concerned competent authorities, having not been identified as khazan land, the question of calling upon this Authority to mark the said land as Khazan land would not arise as these Respondents have already commenced construction activities in the said properties in terms of the approved plans as per law prevailing on date of grant of such permission by competent authorities. Hence, the plea raised by the Complainant cannot be applicable to the land in question. As such, it is most respectfully submitted that alleged illegal activities do not fall within the purview and scope of consideration for this Hon’ble Authority. On this count alone said complaint ought to be dismissed and said *show-cause notice* ought to be withdrawn.

c. Apart from aforesaid preliminary objection of lack of jurisdiction, these Respondents would also like bring to note of this Hon'ble Authority that the issue of alleged filling of land is subject matter before the Dy. Collector initiated in a proceeding under the Land Revenue Code 1968. It is stated that Dy. Collector-I of South Goa has already issued "*Show-Cause notice cum Stop Work Order*" taking cognizance of alleged illegal land filling. As such, without *prejudice* to the first preliminary objection of lack of jurisdiction, it is stated that considering that since Dy. Collector-I of South Goa has already initiated proceedings under section 17(A) of the TCP Act, it would amount to double vexation and the Respondent would have to face two proceedings of same alleged offence. It is stated that considering the fact that Dy. Collector-I of South Goa has already taken cognizance and the fact that construction activities fall beyond the purview CRA area, it would be most appropriate if the present proceedings are dropped and the *show-cause notice* is withdrawn as the issue of alleged land filling is dealt in the proceedings before the Ld. Dy Collector.

6. These Respondents would like to briefly state the relevant facts to assist this Hon'ble Authority to adjudicate on the subject matter in issue. The relevant facts germane are as follows:-

a. These Respondents by virtue of Deed of Sale dated 27.11.2019 duly registered before the Sub-registrar of Margao bearing registration no. MGO-1-3520-2019 on 27.11.2019 purchased *inter-alia* property bearing survey no. 147/18, 26, 28, 30, 32 & 34 of the Village Cavelossim, Salcete Taluka, Goa (***said property***) with an intention to develop the same in-accordance with provision of law. Upon acquiring title with respect to said property, this Respondent got its name entered in the revenue records of the said property and thereafter, Form I & XIV of the said property was updated and the name of the Respondent is accordingly shown on the Form I & XIV of the said property.

Hereto annexed and marked "**Annexure A**" is the copy of the Form I & XIV of property bearing survey no. 147/18, 26, 28, 30, 32 & 34 of the Village Cavelossim.

b. It is pertinent to note that prior to purchase of the said property, Dy Collector had already granted conversion

Sanad to the part of the property bearing survey no. 147/18, 26, 28 and 30 of the Village Cavelossim, Salcete Taluka, Goa for an area admeasuring 2035 sq mts. out of which 661 sq mts. of land is referable to the land purchased by the Respondent herein by the said Deed of Sale.

Hereto annexed and marked "**Annexure B**" is the copy of the Sanad dated 22.11.2019.

- c. It is stated that thereafter, these Respondents applied for a Technical Clearance from the Town and Country Planning Department (TCP). The TCP, upon considering the proposed plan submitted for approval and upon considering the same from the technical stand-point and that the proposed construction is in-terms of the Building Bye-laws, the TCP granted Technical Clearance Order dated 21.08.2020 for construction of residential bungalow in the said property. Upon receipt of the Technical Clearance from the TCP, these Respondents applied for Construction License from Village Panchayat of Cavelossim. The Village Panchayat of Cavelossim, upon considering the Technical Clearance Order dated 21.08.2020 granted by the TCP, put the matter of grant of

Construction License to this Respondent before the Panchayat body. The Panchayat upon deliberation and discussion passed a resolution no. 3/3 to grant the construction license to these Respondents for construction of residential bungalow in the said properties and in-terms of said resolution no. 3/3 taken in the panchayat meet dated 17.12.2020, granted Construction license dated 09.02.2021 was granted to these Respondents.

- d. Thereafter, these Respondents sought to revise the structure sought to be put up and therefore applied for revised technical clearance from TCP, TCP upon considering the fact that the revisions sought for by the Respondents are in-conformity with the building regulations and in-terms of the Building Bye-laws, the TCP granted Technical Clearance Order dated 10.06.2021. Thereafter, this Respondent sought for revised construction license from Village Panchayat of Cavelossim. Thereafter, same was put for deliberation before the Panchayat meeting dated 24.08.2021 and thereafter, the Panchayat body passed resolution no. 2(1), to grant Construction license for construction of residential bungalow in-terms of the plans submitted therein.

Hereto annexed and marked “**Annexure D colly**” is the copy of the Technical Clearance Order dated 10.06.2021 issued by TCP and the Construction license dated 14.09.2021 issued by Village Panchayat of Cavelossim.

- e. At this juncture, it is imperative to note that Primary Health Centre, Chinchinim upon conducting site inspection of the said properties and upon coming to the conclusion that for construction of septic tank there would not be any issue from the sanitation point of view, PHC granted NOC dated 06.08.2021 for construction of septic tank.

Hereto annexed and marked “**Annexure E**” is the copy of the NOC issued by PHC, Chinchinim dated 06.08.2021.

- f. These Respondents upon taking aforementioned permissions and licenses from competent authorities and in-terms thereof started construction of the residential bungalow in the said properties. It is stated that construction activity undertaken by these Respondents in the said properties is in-term of the permission and licenses granted by the Competent Authority and as such,

question of any illegal filing or violating provision of the CRZ norms and regulations does not arise. Furthermore, considering that as on the date the permissions and licenses were granted and based on which construction was commenced by this Respondent, the said area was not 'khazan' land under the draft CZMP.

- g. It is stated that these Respondents for construction of the their residential house in the said properties has so far incurred Rs. 68,78,849/- (cost of purchasing the said properties, infrastructure tax, conversions fees etc) Furthermore, it is imperative to note that though the Sanad is granted for area admeasure 2035 sq mts of the said properties, as evident from the approved plans, the Respondents only intents to construct their residential house in area admeasuring 661 sq. mts. as the Respondent intents to keep the rest of surrounding area green and environment friendly. The intention of the Respondents is to have their home the said property and, in that context, area of 661 sq. mts. was sought to be developed in-terms of the approved plan.

7. Without prejudice to preliminary objections raised herein above, these Respondents are now dealing with the contentions raised by the said show-cause notice, it is submitted that perusal of the said *show-cause notice* reveals that same calls upon these Respondents to address this Hon'ble Authority as regards following alleged illegalities, which are as follows:-

a. Illegal filling of low-lying khazan land;

- i. At the outset, it is specifically denied that these Respondents have undertaken any illegal land filling of any eco-sensitive zone or low-lying khazan lands as alleged. Any such allegations in the said complainants in that regards are specifically denied. It is stated that this Respondent pursuant to the technical clearance issued by TCP dated 10.06.2021 and Construction License dated 14.09.2021, the contractor has undertaken construction work in the said properties. It is pertinent to note that office of Dy. Collector of South Goa has issued Sanad dated 22.11.2019 with respect to part of property bearing survey no. 147/2, 4, 6, 8, 10, 16, 18, 26, 28, and 30 Village Cavelossim, wherein it is recorded that TCP, Margao has identified the said part

of the said properties admeasuring 2035 sq. mts. as “**Settlement Zone**” and recommended the conversion of land said land Residential Purpose. Furthermore, the Sanad also records that “*the Dy Conservator of Forest, South Goa Division, Margao vide letter no. 5/SGF/CONV/675/16-17/2017-18/127 dated 05.04.2017 and letter no. 5/SGF/CONV/675/16-17/2017-18/2763 dated 10.11.2017 has informed that his office has inspected the area and it is observed that the area land under Survey no. 147/2, 4, 6, 8, 10 16, 18, 26, 28 & 30 of Cavelossim Village of Salcete Taluka admeasuring area of 2035 sq. mts. is not a Government Forest, does not form of any compartments of South Goa Division Working Plan. The area also does not figure in the list of Survey numbers identified as private forest by State level expert Committee and also Forest Conservation Act, 1980 is not applicable to the said area.*” As such, it is most-respectfully submitted that part of the said properties admeasuring 2035 sq. mts. has been rightfully sanctioned for residential purpose and in-terms of the of Technical Clearance and Construction License issued by Competent Authority,

these Respondents have undertaken construction work in properties owned by them i.e. property bearing Survey No. 147/18, 26, 28 and 30. Therefore, any question of illegal filing of low-lying khazan land does not arise. It is further submitted that there are existing house in the property adjoining the said property therefore, the question said area being low-lying khazan land does not arise. Therefore, the allegation in the *show-cause notice* are purely on basis of the averments of the complainants and does not correlate with the Coastal Zone Management Plan for the village of Cavellossim prepared by this Hon'ble Authority.

Hereto annexed and marked "**Annexure F**" copy of the CZMP as available on [dstegoa.gov.in/czmp%20pLANS.html](http://dstegoa.gov.in/czmp%20pLANS.html)

8. The Respondents state that the Applicants are not entitled for any of the relief sought for in the complaint and as such it is humbly prayed that the complaint be rejected. Needless to say that the contents of the complaint which are not specifically admitted and which are contrary to what is stated herein above may be taken as denied.

Place: Panaji

Date: 07.10.2021

**RESPONDENT**

**AFFIDAVIT**

I, Gurdeep Singh Bedi, i.e. Respondent no. 2 in the aforesaid matter, being conversant with the facts and circumstances of the present case on solemn affirmation do hereby state that contents of the foregoing paragraph no. 1, 2, 3, 4(part), 5(a) to 5(c), 6(a) to 6(g), 7 and 8 are true to my personal knowledge and contents of paragraph no. 4(part) are legal submission which I believe to be true and correct.

Panaji, 09<sup>th</sup> March 2021.

**DEPONENT**

T/C

20 May 2022

The site was inspected by the GCZMA officials in the presence of representative of respondent. The subject matter property is bearing Survey no.147/18,26,28,30,32,34 Cavelossim Salcete Goa. The inspection commenced at 11.00am. The complaint was regarding illegal filling of eco-sensitive, low lying khazan lands.

**Observation:**

1. During time of inspection it was observed that construction of residential bungalow was not in progress. But the soiling and PCC work for footing was completed.
2. As per draft CZMP 2011, survey no 147/26,28,30,18 partly falls in khazan land.
3. The proposed construction of bungalow falls in survey no 147/18 and 147/28 as per plan submitted by respondent.
4. During cross verification with the CZMP 2011 it was found that some portion of proposed building falls within the khazan land of sy.no 147/28 (Plan attached for your reference).

**Conclusion and Recommendation**

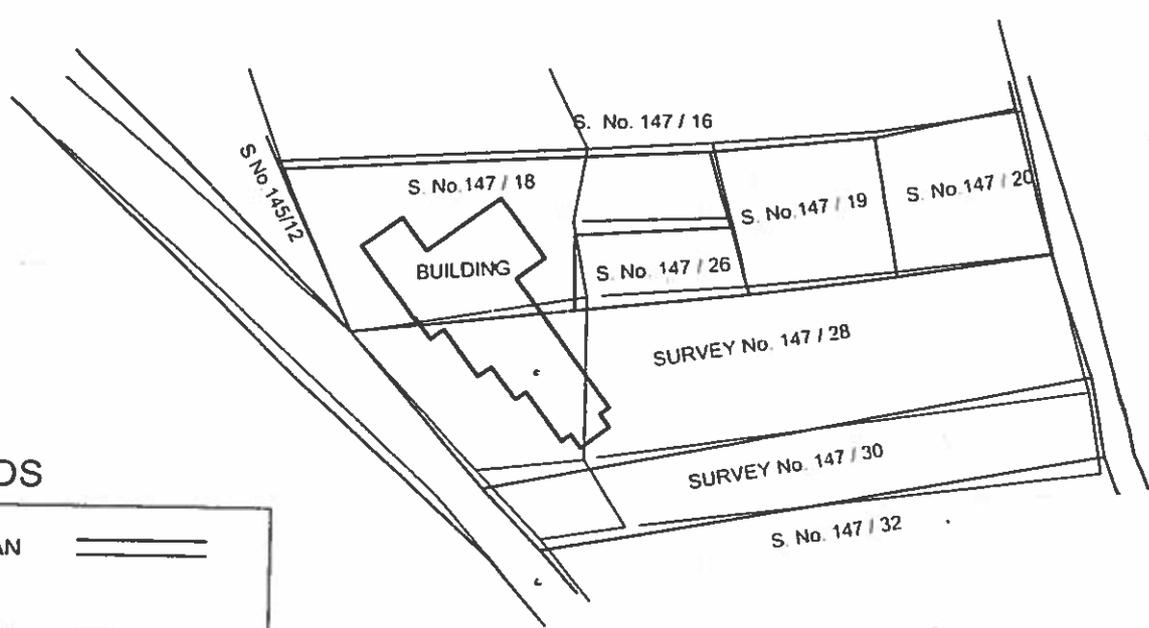
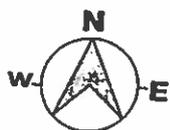
1. Authority may deliberate and decide.



