

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE**

APPEAL NO. 74 OF 2026 (WZ)

IN THE MATTER OF:

DEEPESH THAKORBHAI TANDEL.

...APPELLANT

-Versus-

DAMAN DIU COASTAL ZONE MANAGEMENT
AUTHORITY THROUGH MEMBER SECRETARY
& ORS.

...RESPONDENTS

I N D E X

S.NO.	PARTICULARS	PAGE NOS.
1.	COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1, 2 & 4 - U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND DAMAN AND DIU.	1-53
2.	<u>ANNEXURE R-1.</u> A copy of Notice dated 16.10.2007.	54
3.	<u>ANNEXURE R-2.</u> A copy of Notice dated 25.10.2007.	55
4.	<u>ANNEXURE R-3 (Colly).</u> Copy of colour photographs of old parsi residential bungalow surrounding the area.	56-60
5.	<u>ANNEXURE R-4 (Colly).</u> Copy of Colour photos of the present building constructed by appellant.	61-63
6.	<u>ANNEXURE R-5.</u> A copy of the Map of the Old Residential Bungalow dated 29.02.1968.	64-65

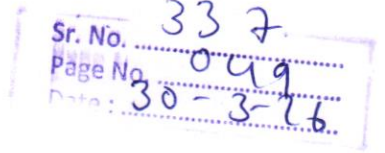
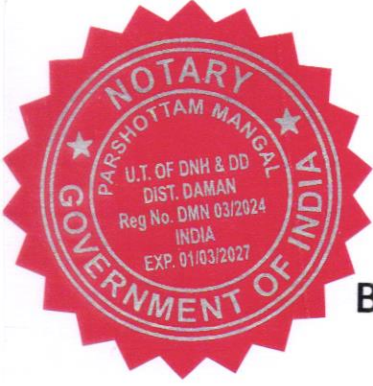
7.	<u>ANNEXURE R-6.</u> Copy of the Plot Book dated 29.02.1968.	66
8.	<u>ANNEXURE R-7.</u> A copy of Letter dated 06/10/2006.	67
9.	<u>ANNEXURE R-8.</u> A copy of Judgment and Order dated 27.10.1993 passed by the Hon'ble Supreme Court in C.A. No.994 of 1972.	68-73
10.	<u>ANNEXURE R-9.</u> A copy of letter dated 8.06.2006 written by appellant.	74
11.	<u>ANNEXURE R-10.</u> Copy of the Minutes of Meeting dated 02.08.2006.	75-76
12.	<u>ANNEXURE R-11.</u> A copy of permission granted by Village Panchayat dated 10.10.2006.	77
13.	<u>ANNEXURE R-12.</u> A copy of the Letter dated 10.04.2007 written by Technical Officer PWD to Sarpanch.	78
14.	<u>ANNEXURE R-13.</u> A copy of Letter dated 27.04.2007.	79-80
15.	<u>ANNEXURE R-14.</u> A copy of the Partnership Deed dated 15.10.2007.	81-92
16.	<u>ANNEXURE R-15.</u> A copy of Notice dated 30.10.2007.	93

17.	<u>ANNEXURE R-16.</u> A copy of Order dated 02.11.2007 passed by Collector Daman.	94
18.	<u>ANNEXURE R-17.</u> A copy of Letter dated 27/01/2009 issued by Gram Panchayat.	95
19.	<u>ANNEXURE R-18.</u> A copy of Occupancy Certificate dated 02.02.2009.	96
20.	<u>ANNEXURE R-19.</u> A copy of the Letter dated 02.05.2017.	97
21.	<u>ANNEXURE R-20.</u> A copy of Notice dated 29.05.2017.	98
22.	<u>ANNEXURE R-21.</u> A copy of Reply dated 02.06.2017.	99
23.	<u>ANNEXURE R-22.</u> A copy of Office Order dated 25.07.2023.	100-101
24.	<u>ANNEXURE R-23.</u> A copy of Complaint dated 09.10.2024.	102
25.	<u>ANNEXURE R-24.</u> A copy of Notice dated 28.11.2024.	103
26.	<u>ANNEXURE R-25.</u> A copy of Notice dated 06.12.2024.	104
27.	<u>ANNEXURE R-26.</u> A copy of Complaint.	105
28.	<u>ANNEXURE R-27.</u> A copy of the Report dated 31.07.2025.	106-111

29.	<u>ANNEXURE R-28.</u> A copy of the Minutes of the meeting dated 20.01.2026.	112-116
30.	<u>ANNEXURE R-29.</u> A copy of Order dated 30.01.2026.	117-119
31.	<u>ANNEXURE R-30.</u> A copy of Judgment and Order dated 08.05.2019 passed by the Hon'ble Supreme Court.	120-135

ADVOCATE FOR RESPONDENTS.


SUNITA SHARMA



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.1, 2
& 4 - U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI
AND DAMAN AND DIU.**

I, Puneet Kulshreshtha, Member Secretary, Daman & Diu Coastal Zone Management Authority – DDCZMA, having my office at Fort Area, Moti Daman, Daman - 396220, do hereby solemnly affirm and state as under:-

1. In my official capacity as stated above I am conversant with the facts and circumstances of the case as such I am competent to swear this Affidavit.

2. At the outset, I deny each and every averment, contention raised and allegation leveled by Appellant unless specifically admitted herein under by me.

3. **PRELIMINARY SUBMISSIONS:**

- (i). At the outset, it is submitted that the present Appeal is an attempt to legitimize a deliberate, continuous, and fraudulent violation of CRZ law by the Appellant, who has constructed and operated a “commercial establishment i.e. a hotel” in CRZ–III No Development Zone (NDZ) in complete disregard of statutory prohibitions. It is a settled principle that environmental violations, particularly in Coastal Regulation Zones, cannot be condoned on grounds of equity or hardship, and must be dealt with strictly in accordance with law.
- (ii). Under the CRZ Notifications of 1991 and 2011 issued under the Environment (Protection) Act, 1986, coastal stretches are classified into different zones, and in CRZ–III areas, -
- a. the land up to 200 metres from the High Tide Line (HTL) is designated as a No Development Zone (NDZ).



- b. Within this zone, *only repair of existing authorised structures* is permitted, without any increase in plinth area, floor space, or change in use, and
- c. *No new construction or commercial activity* is permissible. The Appellant's structure is admittedly located within 200 metres of the HTL and therefore falls squarely within the NDZ.

(iii) **CRZ violation:**

The subject property is situated within 200 metres of the High Tide Line (HTL) in the CRZ-III category and, accordingly, falls within the No Development Zone (NDZ), wherein construction activities are strictly restricted, as stated hereinabove.

The CRZ Screening Committee, in its meeting dated 02.08.2006, had granted only conditional approval for renovation of *the existing old residential bungalow*, with a categorical prohibition on any additional construction.

However, in blatant violation thereof, the Appellant demolished the *old residential bungalow* and constructed a new *Ground + 2 RCC hotel structure with basement* within 200 metres



of the High Tide Line, i.e., within the No Development Zone. The same is established from the notices issued by the Panchayat on 16.10.2007 and 25.10.2007. A copy of Notice dated 16.10.2007 is annexed as ANNEXURE R-1 and copy of Notice dated 25.10.2007 is annexed as ANNEXURE R-2.

Further, agenda no. 1 (D) of Minutes of the Meeting held on 27.04.2007 of CRZ Violation Report Committee categorically mentioned that "Construction of New Building Opposite Hotel Jajira, Devka (contruction, reportedly belongs to Shri. Dipesh Tandel, is going on)". Further, Agenda No. 2 stated that "*The Technical Officer, District Panchayat informed the Committee that a **new RCC Building** is being constructed on the plot whereas the permission was granted only for the strengthening and renovation of the old building situated there*".