Miss. Bhargavi Kelkar  
(Engineer)

Miss. Siddhi Morajkar  
(Field Surveyor)

# Survey No./Subdivision No. : 147 / 18 of Village Cavelossim, Salcete Taluka

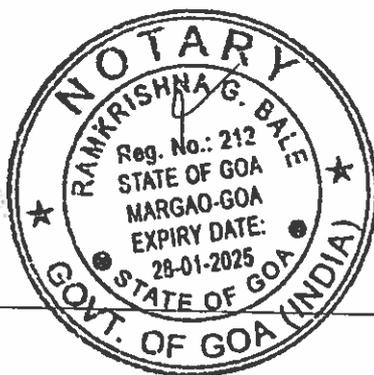


## LEGENDS

RESPONDENT PLAN 

SURVEY PLAN 

KHAZAN LINE 



T/C

*Jfdu*

**ANNEXURE-R-7****MINUTES OF THE 305<sup>th</sup> MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 20/05/2022 at 03.00 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 305<sup>th</sup> Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 20/05/2022 at 03.00 p.m. in the conference hall, fourth floor, Patto-Panaji –Goa.

The following members were present for the meeting on 20/05/2022

1. Secretary Environment/Chairman(GCZMA)
2. Representative on behalf of Department of PWD (Panaji Goa)
3. Shri F.J.Miranda, Expert Member (GCZMA).
4. Shri Sujeet Dongre, Expert Member (GCZMA)
5. Member Secretary (GCZMA)

**Case No.1.1**

**To decide on complaints dated 01/10/2019 and 24/10/2019 by Mr. Morgan Travasso P.O.A of Mr. Minguel Caetano Da Rosario Vazinteralia alleging that there is illegal construction and land filling of nullah and low lying area in Syno.71/0 and 72/1 of Arambol village, Pernem Taluka by Mr.NitinKudav, &ors**

**Background:** the GCZMA earlier was in receipt of various complaints dated 01/10/2019 and 24/10/2019 filed by Mr. Morgan Travasso P.O.A of Mr. Minguel Caetano Da Rosario Vazinteralia alleging that there is illegal construction and land filling of nullah and low lying area in Syno.71/0 and 72/1 of Arambol village, Pernem Taluka by Mr.NitinKudav, Manuel D'souza, Edwin D'souza, Vinayak Kudav, Anthony Fernandes. The complainant also complained of violation of N.O.C /Permission dated 6/2/2018 for shacks and huts granted to Mr.NitinKudav.

A Writ Petition bearing no.1105/2019 was filed by Mr. Minguel Caetano Da Rosario Vaz through P.O.A Mr. Morgan Travasso interalia being aggrieved by inaction on the complainant filed him..

The Hon'ble High Court of Bombay at Goa vide order dated 08/01/2019 in the said matter directed site inspection.

**Case No.1.3**

**To decide on complaint from Residents of Tamborim ward, Cavelossim against Mrs.Bina Bedi and Mr.Gurdeep Singh Bedi for carrying out illegal filling of eco-sensitive, low-lying khazan lands in Survey no's 147/18, 26, 28, 30, 32 & 34 of Cavelossim Village.**

**Background:** Residents of Tamborim ward, Cavelossim c/o Paul Lobo vide letter dated 13/12/2021 filed a complaint against Mrs.Bina Bedi and Mr.Gurdeep Singh Bedi for carrying out illegal filling of eco-sensitive, low-lying khazan lands in Survey no's 147/18, 26, 28, 30, 32 & 34 of Cavelossim Village. Further another complaint dated 19/01/2022 was filed by Mr.Jose Fernandes was filed on same subject matter interalia stating filling of the said properties. Personal hearing notice was issued to the parties. the matter was posted for hearing in its 281<sup>st</sup> GCZMA Meeting due to paucity of time the matter is adjourned and posted on 13/01/2022 at 3.00 p.m

During the 285<sup>th</sup> GCZMA Meeting held on 13/01/2022 Complainant present in person. Mr Saroj Moti appeared through V.C and sought for time to file reply.

The Authority granted time as last and final opportunity to Respondent to file reply and argument, failing which the Authority will proceed in the matter. The matter posted on 20/01/2022 at 3.00 pm

During 286<sup>th</sup> GCZMA meeting held on 25/01/2022 Ld advocate for Complainant present. Respondent remained present in person. Respondent stated that they have filed the reply before Authority. Authority directed Complainant to collect copy of reply from GCZMA office during office working hrs.

During 289<sup>th</sup> meeting of GCZMA held on 08/02/2022 the Authority decided to form the committee to work out the formula for calculation of Environmental Compensation to be recovered from the violators. The committee shall consist of the members: (1) Sujeet Kumar Dongre (Expert Member GCZMA), Pranoy Baidya (Scientific Consultant), and Savio J F Correia (Expert Member GCZMA). The Committee to submit the study report within 15 days by keeping in mind the deadline given by the Hon'ble NGT.

The Authority after hearing the parties decided to keep the matter on 24/02/2022 at 3.00 pm for arguments.

During 293<sup>rd</sup> meeting of GCZMA held on 24/02/2022 Ld. Adv for the Complainant present, Respondent Mr. Saroj Mote present. The reply filed by the Respondent is collected by the Adv for the Complainant and Complainant submitted that he wishes to

file rejoinder on the same. Meanwhile Authority decided to carry out fresh site inspection in the matter.

The Authority decided to carry out fresh site inspection in the matter by intimating the date of site inspection to both the parties and posted the matter 24.03.2022 at 3.00pm. Now authority decided to issue fresh hearing notices to the parties.

In view of the above, the matter is placed before the Authority for grant of personal hearing to the parties.

**PROCEEDING:-Complaint present in person along with duly authorized representative shri. Abhijit Prabhudesai, Advocate Somnath Karpe for Respondent present,filed his reply. Respondent submitted that as per CZMP available online, land in question is not Khazan Land. Authority askedcomplainant to satisfy only one point whether construction which is subject matter of present complaint falls under khazan land or not?Site Inspection report was furnished to both the parties. Complainant requested Authority that he want to file a Re-joinder with respect to reply filed by the Respondent.**

**DECISSION:- Authority considered the request of complainant and decided to grant opportunity to complainant to file Re-joinder by furnishing advance copy of same to Respondent by 24/05/2022 and posted matter for order**

#### **Case No.1.4**

**To decide on complaint from Mr.Antonio Xavier Fernandes against Mr.Saroj Moti for carrying out land filling and illegal construction of house in Survey no .336/1,Velim Village, Salcete-Goa.**

**Background:**Mr.Antonio Xavier Fernandes vide letter dated 22/03/2021 filed a complaint against Mr.Saroj Moti for carrying out land filling and illegal construction of house in Survey no .336/1,Velim Village, Salcete-Goa.

A Show Cause notice dated 12/04/2021 was issued to the Mr.Saroj Moti directing to file reply within stipulated time.

In view of the above, the matter is placed before the Authority for grant of personal hearing to the parties.

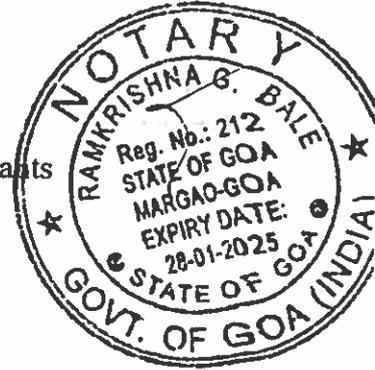
T/C

**BEFORE THE GOA COASTAL ZONE MANAGEMENT  
AUTHORITY AT PANAJI, GOA**

Ref. No. GCZMA/S/ ILLE-COMPL/21-22/35

Residents of Tamborim Ward,  
c/o Paul Lobo & anr.

... Complainants



O/o Member Secretary  
Goa Coastal Zone Management Authority  
Department of Environment & Climate Change  
Dempo Tower 4th Floor  
Patto Plaza Panjim Goa - 403001

Mrs Bina Bedi & anr.

... Respondents

*Recd for Reply  
24/5  
e 4:15 PM*

**AFFIDAVIT IN REJOINDER TO REPLY OF RESPONDENTS**

MAY IT PLEASE YOUR HONOUR

The Complainants above named states and submits that:

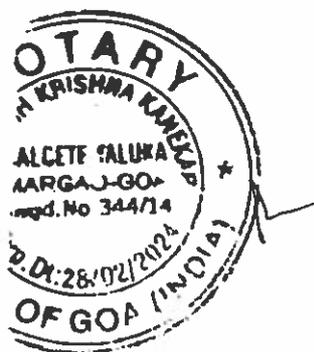


1. The Complainants herein are in receipt of the Affidavit in Reply of the Respondents dated 9.3.2022 and served on us during the hearing held on 20.5.2022 (herein after referred to as "the Reply"). The Complainants herein state at the outset that everything stated in the Reply is denied to the extent it is contrary to what has been stated in the original complaints. We say that we are, at the moment, not dealing with each and every contention/avermment

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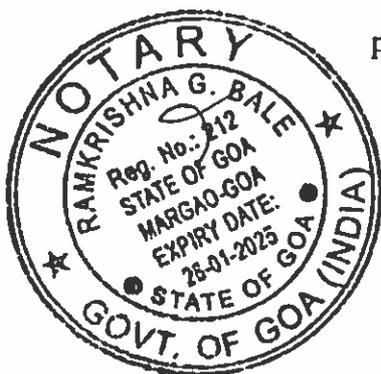
made by the Respondents in the present Reply and the averments/contentions which have not specifically been dealt with and/ or denied by us may not be taken as having been admitted by us. We crave leave of this Hon'ble Court to file a sur-rejoinder or additional counter affidavit on a later date, if necessary.

2. The Complainants herein have read the entire Reply given by the Respondent and state that the Reply filed by the Respondent is based on the grounds that –



- a. The land bearing sy nos 147/18, 26, 28, 30, 32 & 34, Cavelossim village are not khazan lands.
- b. The Respondents have not filled any low-lying khazan lands.
- c. The Respondents have not cut any mangroves.
- d. The land bearing sy nos 147/18, 26, 28, 30, 32 & 34, Cavelossim village is demarcated as settlement zone in the regional plan.
- e. Conversion sanad, Forest Department's NOC for conversion, technical clearance and construction license have been granted for the project.
- f. A Stop Work Order is already issued by the Dy Collector-I of South Goa under section 17-A of TCP Act, 1974 for filling of low-lying area and therefore the proceedings under the CRZ Notification 2011 would amount to double vexation.

The above grounds are the only grounds that are raised in the Reply and each of these grounds is responded to in the following paragraphs under appropriate headings:



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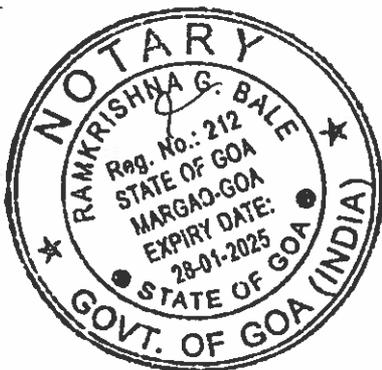
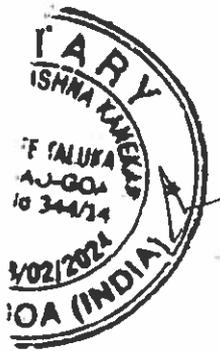
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**SUBJECT LANDS ARE KHAZAN LANDS**

3. Firstly, the Respondents argue under paras 2; 5, a and 7, a, i of the Reply that the subject lands are not khazan lands. This argument is false as the subject lands are khazan lands as demarcated by NCSCM and approved by this Hon'ble Authority because of the following reasons:

a. CZMP 2011 prepared by NCSCM and approved by this Hon'ble Authority in 2021 shows the entire area of sy nos 147/18, 26, 28, 30, 32 & 34 of Cavlossim village as khazan lands. Copy of the relevant sheet of CZMP 2011 prepared by NCSCM in 2021 (sheet no 42) and the extract of the same showing that the entire project area is within khazan lands is attached as Annexure A.

b. The Respondents have annexed as Annexure E to their Reply an extract of a plan obtained by them from the website [dstegoa.gov.in/czmp%20PLANS.html](http://dstegoa.gov.in/czmp%20PLANS.html). Perusal of the said website belonging to Department of Science Technology & Environment reveals that the plan the Respondents are referring to is the first draft of the CZMP 2011 prepared by NCSCM in 2019 which was rejected by all authorities, including this Hon'ble Authority, the State Government and NCSCM itself. NCSCM scrapped the plan the Respondents is referring to and prepared a second draft in 2021 with numerous corrections, especially related to protective bandhs and khazans, which correctly depicts the entire project site within khazan lands and is annexed herewith as Annexure A.