Based upon above-mentioned MoM of CRZ violation committee, a notice dated 30.10.2007 issued by the Member Secretary CRZ Screening Committee, Daman stated that:

"construction of hotel, instead of renovation of old house for which permission was granted, is in gross violation of CRZ



norms as the said area is falling in CRZ III and this plot no. 27 of village Devka fall within 200 mtrs of HTL where no commercial activities are permitted as per CRZ notification in force in the UT of Daman and Diu”

Considering this violation, the Committee directed the Sarpanch, Marwad Group Gram Panchayat which is reproduced as below:

“in view of the above facts which are on record, the Sarpanch Marwad Group Gram Panchayat is hereby directed to take immediate necessary action for removal of unauthorized structure which has been constructed against the CRZ norms and report compliance”

The above stated facts clearly establishes that CRZ permission dated 2.08.2006 granted to the appellant effectively became null and void with the demolition notice dated 30.10.2007 issued by the CRZ Screening Committee. Therefore, the appellant had no valid CRZ permission since 30.10.2007 onwards.

Despite being afforded opportunities, the Appellant failed to produce any lawful CRZ permission for such construction.



Subsequent inquiry reports and proceedings before the DDCZMA conclusively establish that the Appellant misused the limited renovation approval to carry out entirely new construction in gross violation of the CRZ Notification, 1991 and 2011, ultimately leading to the order dated 30.01.2026 directing demolition and imposition of environmental compensation.

(iv) **Construction Permission and Occupancy Certificate:**

It is imperative to note that the original Parsi residential bungalow was a load-bearing structure. This can be corroborated by the fact the surrounding area around Plot No. 27 still has several old bungalows. All of them are load bearing in nature. load-bearing structures are those which are constructed primarily using brick and mortar, typically characterised by the absence of reinforced concrete beams and columns. Copy of colour photographs of old parsi residential bungalow surrounding the area are annexed as **ANNEXURE R-3 (Collectively)**

In contrast, the structure presently existing on the site comprises a basement and a G+2 RCC (reinforced concrete) building, being used as a hotel (commercial activity). RCC buildings are framed structures characterised by reinforced

4

concrete based beams and columns. Bricks and mortar are used merely for partition walls and do not contribute to the structural strength of the building. Copy of Colour photos of the present building constructed by appellant are annexed as ANNEXURE-4.(Colly).

The Appellant had initially obtained a conditional Construction Permission dated 10.10.2006 from the Gram Panchayat, which was strictly confined *to renovation and strengthening of the existing residential bungalow* and subject to compliance with CRZ norms.

However, upon detection of unauthorised construction of a new G+2 structure with basement by the PWD in the year 2007, the Gram Panchayat issued notice dated 16.10.2007 for removal of the unauthorised structure within 7 days.

Later on, the Gram Panchayat issued Demolition Notice dated 25.10.2007 which granted 3 more days to carry out the demolition of the unauthorized new RCC structure. Further, it was informed to the appellant that by a special meeting Resolution No.1 dated 25/10/2007 passed by the Panchayat, *the renovation/*



repair permission(Construction Permission) issued earlier has been revoked U/r 9 of the Goa, Daman and Diu village Panchayat (regulation of building) rule 1971 extended to U.T. of Daman and Diu.

The action taken by the Panchayat was further upheld by the Collector, Daman vide order dated 02.11.2007 in the Revision Application No. 1/2007.

It is pertinent to mention here that since Plot no. 27 lies in the NDZ of CRZ III, therefore no construction permission for a new building, no commercial permission and no occupancy/completion certificate for a new structure can ever be granted. Hence, any permission (for construction/completion/occupancy) for regularization of a new structure even if granted by any authority shall be null and void.

Therefore, letter dated 27.01.2009 and Occupancy Certificate dated 2.02.2009 have no legal validity. This is for two specific reasons- one, as mentioned in above para and second, that on these dates there was no valid CRZ permission which is a



precondition for issuance of any construction permission or occupancy certificate.

Additionally, it is also imperative to note that till date the appellant has never been granted any permission for Commercial activity at Plot no. 27. Despite this, the appellant is running a hotel (commercial activity) at the plot since 2007. This is gross violation of CRZ III norms as per both 1991 and 2011 notifications.

Subsequent surveys and notices issued by the Planning and Development Authority in 2017 also confirmed the unauthorised nature of the construction. It is thus evident that the Occupancy Certificate was obtained in the absence of any valid and subsisting Construction Permission, rendering the same void ab initio and incapable of conferring any legal right upon the Appellant.

(v) **Forged / Tampered Documents:**

A. **Tempering with Site Plan of the Survey Department:**

- a. Enquiries conducted by the authorities reveal that the original survey records reflected a plinth area of approximately 150 sq. metres corresponding to the old residential bungalow. A copy of the Map of the Old

4

Residential Bungalow dated 29.02.1968 is annexed as ANNEXURE R-5 and Copy of the Plot Book dated 29.02.1968 is annexed as ANNEXURE R-6.

- B. However, boundary of the plinth area shown in ink in map dated 29.02.1968 on the survey record has been tempered with and erased in the site plan. The same is clearly visible from the original survey record which is annexed as annexure R5 Further, the hatched area showing plinth area has been increased to 408 sq. metres and a new boundary of the plinth was drawn by tampering the survey record.
- C. It is pertinent to point out here that copy of the plot book at present still has the original record which is annexed as ANNEXURE R6 above.

D. Discrepancy in Layout Plan submitted for the purpose of Construction Permission:

I. Discrepancies in the plinth area

- a. As per Govt. record, the original plinth area was of 150 sq. mtrs; which is evident from map as well as the same has been marked as Annexure (ANNEXURE-R5) above.



- b. As per the Schedule II submitted by the appellant as mentioned in letter of BDO dated 06/10/2006, the plinth area was of 297.37 sq. mtrs.. A copy of letter dated 06/10/2006 is annexed as ANNEXURE-R 7
- c. After tempering the site plan, the area was increased to 408 sq. mtrs.

II. Discrepancies in the provision for Basement area in the layout plan:

- a. The layout plan submitted by the appellant has no provision of the basement.
- b. However, as the Hotel on ground today consists of basement also. The same was mentioned in various notices issued by the Marwad Gram Panchayat and CRZ Screening Committee.
- c. This again clearly establishes that the appellant has misrepresented facts to mislead the authorities to get the various permissions.

III. Discrepancies in the provision for Mazzanine Floor area in the layout plan:



- a) The layout plan submitted by the appellant has shown a provision of Mezzanine+ First Floor. A mezzanine is an intermediate floor, often with a low ceiling, placed between two main stories of a building. It is usually designed as an open balcony overlooking the floor below.
- b) However, the hotel presently clearly has basement and G+2 floors. There is no presence of Mezzanine floor . The total height of the construction is more than 9 Metres. If the height is considered from the floor level of the basement, then the height of the Hotel is even more.
- c) G+2 structure is strictly prohibited in the CRZ-III NDZ. Infact the structure is more than G+2 if the basement is counted in the construction.

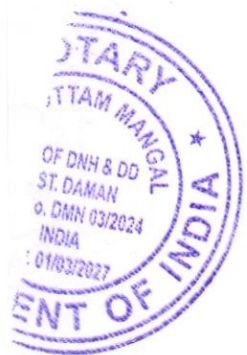


IV. Fraudulently obtaining of Tourism Permission:

Commercial activity is strictly prohibited in the NDZ of CRZ-III. Despite this, the appellant has misled the authorities by misrepresenting facts to obtain permission from Tourism Department. Therefore, the Tourism licence with the appellant also stands null and void.

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a flourish.

It is submitted that Hon'ble Supreme Court in Civil Appeal No.994 of 1972 in the matter of **S.P. Chengalvaraya Naidu (dead) by LRs: -Vs- Jagannath (dead) by LRs.** 1994(1)SCC1 was pleased to hold that "*Fraud avoids all judicial acts, ecclesiastical or temporal*" observed Chief Justice Edward Coke of England about three centuries ago. It is the settled proposition of law that a judgment or decree obtained by playing fraud on the Court is a nullity and non est in the eyes of law. Such a judgment/decree by the first Court or by the highest Court has to be treated as a nullity by every court, whether superior or inferior. It can be challenged in any Court even in collateral proceedings. A copy of Judgment and Order dated 27.10.1993 passed by the Hon'ble Supreme Court in C.A. No.994 of 1972 is annexed as **ANNEXURE R-8.**



4.