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4. Secondly, the Respondents argue under paras 3 and 6, f of their Reply that the subject lands were not demarcated as khazan lands when the permission were granted. This argument is false since the subject lands were notified and published as khazan lands along with the notification of the protective bund on 24.07.1971 and it is common knowledge that these lands have been khazan lands since times immemorial, as stated herein below:

a. The entire land bearing sy no 147, Cavelossim village, including all its sub-divisions, is khazan land of the coastal water body known as “Dongachy Fally” or “Danga fally” or “Dongafodi”, which is a tributary of River Sal running along the border of the villages of Carmona and Cavelossim. The extract of CZMP 2011 attached to this rejoinder as Annexure A shows the details of the “Danga fally” water body and the associated khazan lands in sy no 147 of Cavelossim village. The Form I & XIV of the protective bund of sy no 147 of Cavelossim village bearing sy no 147/37, Cavelossim village, which is named as “Danga fally” thus reconfirming the submissions of the Complainants, is attached in further evidence as Annexure B.

b. The “Draft Report on Coastal Zone Management Plan of Goa as per CRZ Notification 2011” prepared by NCSCM in January 2021 states under Annexure II, “List of Khazan Lands and Protective Bunds”, page 183 (internal page no 67) that the 1,000 m long protective bund of “Dongafodi” and 40 Hectares of associated khazan lands were notified on 24.7.1971. Copies of relevant extracts of the “Draft Report



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on Coastal Zone Management Plan of Goa as per CRZ Notification 2011" are annexed hereto as Annexure C.

- c. Due to breach of the protective bund, the khazan lands under sy no 147 of Cavelossim village were inundated with saline water ingress, leading to growth of mangroves in the entire khazan lands, including the project site. The Respondents were fully aware when they purchased the lands that the lands were covered with mangroves and were thus protected as CRZ-I and that these were khazan lands reclaimed by mangroves much before they purchased the lands. The felling of 26 mangrove clumps on the project site by the Respondents reconfirms that the Respondents were fully aware that the lands on which they proposed to construct structures were within CRZ and that construction was prohibited on these lands.



5. Thirdly, the Respondents claim under paras 2; 4; and 5, b of their Reply that Exhibit B submitted by the Complainants along with the complaint letter dated 13.12.2021 requests for the project site to be demarcated as khazan lands, implying that these lands are not demarcated as khazan lands in the CZMP 2011. This is a blatant lie and completely preposterous as stated below:

- a. A copy of the Exhibit B referred to by the Respondents is attached to this rejoinder for easy reference as Annexure D.
- b. Perusal of the Exhibit B referred to by the Respondents shows that this is a marked-up copy of the CZMP 2011 for the subject land and adjoining areas prepared by NCSCM in 2021, which clearly demarcates the entire land within the project site as khazan lands.

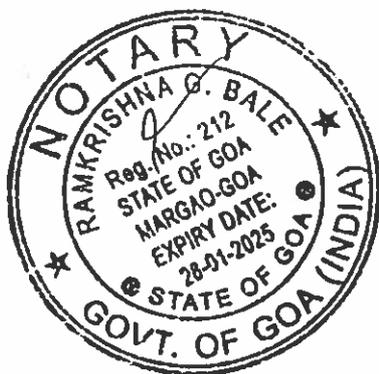


c. The first remark of the Complainants at the top-center of the plan under Exhibit B of the Complainants' letter says, "Khazan Lands" and has an arrow pointing at the khazan land demarcation over sy no 147 of Cavelossim village. It is therefore clear that the entire basis of the argument raised by the Respondents that the Complainants have asked for the subject lands to be demarcated as khazan lands is misconceived.

d. The other remark of the Complainants at the bottom right of the plan is related to the fields to the north of sy no 147 of Cavelossim village, as located by 3 arrows and 3 stars marked on the plan. This remark, asking this Hon'ble Authority to mark additional lands to the north of the subject lands as khazan lands and to increase the reach of saline water in the rivulet further north, is made in exercise of the Fundamental Duty of the Complainants to protect the khazan lands to the north of the project site.

e. The Respondents have failed to consider the first remark on Exhibit B stating that the project site is demarcated as khazan lands; and have also ignored the stars and arrows directing the second remark towards the fields to the north of the project site, leading to this irrelevant argument.

f. The Respondents have conveniently ignored the letter itself, to which the plan is an Exhibit. The Complainants state under paragraph 2, a of the letter dated 13.12.2021 in reference to Exhibit B, "The said land is a low-lying water-logged land influenced by the tide. This land is demarcated as khazan land under the CZMP prepared by the



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*Government of Goa. A copy of the relevant extract of the CZMP prepared by the Government is attached herewith as Exhibit B.”*

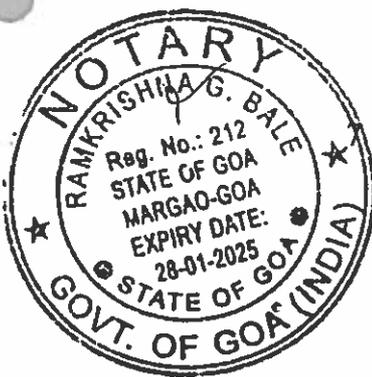
**LOW-LYING KHAZAN LANDS HAVE BEEN FILLED TO  
CREATE THE PROJECT SITE**

6. Firstly, the Respondents argue under paras 2 and 7, a, i of their Reply that they have not filled any low-lying khazan lands. Our response is:

a. These arguments are contrary to the facts admitted by the Respondents under paragraph 5, c on pages 7 and 8 of the Reply, where they admit the Show Cause Notice cum Stop Work Order issued by Dy Collector-I of South Goa regarding illegal filling of low-lying areas in sy no 147/18, 26 and 28, of Cavelossim village, precisely in the project site. A copy of the Show Cause Notice cum Stop Work Order issued by Dy Collector-I of South Goa on 8.12.2021 is annexed hereto as Annexure E.

b. The Stop Work Order states that it is related to illegal land filling in sy no 147/18, 26 and 28 of Cavelossim village, precisely where the project is proposed.

Secondly, the Respondents argue under para 6, f of their Reply, “construction activity undertaken by these Respondents in the said properties is in term of the permission and licenses granted by the Competent Authority and as such, question of any illegal filling or violating provision of the CRZ norms and regulations does not arise”. While the applicability of CRZ Notification 2011 is



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addressed under paragraphs 14 to 20 herein below, our response to the above argument regarding illegal filling is as follows:

a. The permissions relied upon by the Respondents in their Reply inarguably contradict the claims of the Respondents. Condition 11 of the Conversion Sanad on page 25 of the Reply and page 4 of the Sanad, Condition 11 of the Technical Clearance Order on page 30 of the Reply and Condition 21 of the Construction License on page 33 of the Reply all require prior permissions under section 17-A of TCP Act, 1974 before any low-lying area is filled.

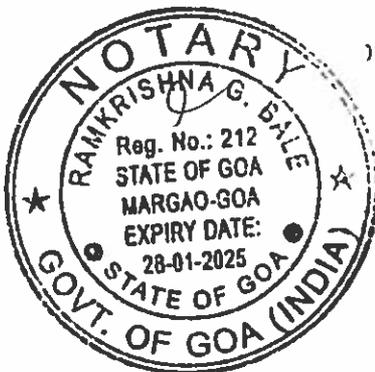
b. The argument of the Respondent that they can fill low-lying areas if they have other permissions, seen together with other facts such as CZMP 2011 and the Show Cause Notice cum Stop Work Order issued by Dy Collector-I of South Goa, clearly indicate that low-lying khazan lands have been filled up by the Respondents.



### 26 MANGROVE CLUMPS HAVE BEEN FELLED ON THE PROJECT SITE

8. Firstly, the Respondents argue under paras 2 and 7, a, i of their Reply that they have not cut any mangroves. The Respondents have failed to refute the facts submitted by the Complainants, as stated herein below:

a. The complaint letter dated 13.12.2021 states under para 2, b, *"The said land is filled with mangroves and hence is protected not just under the CRZ Notification, but also by the Forest Laws. A large number of mangroves were cut by the*



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J. Felix

owners of this land on 8/12/2019 and the Forest Department conducted a panchanama on 9/12/2019 and recorded that 26 clumps of mangroves had been felled in this land. Copy of the panchanama drawn by the Forest Department is attached as Exhibit C." The panchanama drawn by Forest Department on 9.12.2019 is annexed herewith with a typed copy for convenience as Annexure F.



b. The panchanama drawn by Forest Department on 9.12.2019 records the following observations made at sy no 147 of Cavelossim village, "The forest officials started to take measurements of the same and counted the felled trees. On counting it is confirmed that about 26 nos of mangrove species clumps were felled with the help of billhook as the cut marks were resembles to be of bill hook cut marks." The Respondents have not refuted the panchanama in their Reply.

c. The letter from the DCF, South Goa to the undersigned in response to an RTI application, annexed to the original complaint dated 13.12.2021 as a part of Exhibit C, states that the Notice regarding the mangrove felling was issued to Ashok Seth, who was understood to be the owner of the land under question in this complaint. However, paragraph 6, a on page 8 of the Reply filed by the Respondents admits that the subject lands were purchased by the Respondents on 27.11.2019, 11 days before the felling of the mangroves!

d. It is clear from the above facts admitted by the Respondents that just 11 days after purchasing the subject lands, the Respondents ruthlessly, with billhook, massacred 26



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mangrove clumps in sy nos 147/18, 26, 28, 30, 32 and 34, Cavelossim village.

9. Secondly, the Respondents argue under para 2 of their Reply that if one peruses the records maintained by this Hon'ble Authority, there are no mangroves in the subject lands. While the Respondent has not provided any facts to justify his statement, it is pointed out that all mangroves must be protected and lands on which mangroves stand or were standing before illegal felling, like in the present instance, must be conserved as mangrove zones.

10. CRZ Notification 2011 classifies mangroves as CRZ-I. It is the responsibility of this Hon'ble Authority to protect mangroves as mandated by the provisions related to CRZ-I.

11. Google earth image of 2018 shows the presence of dense mangroves on the land where the construction is being carried out, which is visible in the current google earth image. The 2018 and current google earth images are annexed hereto as Annexure G.

12. The above facts show that the land on which the project is proposed is mangrove area that needs to be restored.

13. The Complainants submit that, without prejudice to the arguments herein above, the entire mangrove patch in sy no 147 of Cavelossim village and adjoining areas, including the subject land where the 26 mangrove clumps were felled to allow filling of the khazans to construct a structure in gross violation of CRZ Notification 2011, must be demarcated as mangroves in CZMP 2011 and the buffer zone must also be demarcated on the CZMP. In any event, mangroves, whether demarcated on approved maps or not, must be protected as CRZ-I once identified physically.



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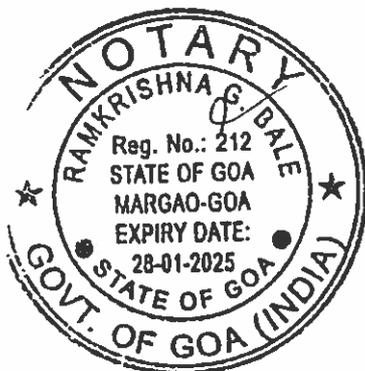
**DEMARCATON OF PROJECT SITE WITHIN  
SETTLEMENT ZONE IN REGIONAL PLAN HAS NO  
EFFECT ON APPLICABILITY OF CRZ NOTIFICATION 2011**

14. The Respondents argue under para 4 of their Reply that *"none of the provisions of CRZ Regulations are applicable to the land in question in as much as the said land is earmarked in the regional plan as settlement zone"*. This is baseless, since no provision of the law has been submitted in support of the claim. This Hon'ble Authority is also well aware from its daily routine work granting permission across the state of Goa that all areas which are within the ambit of the CRZ Notification 2011 require permissions from this Hon'ble Authority, irrespective of the zone shown in the regional plan.