CHRONOLOGY OF EVENTS

29.02.1968: As stated above property under consideration is Old Parsi Bungalow of which Map was prepared and Plot Book was also prepared on this date.

18.08.2005: Appellant purchased old Parsi "**Residential Bungalow**" having plinth area of approximately 150 Sq Mts (As per the Survey Record of the Government). The land area purchased was about 900 Square Metres.

08.06.2006: Appellant addressed a letter to Sarpanch/Secretary Marward Group Gram Panchayat, (herein referred to as panchayat) Nani Daman "to get Permission for Renovation and Strengthening of House No.17" situated on Plot No.27 of Village Devka, Daman. A copy of letter dated 8.06.2006 written by appellant is annexed as **ANNEXURE R-9**

02.08.2006: Since the property was located within CRZ-III the proposal was referred to CRZ Screening Committee. Meeting of the CRZ Committee was held in which eight members were present and Appellant's case was considered at serial No.5. The Minutes of Meeting recorded as under:-

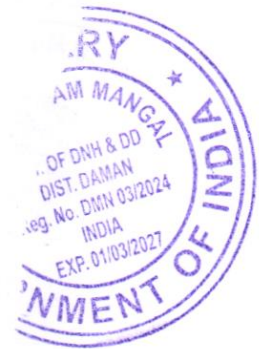


“The Committee cleared the case with the condition that no extra structure other than what is already there should be allowed for renovation as per CRZ III regulation. It is the responsibility of the Panchayat/District Panchayat to ensure the same.”

Copy of the Minutes of Meeting dated 02.08.2006 is annexed as **ANNEXURE R-10.**

06.10.2006:

BDO granted formal approval for construction of Renovation and Strengthening of old house No.17 and in the letter along with other conditions it was stated that the Appellant shall follow all the procedures and formalities laid down under the Relevant Act and Rules and abide by other provisions of the law for time being in force and construction should be carried out strictly as per the plan under approval. It was stated that the property having “total plinth area of 297.36 square meters and total floor area of 897.24 square meters as appearing in Schedule-II dated 01.06.2006 signed by the Applicant



Shri Deepesh Tandel and Shri Khushman Dhimar".

This permission was subject to the condition imposed by the CRZ Screening Committee. Any construction carried out in contravention of the condition imposed by the CRZ Screening Committee is illegal ab initio. Letter has been annexed as Annexure R 7 above.

10.10.2006:

Village Panchayat Marward granted Construction Permission No.1 where it was mentioned that such permission was entirely conditional and subject to compliance with CRZ norms, and any construction in excess thereof would be illegal and void ab initio. *It was only for renovation and strengthening of the existing old residential bungalow.* Thus the permission has to be read with the condition imposed by CRZ Screening Committee. The Applicant cannot appropriate and reprobate. The condition having been imposed by the CRZ Screening Committee cannot be ignored. Any ignorance of the condition imposed by the CRZ Screening Committee has to be visited with legal consequence to the illegality attached to the



construction carried out by the Applicant. A copy of permission granted by Village Panchayat dated 10.10.2006 is annexed as ANNEXURE R-11.

10.04.2007:

Contrary to the condition imposed by CRZ Screening Committee, the Appellant demolished the old house and undertook new construction of a G+2 RCC hotel structure with basement with height of more than 9 Metres, which was detected by PWD in 2007.

Technical Officer, PWD addressed a Letter to the Sarpanch stating that *Appellant has violated permission Licence dated 10.10.2006 as the nature of the work is totally changed i.e. the CRZ has cleared the file only for renovation strengthening of old house No.17 on plot No.27 of village Devka, Nani Daman whereas the construction is of new nature and from basement to ground floor, first floor and second floor level of RCC frame structure.*

In view of the above the construction permission No.01/2006-07 vide letter No. MVP/



PLAN/ 2006-2007/183 dated 10.10.2006 may be revoked accordingly.