15. In fact, the Regional Plan itself is qualified by the Note No 8 printed on every map which states, *"Notwithstanding anything contained in this Plan, the developments shall be subject to the provisions of Tenancy Act, Land Use Regulation Act, Forest Conservation Act, Highways Act, Ancient Monuments and Archaeological Sites and Remains Act (State and Central) EIA notifications issued by the MOEF or any other Act/Rule applicable."* While CRZ Notification is not mentioned in the laws listed, it is included under the inclusive phrases "notifications issued by MOEF" and "or any other Act/Rule applicable".

16. In any case, the TCP Department through the Chief Town Planner has stated on affidavit before the Hon'ble High Court in PIL WP No 45 of 2018 that lands within CRZ No Development Zones will not be granted permissions even if they fall in settlement or



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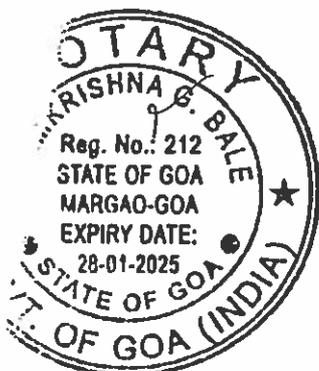
developable zones. A copy of the orders of the Hon'ble High Court dated 26.2.2019 recording this statement under para 3 and directing strict compliance under para 4 is annexed herewith as Annexure H.

**PERMISSIONS GRANTED BY OTHERS HAVE NO EFFECT  
ON APPLICABILITY OF CRZ NOTIFICATION 2011**

17. Firstly, the Respondents argue under paras 2 and 7, a, i of their Reply that Forest Department has granted NOC for conversion of land use. This NOC is not submitted, but is, in any case, only a part of the process while granting conversion sanad. The actual permission granted subsequent to the NOC of the Forest Department is the Conversion Sanad, which is dealt with in the following paragraph.

18. Secondly, the Respondents argue under paras 3; 4 and 6, b of their Reply that conversion sanad is granted for the change in use of the subject lands. However, condition 19 laid down on page 5 of the conversion sanad and page 26 of the Reply states, "*If this Sanad is inconsistent with any law in force in the state of Goa or any decision of the Hon'ble Supreme Court or the Hon'ble High Court of Bombay, this Sanad shall be ineffective to extent of such inconsistency.*" Therefore, the Sanad itself states that CRZ Notification 2011 is applicable notwithstanding the Sanad granted.

19. Thirdly, the Respondents argue under para 6, c of their Reply that Technical Clearance is granted for the construction of residential bungalow in the subject lands. Our response is:



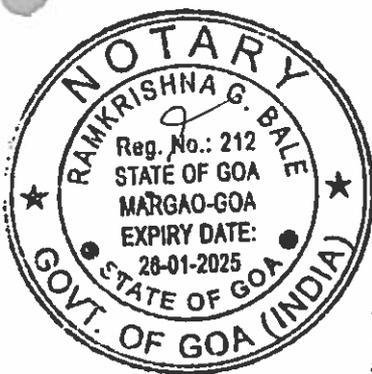
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- a. The Technical Clearance relied upon by the Respondents and annexed to their Reply as pages 30 and 31 states under condition 23 that all the conditions laid down on technical clearance order dated 21.8.2020 shall be strictly adhered to. The Technical Clearance Order dated 21.8.2020 is annexed hereto as **Annexure I**.
- b. Condition 24 of the Technical Clearance Order dated 21.8.2020 states, "*Project proponent shall obtain prior NOC from all the competent authorities wherever required, if any before commencement of work, the same shall be ensured by Village Panchayat.*" It is therefore abundantly clear that permissions under CRZ Notification 2011 are to be obtained despite any Technical Clearance granted, wherever necessary, such as the present instance.



20. Fourthly, the Respondents further argue under para 6, c and d of their Reply that Construction License is granted for the construction of residential bungalow in the subject lands. Our response is:

- a. The Construction License issued by the Village Panchayat of Cavelossim and annexed by the Respondents to their Reply states under condition 22 on page 2 of the License and page 33 of the Reply, "*N.O.C. from all concerned authorities shall be obtained before commencement of work*", negating the argument of the Respondents.



**DOUBLE VEXATION DOES NOT APPLY FOR ENVIRONMENTAL PROTECTION**

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*[Handwritten signature]*

21. The Respondents argue under para 5, c of their Reply that since the Dy Collector-I of South Goa has commenced proceedings under section 17-A of the TCP Act, 1974, proceedings under CRZ Notification 2011 would amount to double vexation and the Respondent would have to face two proceedings for the same alleged offence. However, the present case is related to the conservation of our coasts under CRZ Notification 2011 and to implement the provisions of the Notification for protection of khazan lands, mangroves and mangrove buffer zones. Irrespective of the offences to be registered, the prohibition of constructions in khazan lands, mangroves and mangrove buffers and restoration of these areas is for protection of the environment and is not a criminal proceeding, and therefore the present case is not barred by double vexation or any other principle related to criminal offences.



22. In addition to the facts and grounds raised herein above, it is submitted that the entire project site also falls within mangrove buffer zone, as stated herein below:

- a. The project site is adjoining the remaining patch of dense mangroves, of which the project site was a part. The remaining patch of mangroves is now measuring more than 6,000 sq m in area.
- b. CRZ Notification 2011 provides for 50 m buffer zones for mangroves patches that are more than 1,000 sq m in size. It is the responsibility of this Hon'ble Authority to protect mangrove buffer zones, as mandated by the CRZ Notification 2011.



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- c. The entire project site is within the buffer zone of the remaining part of the mangrove patch in and around sy no 147 of Cavelossim village. Marked up current google earth images showing that the adjoining patch of mangroves is more than 6,000 sq m in area and that the project site is fully within 50 m from the mangrove patch are annexed hereto as Annexure J.



In view of the above submissions, it is prayed that directions to demolish the structures and footing constructed in sy nos 147/18, 26, 28, 30, 32 & 34 of Cavelossim village and to restore the land to its original condition be issued immediately.

Date: 24<sup>th</sup> May, 2022

Place: Cavelossim, Salcete, Goa

Complainant No. 1  
(Paul Lobo)



AFFIDAVIT

I, Paul Lobo, son of Candido J Lobo, resident of House No. 14, Tamborim, Cavellossim, Salcete, Goa, Complainant No 1 herein do hereby solemnly affirm and declare on behalf of Complainant No. 1 and Complainant No. 2 as under:

1. That we are Complainant No 1 and 2 in the above titled complaint case and we are conversant with the facts and circumstances of the case and that I am competent to swear this affidavit.

That the contents of this Rejoinder under paras 1 to 22 are true to our knowledge and based on records available with us which we have access to and which we believe to be true and correct.

Place: Margao, Goa  
Date: 24<sup>th</sup> May 2022

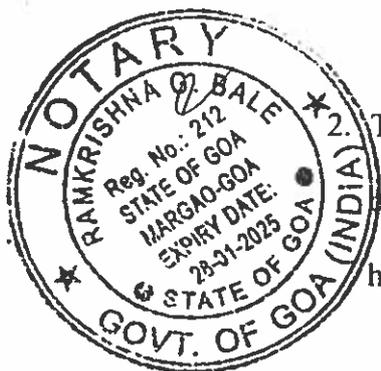
*[Signature]*  
DEPONENT

(Paul Lobo, Complainant No 1)

Solemnly affirmed before me by  
Shri/Smt. Paul Barnabe Lobo  
Who is identified to me by Vide  
Aadhaar No. 9592 1689 2035  
Shri/Smt. ....  
Who is personally known to me  
this 24<sup>th</sup> day of May 2022  
Reg. No. 829/2022

*[Signature]*  
24/05/2022  
SUBHASH KRISHNA KANEKAR  
NOTARY  
SALCETE TALUKA

*[Signature]*



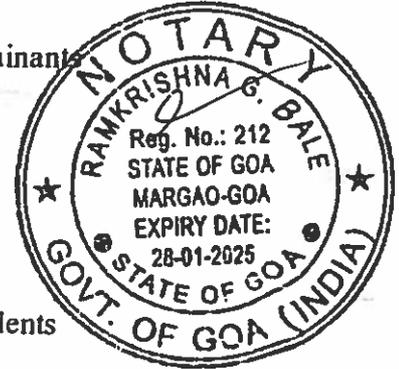
**BEFORE THE GOA COASTAL ZONE MANAGEMENT  
AUTHORITY AT PANAJI, GOA**

Ref. No. GCZMA/S/ ILLE-COMPL/21-22/35

Residents of Tamborim Ward,

c/o Paul Lobo & anr.

... Complainants



O/o Member Secretary  
Goa Coastal Zone Management Authority  
C/o Department of Environment & Climate Change  
Dempo Tower 4th Floor  
Plaza Panjim Goa - 403001

Mrs Bina Bedi & anr.

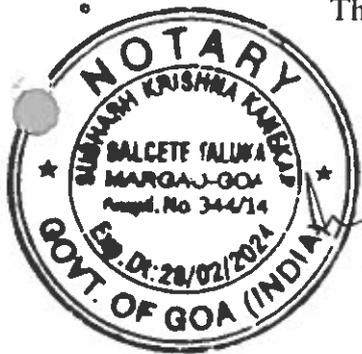
... Respondents

*Handwritten notes:*  
R/o Bina Bedi  
24/5  
et. 15

**APPLICATION FOR REJECTION OF INSPECTION REPORT  
DATED 20.5.2022 AND TO PRAY FOR A FRESH INSPECTION**

MAY IT PLEASE YOUR HONOUR

The Complainants above named states and submits that:



1. This application is filed to challenge the inspection report received during the last hearing held on 20.5.2022 and to request for a proper hearing to be held in the presence of the complainants.
2. The Complainants herein received the inspection report entitled "Report" and dated 20.5.2022, which is orally claimed to be based on a site inspection conducted on 23.3.2022. A copy of the impugned Inspection Report is annexed herewith as Annexure A.

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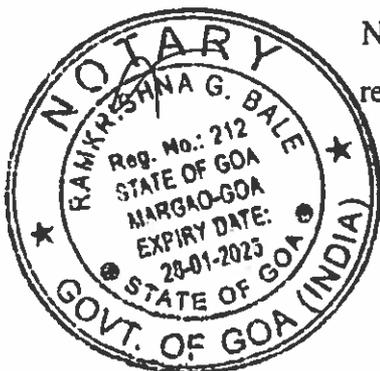
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3. The Complainants submit that the inspection carried out and the inspection report are both illegal and the inspection report received is false, doctored and invalid, as stated herein below.

**GROSS VIOLATION OF PRINCIPLES OF NATURAL JUSTICE - NO PRIOR NOTICE TO THE COMPLAINANTS**



4. The Complainants herein state that this Hon'ble Authority issued a notice dated 22.3.2022 for an inspection to be held on the very next day, on 23.3.2022, at 11 AM. It is submitted that a notice for an inspection to be held at 11 AM the next day could not have been issued, since the official concerned would have known that the Notice could never reach in time. A copy of the Notice is annexed herewith as **Annexure B**.
5. The Notice was received by the Complainants on 23.3.2022 at 13.40 Hours by speed post. Despite the excellent service by the Department of Post, the notice was received late since the officials of this Hon'ble Authority did not even allow 24 hours for delivery and service. A copy of the delivery receipt of the Notice is annexed herewith as **Annexure C**.
6. Though the notice was received late, the complainants rushed to the site of the inspection immediately upon receipt of the Notice, but there was no person present at the site.
7. It was verbally informed to us during the hearing held on 20.5.2022 that the inspection was carried out on 23.3.2022 at 11 AM.
8. The inspection carried out without giving the complainants any opportunity to be present is in gross violation of Principles of Natural Justice and is therefore null and void ab initio. For this reason, as well as other facts stated herein below, the inspection



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report must be declared null and void and the inspection must be held again.

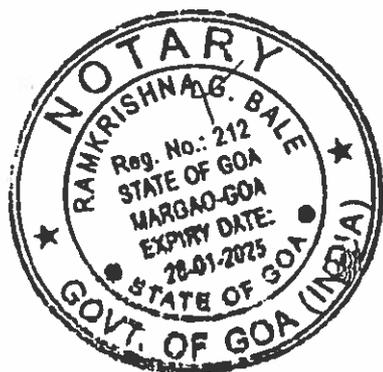
**INSPECTION CARRIED OUT WITHOUT ANY EXPERTS IS PRIMA FACIE INVALID**

9. The inspection report is signed by an engineer and a field surveyor only. There is no signature or any record of the presence of any Expert Member of this Hon'ble Authority, or any other official of this Hon'ble Authority qualified or authorized to identify CRZ areas, khazans, mangroves and mangrove buffer zones.
10. It is outside the capacity, scope and powers of any engineer or/and field surveyor to identify CRZ areas, khazans, mangroves and mangrove buffers. Only a person qualified and authorized, such as an Expert Member of this Hon'ble Authority, or an equally qualified scientist, can do so.



**REPORT PREPARED 2 MONTHS AFTER INSPECTION, ON THE DAY OF NEXT HEARING, IS PRIMA FACIE INVALID**

11. The inspection report is dated 20.5.2022 while the inspection is alleged to have been held almost 2 months earlier on 23.3.2022 (there is no mention of the inspection date on the report and the date was informed to us verbally). No normal person can possibly remember the events that transpired 2 months earlier to write a satisfactory inspection report 2 months after an inspection.
12. The report was prepared on the same day as the hearing held on 20.5.2022, as confirmed by the concerned official when summoned and questioned by the Principal Secretary (Environment) during the



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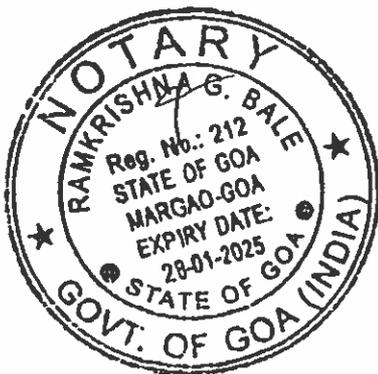
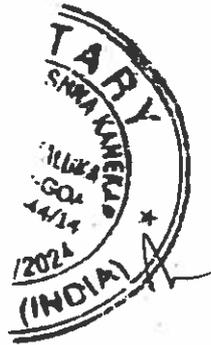
hearing. It is therefore obvious that the report was hastily prepared, merely to fulfil procedural compulsion, and cannot reflect any scientific observations, measurements or identifications relevant to implementation of the CRZ laws, especially after a 2 month delay.

### BIASED SERVICE OF NOTICE AND PROCEEDINGS

13. The inspection report states, "*The site was inspected by the GCZMA officials in the presence of representative of respondent*".

Perusal of the Notice issued on 22.3.2022 reveals that the Notices to the respondents were addressed at their New Delhi addresses, which implies that the respondents could not have received the notices before the inspection scheduled at 11 AM on 23.3.2022, especially when the complainants living in the same State of Goa received the Notice only after the scheduled time despite service by speed post. The respondents have obviously been intimated about the inspection personally and in advance, while the complainants, whose phone numbers and email addresses were available with this Hon'ble Authority, were not informed at all.

14. The inspection report records no attempt to contact the complainants, though they live close by. The report does not even record the absence of the complainants. The only motive for the manner in which the complainants have been excluded from the inspection, in gross violation of the Principles of Natural Justice, while the respondent has been given prior notice, is to facilitate CRZ violations. This bias renders the inspection process null and void, and also amounts to corruption under the relevant laws.



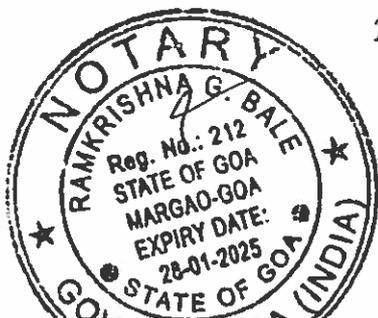
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15. The bias of the officials of this Hon'ble Authority involved in the inspection proceedings and preparation of the inspection report is also seen from the other facts submitted herein below and above.

### OTHER GLARING LAPSES IN THE INSPECTION REPORT

16. The inspection report is prima facie unacceptable as it is without a suitable title, name(s) of parties or reference number of the case. The report is entitled "Report" without any reference to the case under which the inspection notices were prepared.
17. The inspection report has been written in an obvious haste and gross negligence, since the inspection report does not even state the date on which the inspection was held!
18. There is no explanation why the report was written two months after the inspection was held.
19. Perusal of the report shows that there are no observations recorded, except that the construction was not in progress and that the soiling and PCC works for footing were completed.
20. Despite the inspection being carried out by an engineer and field surveyor (only 2 persons), no measurements are recorded in the report. The distance from existing mangroves, the dimensions and location of the construction carried out, the area of the khazan land where mangroves were cut and filling was done have not been measured or recorded. These measurements are the reason an inspection carried out by experts is supported by a survey team.
21. The inspection report has completely ignored the submissions made by the complainants by letters dated 13.12.2021 and 19.1.2022. The inspection report has failed to consider the CZMP 2011 map submitted by the complainants which demarcates the



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entire lands bearing sy nos 147 /18, 26, 28, 30, 32 & 34 of Cavellossim village as khazan lands.

22. The inspection report fails to consider the submissions made by the complainants regarding felling of mangroves and the forest offence report submitted proving that 26 mangrove clumps were felled within the site where the construction is being carried out.

23. The inspection is obviously carried out with eyes shut, since the project site borders dense mangrove trees. These mangroves form a patch larger than 6,000 sq m and therefore have a buffer zone of 50 m to be protected as per CRZ Notification 2011, which covers the entire project site. Shockingly, there is no mention in the inspection report of the dense mangroves that are just abutting the project site. It is therefore clear that either the inspection was not carried out at all, or was carried out without actually inspecting the site.

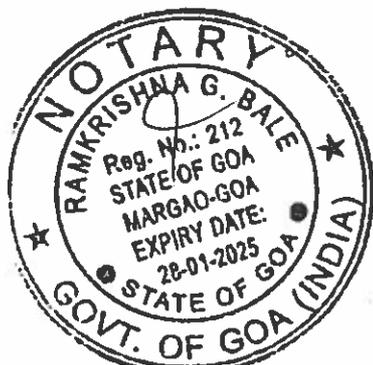


### DOCTORED, FALSE INSPECTION REPORT

24. The Report is based on a plan attached to it which claims to show the survey plan superimposed with the layout of the proposed construction and the line demarcating khazans. The report states that the plan, which is attached herewith as the second page of Annexure A, is based on CZMP 2011.

25. The report does not provide a copy of the CZMP 2011 it claims to have used. It also fails to refer to the copy of the relevant extract of the CZMP 2011 submitted with the complaints.

26. The plan attached to the report shows a fraudulent demarcation of the khazan line, which drastically reduces the khazan area so as to keep most of the proposed construction site out of khazan land.



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Jides

Copies of the relevant sheet of the CZMP 2011 (sheet no 42) downloaded from the website of this Hon'ble Authority and the extract of this sheet no 42 clearly showing that the survey nos of the project site are fully demarcated as khazan lands in CZMP 2011 are annexed herewith as Annexure D.



27. The attached copy of the CZMP 2011 shows that the entire plot is within khazan lands. The plan is provided with a fraudulent khazan land demarcation which has allowed the report to falsely say "*some portion of proposed building falls within the khazan land of sy no 147/28*". The plan and the report are thus doctored in a blatant attempt to allow construction within khazan lands.

### INSPECTION IN GROSS DERELICTION OF DUTIES

#### 28. MANGROVES FELLED ARE CRZ-I

- a. The complaint letters submit that mangroves have been cut within the plot of land, but neither the Show Cause Notice cum Stop Work Order dated 20.1.2022 nor the impugned inspection report make any mention of mangroves. The officials of this Hon'ble Authority were required to read our complaint letters and take cognizance of the evidence submitted of mangrove felling, namely the panchanama and forest offence details submitted.
- b. The officials of this Hon'ble Authority were also required to take cognizance of the Stop Work Order issued by Dy Collector-I of South Goa under the TCP Act, 1974 for a violation under a different statute. This Stop Work Order



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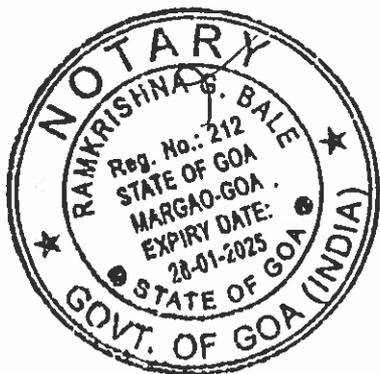
records the filling of low-lying lands in sy no 147 of Cavelossim village, which are the khazans filled by the respondents to create the project site.

- c. CRZ Notification 2011 classifies mangroves as CRZ-I. It is the responsibility of this Hon'ble Authority to protect mangroves as mandated by the provisions related to CRZ-I.
- d. Google earth image of 2018 shows the presence of dense mangroves on the land where the construction is being carried out, which is visible in the current google earth image. The 2018 and current google earth images are annexed herewith as Annexure E.
- e. The above facts show that the land on which the project is proposed is mangrove area that needs to be restored. The officials of this Hon'ble Authority have failed to even mention mangrove felling in the project site in their inspection report.



## 29. WITHIN MANGROVE BUFFER

- a. The project site is adjoining the remaining patch of dense mangroves, of which the project site was a part. The remaining patch of mangroves is now measuring more than 6,000 sq m in area.
- b. CRZ Notification 2011 provides for 50 m buffer zones for mangroves patches that are more than 1,000 sq m in size. It is the responsibility of this Hon'ble Authority to protect mangrove buffer zones, as mandated by the CRZ Notification 2011.



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- c. The entire project site is within the buffer zone of the remaining part of the mangrove patch in and around sy no 147 of Cavelossim village. Marked up current google earth images showing that the adjoining patch of mangroves is more than 6,000 sq m in area and that the project site is fully within 50 m from the mangrove patch are annexed herewith as Annexure F.
- d. The inspection team surely could not have missed seeing the dense, large mangrove patch adjoining the project site they were inspecting. The inspection report should have included survey and demarcation of the size and location of the existing mangrove patch adjoining the project site and the limit of the resultant mangrove buffer zone, especially since NCSCM has failed to demarcate these mangroves in CZMP 2011.

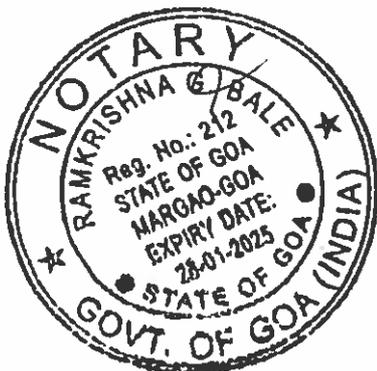


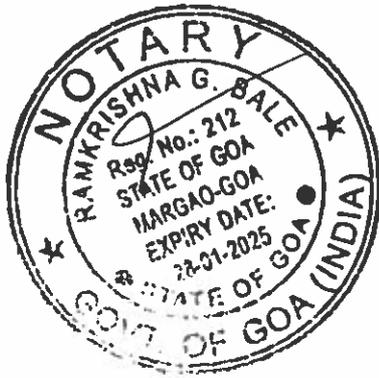
In view of the above submissions, it is prayed that:

- A. The inspection report dated 20.5.2022 be declared null and void.
- B. A fresh inspection be carried out in the presence of the complainants taking into account all of the submission made by the complainants.

Date: 24<sup>th</sup> May, 2022  
Place: Cavelossim, Salcete, Goa

Complainant  
(Paul Lobo)





**AFFIDAVIT**

I, Paul Lobo, son of Candido J Lobo, resident of House No. 14, Tamborim, Cavelossim, Salcete, Goa, Complainant No 1 herein do hereby solemnly affirm and declare on behalf of Complainant No. 1 and Complainant No. 2 as under:



1. That we are Complainant No 1 and 2 in the above titled complaint case and we are conversant with the facts and circumstances of the case and that I am competent to swear this affidavit.
2. That the contents of this Application are true to our knowledge and based on records available with us which we have access to and which we believe to be true and correct.

Place: Margao, Goa

Date: 24<sup>th</sup> May 2022

**DEPONENT**

(Paul Lobo, Complainant No 1)

Solemnly affirmed before me by  
 Shri/Smt. Paul Barnabe Lobo  
 Who is identified to me by Vide  
 Deed/Heir No. 9592 1689 2035  
 Shri/Smt. ....  
 Who is personally known to me  
 this 24<sup>th</sup> day of May 2022  
 Reg. No. 828/2022



24/05/2022  
**SUBHASH KRISHNA KANEKAR**  
**NOTARY**  
**SALCETE-TALUKA**  
**STATE OF GOA (INDIA)**

T/C

**ANNEXURE-R10****MINUTES OF THE 307<sup>th</sup> MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 02/06/2022 at 03.00 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 307<sup>th</sup> Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 02/06/2022 at 03.00 p.m. in the Conference Hall of GCZMA, Fourth Floor, Patto-Panaji –Goa.

The following members were present for the meeting on 02/06/2022

1. Secretary Environment/Chairman(GCZMA)
2. Representative on behalf of Principal Chief Engineer , PWD (Panaji Goa)
3. Representative on behalf of Principal Chief Engineer , WRD(Panaji Goa)
4. Representative on behalf of Principal Conservator of Forest, Panaji Goa.
5. Representative on behalf of Department of Tourism, Panaji Goa.
6. Representative on behalf of Directorate of Panchayat , Panaji Goa.
7. Shri F.J.Miranda , Expert Member (GCZMA).
8. Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
9. Shri Sujeet Dongre, Expert Member (GCZMA).
10. Member Secretary (GCZMA).

**Case No 1.1**

**To decide on application bearing no.61/2014 was filed by Cavelossim Villagers Forum interalia against M/s Balaji Concepts, Margao, Goa for illegal construction activities adversely affecting the natural water bodies/nallas/channels/paddy fields.**

**Background:** An application bearing no.61/2014 was filed by Cavelossim Villagers Forum interalia against M/s Balaji Concepts, Margao, Goa for illegal construction activities adversely affecting the natural water bodies/nallas/channels/paddy fields.

The said application came for hearing on 24/04/2019 before the Hon'ble National Green Tribunal. The Hon'ble National Green Tribunal has vide order dated 24/04/2019 directed as follows : *“Since the matter has been pending for the last about five years, having regard to the need for expeditious disposal based on correct and latest factual position, we consider it appropriate to direct furnishing of a joint report by representatives of the MoEF&CC, GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa. The GCZMA will be the nodal agency for coordination and compliance. Such factual report dealing with the issue may be furnished within three months by email at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com). A copy of the order be sent each to the*

in western side. The Authority found merit in the submissions and documents on record. The Authority opined the approvals and construction licence issued for said structure were prior to year 1991 hence structure was existing prior to 1991.

The Authority noted in the submissions and documents on record that the one structure of the Respondent is shown in the Survey plan under Syno.355/7 on the eastern side. The Authority noted that the structure is shown in Survey plan. The Respondent has produced documents on record that house no.151/12 was existing said property bearing Survey no. 355/7, village Colvale is prior to the appointed date i.e 19/02/1991. The Authority however noted that the Respondent has not produced any record to with regard to swimming pool abutting the structure and pavers along the river.

The Authority thus in view of the observations and findings decided to issue a demolition for the swimming pool abutting the structure and pavers along the river belonging to Respondent “Casa Colvale” in property bearing Syno.355/7 and 355/8, Village Colvale, Bardez-Goa.”

### **Case No 1.7**

#### **To decide on complaint from Paul Lobo against Mrs.Bina Bedi and Mr.Gurdeep Singh Bedi for carrying out illegal filling of eco-sensitive, low-lying khazan lands in Survey no’s 147/18, 26, 28, 30, 32 & 34 of Cavelossim Village.**

Background: Residents of Tamborim ward, Cavelossim c/o Paul Lobo vide letter dated 13/12/2021 filed a complaint against Mrs. Bina Bedi and Mr. Gurdeep Singh Bedi for carrying out illegal filling of eco-sensitive, low-lying khazan lands in Survey no’s 147/18, 26, 28, 30, 32 & 34 of Cavelossim Village. Further another complaint dated 19/01/2022 was filed by Mr. Jose Fernandes was filed on same subject matter interalia stating filling of the said properties.

Accordingly this office issued show Cause notice on 19/01/2022 and called both the parties for personal hearing.

During 288<sup>th</sup> GCZMA meeting held on 03/02/2022 The Complainants along with their representative Abhijeet Prabhudessai present, the Authority directed the Complainant to submit the Authority letter. Adv Somnath Karpe appeared on behalf of the Respondent.

The Complainant stated that the property bearing survey no 147 is a khazan land and was cultivated and now covered with the mangroves. The Complainant submitted that presently the property is water locked and earlier some mangroves were cut and offence was registered by the Competent Authority. The Complainant submitted that as per the NCSCM plan the property is shown as a khazan land, the Complainant submitted that the Respondent had undertaken the work of land filling and development/construction, however this Authority had issued them a stop work order.

The Respondents states that the property under question is the huge property and portion which is presently being utilized for the development/Construction is not khazan land. The Respondent further states that the entire property is khazan land made by the Complainant is misleading. He further submitted that presently an area of 661 sq mt is being developed for the purpose of construction of dwelling house after obtaining the necessary permission from the Village Panchayat, TCP and conversion sanad. The Respondent submitted that the status of the property can be ascertain by the Authority after holding a site inspection, and further submitted that the permission granted to him by the Village Panchayat, TCP and conversion sanad are not challenged by the Complainant till now. The Respondent further submitted that he will file his reply in detail.

The Authority heard the parties and directed the Respondent to file reply with advance copy to the Complainant and posted the matter on 24.02.2022at 3.00pm.

During 293rd Meeting held 24/02/2022 the proceeding and decision as follows: on Complainant represented by Abhijeet Prabhudessai present, Adv A Sawant present for the Respondent. The Adv for the Respondent seeks time to file reply on the ground that his party is out station. Further the Complainant submitted that the entire property is khazan land as depicted on CZMP plan. Further he submitted that the huge mangroves have been cut destroying the Environment.

The Authority decided to conduct site inspection and notices may be issued to the parties intimating the date of inspection and further directed the Respondent to file reply and posted the matter on 24.03.2022 at 3.00pm.

During 305<sup>th</sup> meeting of GCZMA held on 20/05/2022 Complaint present in person along with duly authorized representative shri. Abhijit Prabhudesai, Advocate Somnath Karpe for Respondent present, filed his reply. Respondent submitted that as per CZMP available online, land in question is not Khazan Land. Authority asked complainant to satisfy only one point whether construction which is subject matter of present complaint falls under khazan land or not? Site Inspection report was furnished to both the parties. Complainant

requested Authority that he want to file a Re-joinder with respect to reply filed by the Respondent.

Authority considered the request of complainant and decided to grant opportunity to complainant to file Re-joinder by furnishing advance copy of same to Respondent by 24/05/2022 and posted matter for order

**Decision:** The Authority perused all the documents produced by Complainant and the Respondents as well as the reply and rejoinder filed by the parties and gave due consideration to the oral submissions advanced by the parties.

The Authority noted that Respondents are owners of property collectively surveyed under nos.147/18,26,28,30,32&34 of Cavelossim village, Salcete. The names of Respondents are duly recorded in occupant's column in record of rights (Form I & XIV) of the aforesaid survey numbers. It is the Complainant's case that the said property is a "khazan" land and that the Respondents have carried out illegal construction therein in violation of CRZ Notification. The Complainant's case appears to be based on the depiction of a portion of the said property as "khazan" in the Draft Coastal Zone Management Plan (CZMP) 2011, that was placed in the public domain in February 2021 for public consultation.

It is further noted that the Respondent's commenced the construction upon obtaining permissions from all competent authorities for construction of a residential structure in the said property, namely, Conversion Sanad under Goa Land Revenue Code from Collector of South Goa, Technical Clearance from Town & Country Planning Department, and Construction Licence from the Village Panchayat of Cavelossim. The Respondents did not deem it necessary to take permission of this Authority as the site was beyond 100 metres from the banks of Sal River bank. The CZMP for Goa in force did not depict the land as "khazan", nor was there any record or notification declaring the Respondents property as a "khazan". There was no impediment in law to carry out the proposed development at the relevant time.

It now transpires that a small portion of the under-construction residential structure falls within the "khazan" area depicted on the draft CZMP. However, the Authority was of the considered opinion that, in view of the Respondents having obtained all requisite permissions in accordance with the laws prevailing at the

time and commenced their construction, they could not be prejudiced by the draft CZMP for Goa that incidentally is yet to be finalized.

The Authority was further of the opinion that the Respondent's development must be construed as an ongoing construction, and hence would not be hit by the Draft CZMP that came into the public domain at a much later date.

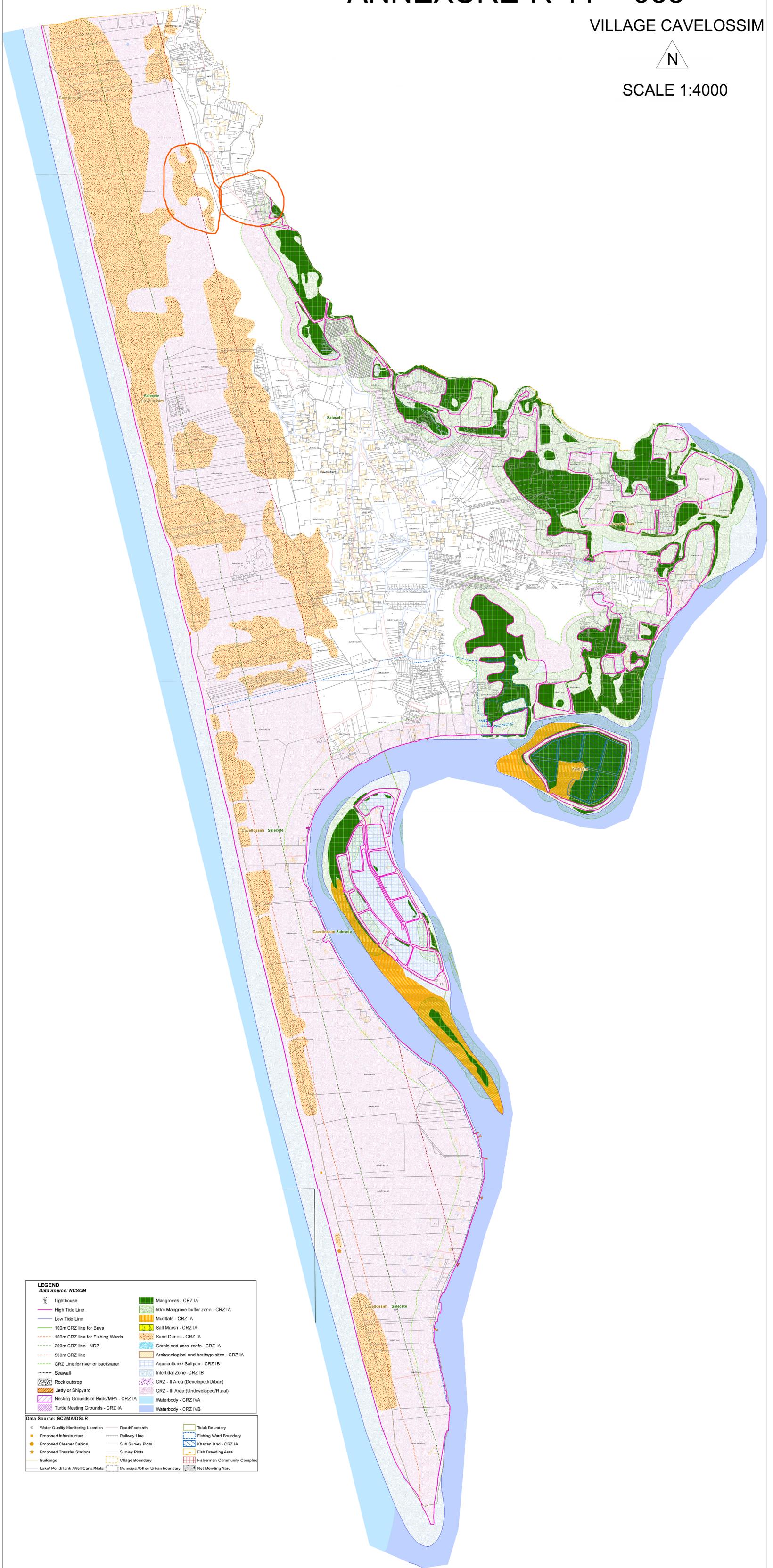
In light of the foregoing, the Authority concluded that it is fit case to dismiss the complaint and discharge the show-cause notice dated 20/01/2022 issued to the Respondent.

*Meeting ended with thanks to the chair.*

*Sd/-*  
**Member Secretary**  
(GCZMA)

*Sd/-*  
**Chairman**  
(GCZMA)

T/C



**LEGEND**  
Data Source: NCSCM

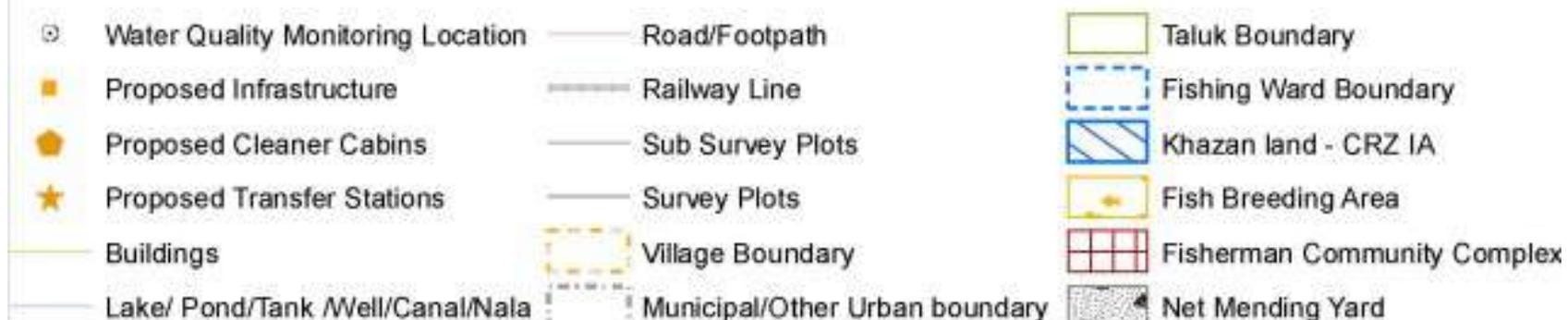
Lighthouse	Mangroves - CRZ IA
High Tide Line	50m Mangrove buffer zone - CRZ IA
Low Tide Line	Mudflats - CRZ IA
100m CRZ line for Bays	Salt Marsh - CRZ IA
100m CRZ line for Fishing Wards	Sand Dunes - CRZ IA
200m CRZ line - NDZ	Corals and coral reefs - CRZ IA
500m CRZ line	Archaeological and heritage sites - CRZ IA
CRZ Line for river or backwater	Aquaculture / Saltpan - CRZ IB
Seawall	Intertidal Zone - CRZ IB
Rock outcrop	CRZ - II Area (Developed/Urban)
Jetty or Shipyards	CRZ - III Area (Undeveloped/Rural)
Nesting Grounds of Birds/MPA - CRZ IA	Waterbody - CRZ IVA
Turtle Nesting Grounds - CRZ IA	Waterbody - CRZ IVB

Data Source: GCZMA/DSL

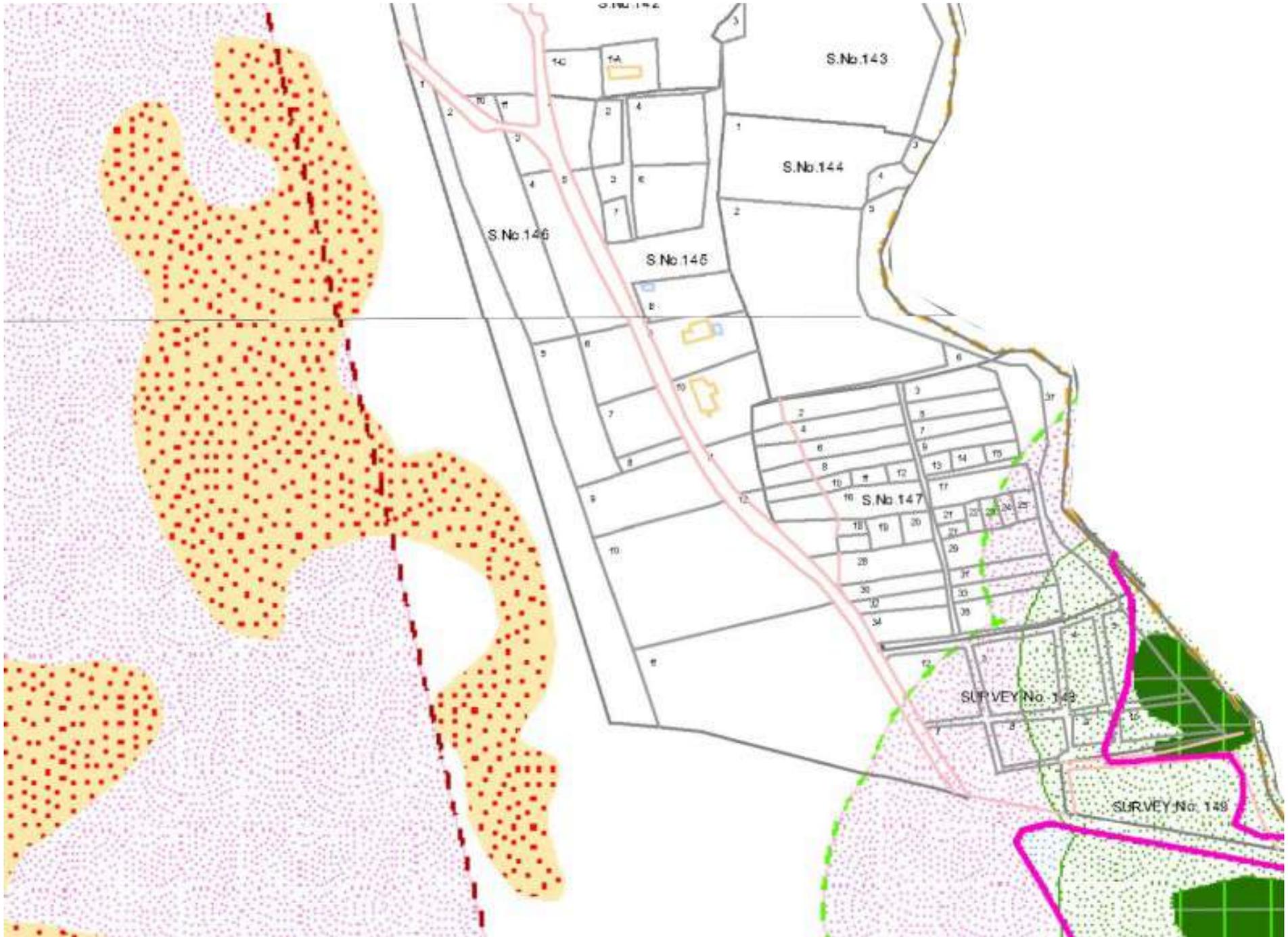
Water Quality Monitoring Location	Road/Footpath	Taluk Boundary
Proposed Infrastructure	Railway Line	Fishing Ward Boundary
Proposed Cleaner Cabins	Sub Survey Plots	Khazan land - CRZ IA
Proposed Transfer Stations	Survey Plots	Fish Breeding Area
Buildings	Village Boundary	Fisherman Community Complex
Lake/ Pond/Tank /Well/Canal/Nala	Municipal/Other Urban boundary	Net Mending Yard



**Data Source: GCZMA/DSL**

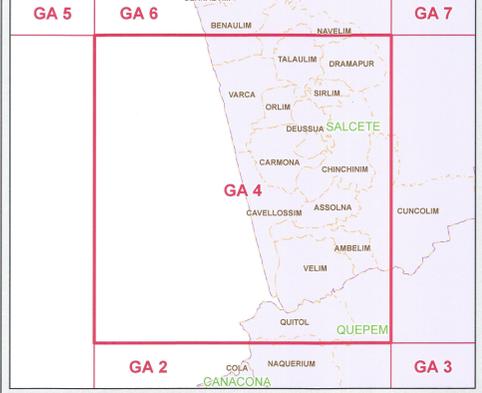
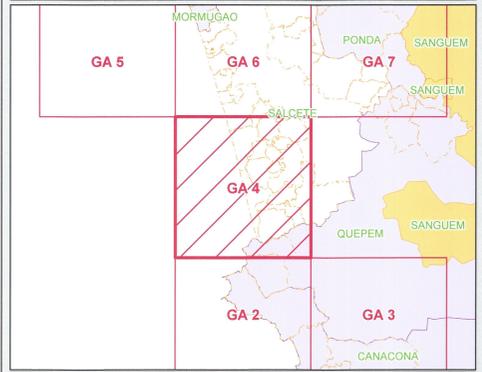
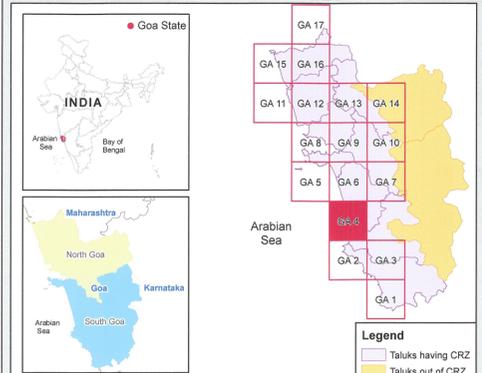


**Legend of Draft CZMP**



Sy. No. 147 in the Draft CZMP

938  
Meters  
1:25,000



- Legend**
- Lighthouse/Beacon
  - Fish Landing Centre/Ramp
  - Water Quality Monitoring Location - SW-II
  - Multi Purpose Cyclone Shelter
  - Sluice Gate - Prior to 1991
  - Road
  - Railway Line
  - High Tide Line
  - Low Tide Line
  - Seawall
  - Bund - Prior to 1991
  - Fishing Ward Boundary
  - Village Boundary
  - Municipal/Urban boundary
  - Taluk Boundary
  - Authorized Structures
  - Khazan Land
  - Boat Parking/Net Mending Area
  - Jetty/Shipyards/Ramp
  - Fishing Zone
  - Fisherman Community Complex
  - Aquaculture/Saltpan
  - Waterbody
- CRZ Lines & Boundary**
- Hazard Line
  - 100 m Line in CRZ III Area
  - 200 m Line - NDZ
  - Sand Dune Beyond CRZ Boundary
  - CRZ Boundary
  - CRZ Boundary (500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)
- CRZ CATEGORY**
- CRZ - I**
- CRZ - IA
  - 50m Mangrove Buffer Zone - CRZ IA
  - CRZ - IB
- CRZ - II**
- CRZ - II
- CRZ - III**
- No Development Zone
  - 200 m to 500 m from HTL
- CRZ - IV**
- CRZ - IVA
  - CRZ - IVB

**DATA SOURCE**

I) National Centre for Sustainable Coastal Management  
HTL, LTL, CRZ IA  
Infrastructure facilities - Lighthouse, Seawall  
II) Survey of India  
Hazard Line  
III) DSLR - Goa  
Road, Village Boundary, Municipal Boundary, Taluk Boundary

IV) Department of Fisheries - Goa  
Fish Landing Centre/Ramp, Fishing Ward Boundary  
Fishing Zone, Fisherman Community Complex, Boat Parking/Net Mending Area  
V) Department of Water Resources - Goa  
Bund prior to 1991, Sluice Gate prior to 1991, Khazan Land

VI) State Pollution Control Board - Goa  
Water Quality Monitoring Location - SW - II  
VII) Department of Environment and Climate Change - Goa  
Beacon, Authorized Structures, Jetty/Shipyards/Ramp  
VIII) Department of Archives and Archaeology and Town and Country Planning Department - Goa  
Archaeological and Heritage Site (CRZ IA)

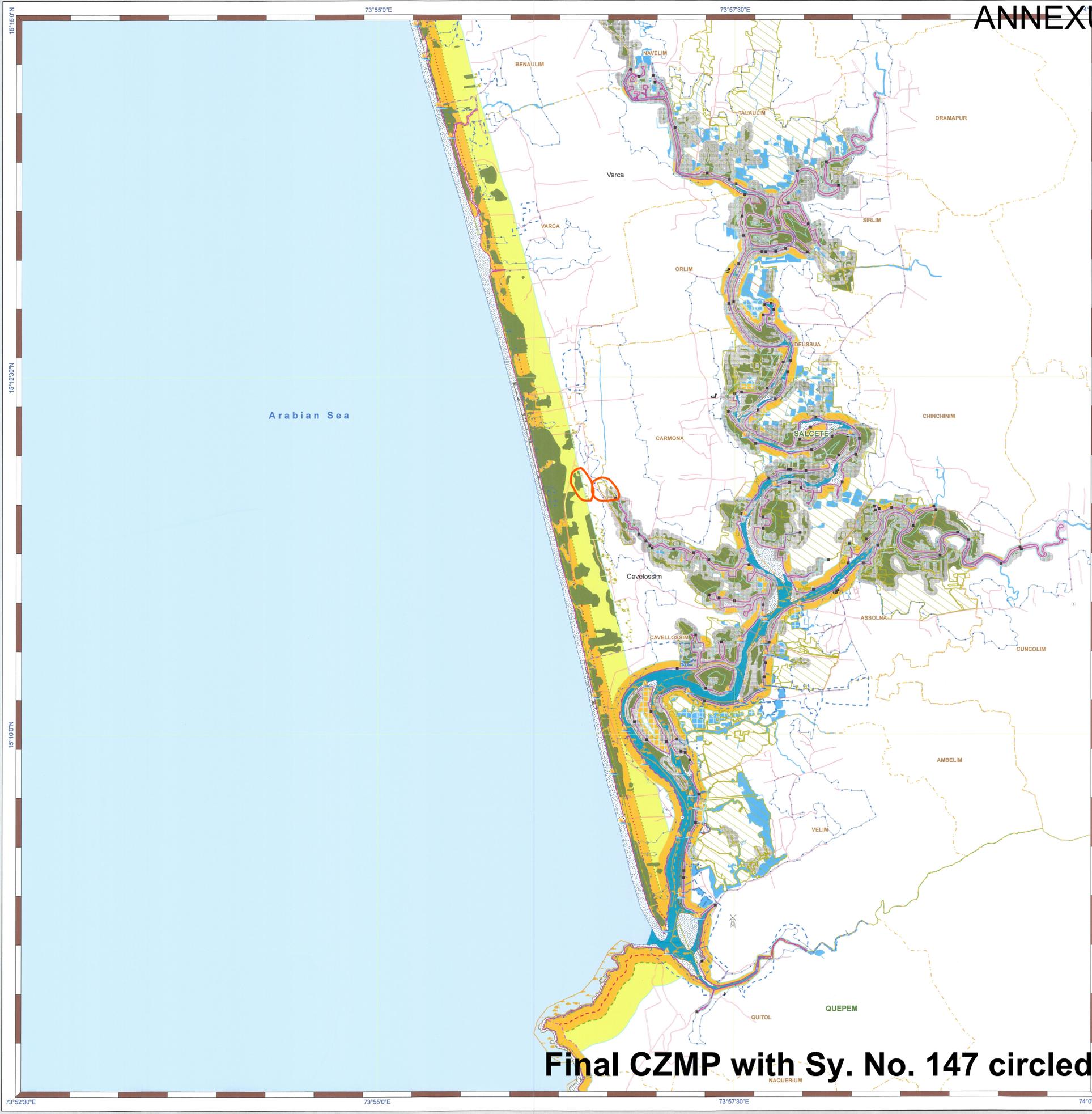
CRZ: Coastal Regulation Zone NDZ: No Development Zone DSLR: Directorate of Settlement & Land Records

**PREPARED AS PER COASTAL REGULATION ZONE NOTIFICATION, 2011**

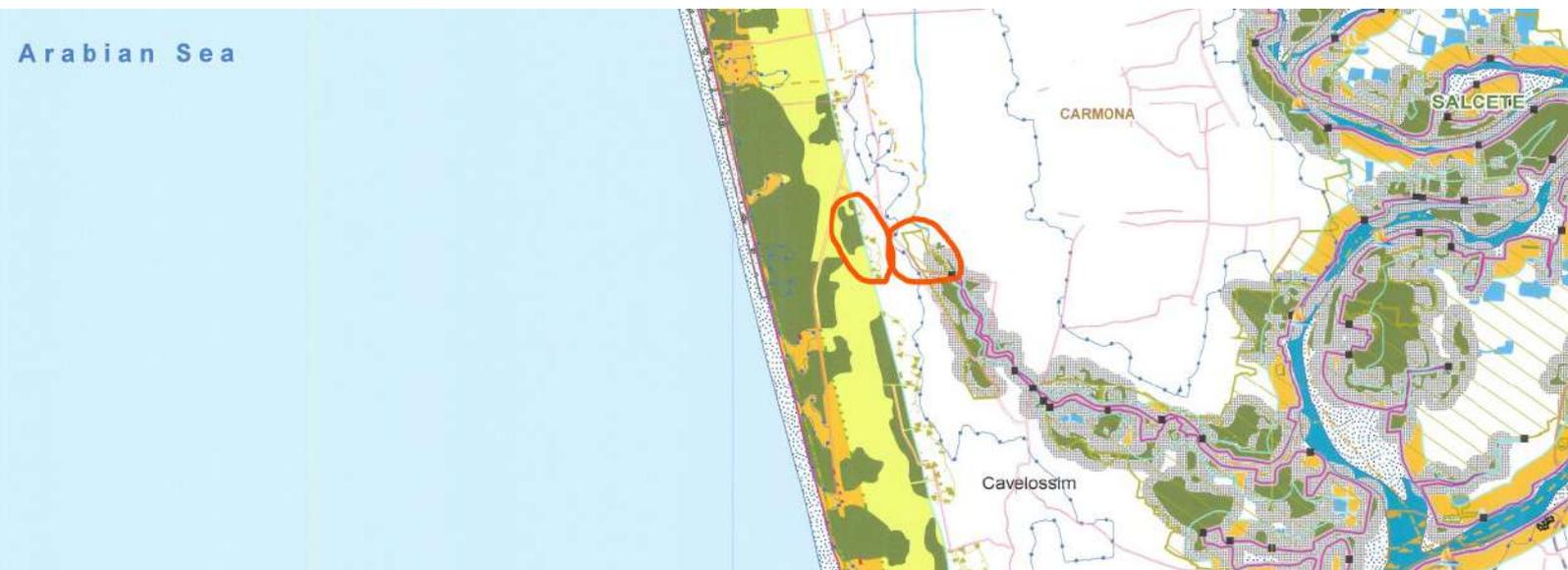
Scrutinized by	Certified by	Concurred by	Approved by
 Technical Scrutiny Committee National Centre for Sustainable Coastal Management, MoEF & CC	 DIRECTOR National Centre for Sustainable Coastal Management, MoEF&CC	 Secretary (ENV) ) Government of Goa Secretariat, Pongim-Goa	 (Dr. H. KHARKWAL) Secretary, Ministry of Environment, Forest & Climate Change Govt. of India, New Delhi

Prepared by  
**NCSCM**  
National Centre for Sustainable Coastal Management  
(Ministry of Environment, Forest & Climate Change)  
Chennai - 600 025

Prepared for  
  
Department of Environment and Climate Change  
Government of Goa



**Final CZMP with Sy. No. 147 circled**

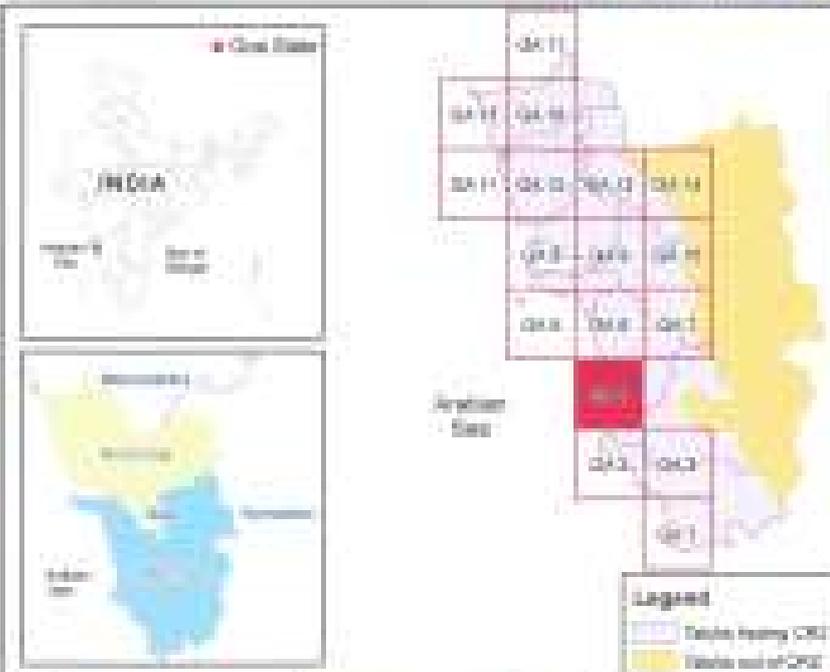


Final CZMP with Sy. No. 147 zoomed-in

Sheet No - D 43 B 16 NE

Proposed by: IITM      Approved: MOC/2014

Map No: CA 4



**Legend**

- Light Infrastructure
- Fish Landing Centre/Ramp
- Water Quality Monitoring Location - (WML)
- Multi Purpose Cyclone Shelter
- Beach Gate - Prior to 1901
- Road
- Railway Line
- High Tide Line
- Low Tide Line
- Sewer
- Bus - Prior to 1991
- Fishing Vessel Boundary
- Village Boundary
- Municipal/Urban Boundary
- Tank Boundary
- Authorized Structures
- Khazan Land
- Boat Parking/Boat Mooring Area
- Jetty/Wharf/Flume
- Fishing Zone
- Fishermen Community Complex
- Aquaculture/Shellfish
- Waterbank

**CRZ Lines & Boundary**

- Headed Line
- 100 m Line to CRZ II Area
- 500 m Line - NOZ
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary
- Minimum 100 m buffer to CRZ 1/II or 500 m buffer to CRZ 1/IV along the beach/low tide water table

**CRZ CATEGORY**

**CRZ - I**

- CRZ - IA
- 50m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

**CRZ - II**

- CRZ - II

**CRZ - III**

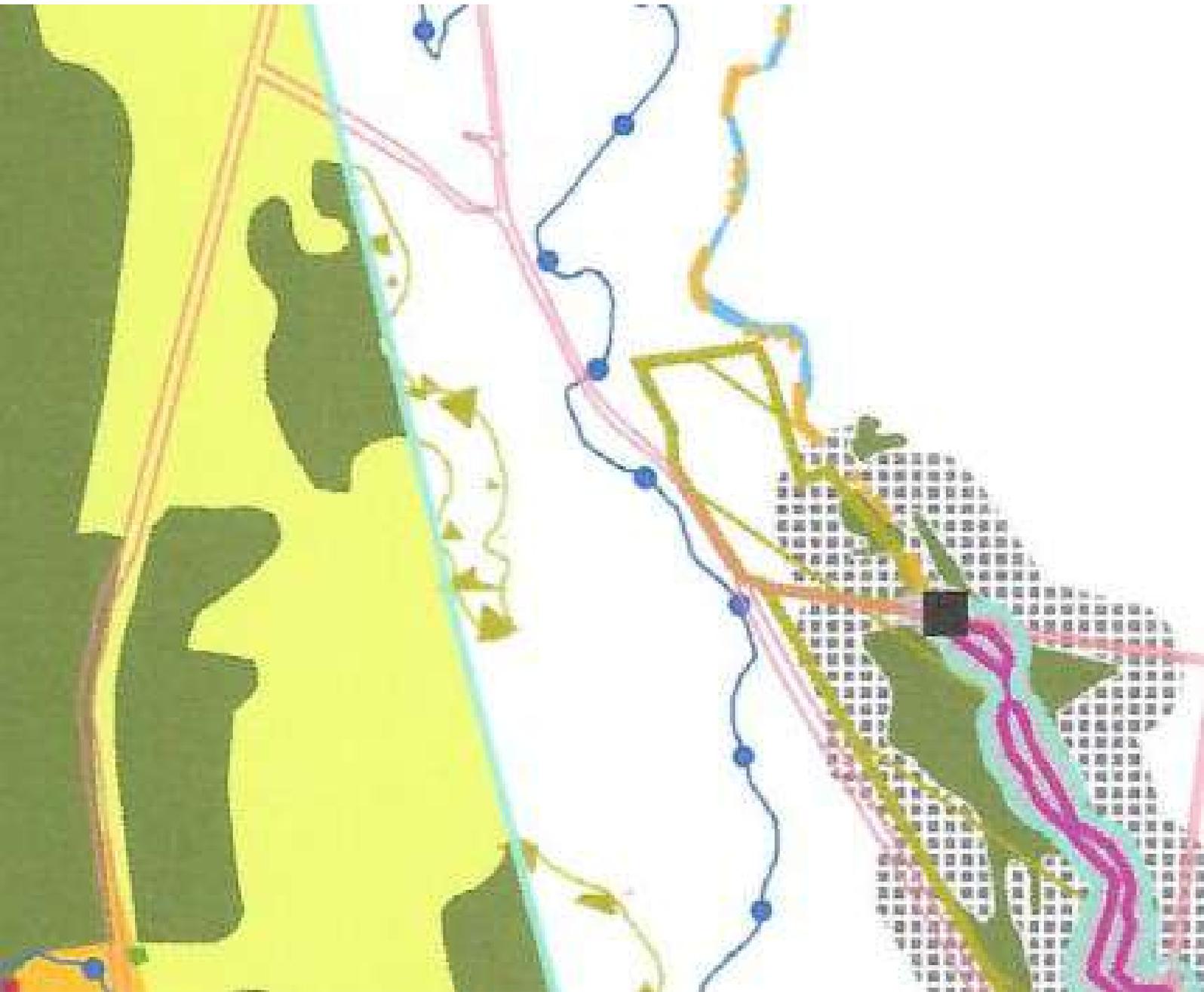
- No Development Zone
- 200 m to 500 m from HTL

**CRZ - IV**

- CRZ - IVA
- CRZ - IVB

Legend of Final CZMP





**Sy. No. 147 in the Final CZMP**