A copy of the Letter dated 10.04.2007 written by Technical Officer PWD to Sarpanch is annexed as **ANNEXURE-R-12.**

27.04.2007: Minutes of the meeting of the CRZ Violation Committee observed that there is a violation of CRZ norms. The Assistant Engineer District Panchayat in his report stated that CRZ norms have been violated.

A copy of Letter dated 27.04.2007 is annexed as **ANNEXURE R-13.**

15.10.2007: Partnership Deed executed between the appellant and Khusman Dhimar in the name and style of "Hotel Ocean Panorama". A copy of the Partnership Deed dated 15.10.2007 is annexed as **ANNEXURE R-14.**

16.10.2007: On detection of unauthorized construction, the Panchayat issued Demolition Notice to Appellant.



25.10.2007: Demolition Notice was issued by Panchayat stating that Reply dated 23.10.2007 filed by the appellant against Notice dated 16.10.2007 was not satisfactory as the appellant had not renovated /repaired the building as per the approved plan and **false statement** has been made before the Sarpanch.

It was further stated that vide Special Meeting Resolution No.1 dated 25.10.2007 passed by Panchayat, permission for renovation/repair has been revoked under Rule-9 of Goa, Daman and Diu Village Panchayat (Regulation of Building) Rules, 1997.

Therefore appellant was given final notice to demolish unauthorized construction of House No.17 within three days of receipt of Notice otherwise Panchayat will demolish the authorized construction as per law.

30.10.2007: Member Secretary, CRZ Screening Committee issued notice wherein it was stated that



- i. a Hotel (Commercial Activity) has been constructed in Plot No.27 and Appellants have applied for Hotel Registration with Tourism Department.
- ii. It was further stated that construction of "**Hotel instead of renovation of old House**" for which permission was granted is in gross violation of CRZ norms as the said area is falling in CRZ-III and Plot No.27 falls within 200 meters of High Tide Line where no commercial activity is permitted as per CRZ Notification in force in UT of Daman and Diu.
- iii. This violation of CRZ norms have been reported by the Chairman of CRZ Violation Committee vide letter dated 27/04/2007 and also by the PWD, Daman.
- iv. Sarpanch was directed to take immediate necessary action for removal of unauthorized structure which was constructed against the CRZ norms and he was directed to report compliance.



A copy of Notice dated 30.10.2007 is annexed as

ANNEXURE R-15.

02.11.2007:

Appellant had filed Revision No.1 of 2007 before Collector on 26.10.2007 challenging Notice dated 16.10.2007 and 25.10.2007 Resolution passed by Panchayat. However said Revision Application was dismissed by the Collector Daman upholding the revocation and demolition order, thereby conclusively determining that the construction carried out by the Appellant was illegal and unauthorised. The Appellant was thus fully aware, as early as 2007, that the construction was in the CRZ-III. A copy of Order dated 02.11.2007 passed by Collector Daman annexed as **ANNEXURE R-16.**

27.01.2009:

Marward Group Gram Panchayat re-granted permission No.1/2006-2007 on the ground that appellant has removed the extra and unauthorized construction of **Bungalow No.17** on Plot No.27 at Panchayat alongwith the Technical Officer (PWD) and BDO inspected the Site and certified that the



building is as per CRZ norms Notifications and permissions and all other building regulations of Village and District Panchayat.

The alleged permission No.1/2006-2007 is void ab initio. It is in contravention to the conditions imposed by the CRZ Screening Committee. It has no validity in the eyes of law. It is not placed before the CRZ Screening Committee for approval. It is a nullity. It is respectfully further submitted that:

- a. Firstly, it was an old Residential Bungalow. In contrast, the structure present on ground is a G+2 with basement RCC structure.
- b. Secondly, the permission was granted solely for the renovation and strengthening of the existing residential bungalow. In contrast, a new Hotel was constructed and commercial operations are running in the premises. No permission was ever granted for any commercial activity as clearly established with the conditions under Construction Permission;



- c. Based on this, the CRZ Screening Committee had allowed “*renovation and strengthening of existing house*” with a specific condition that “*no extra structure other than what is already there should be allowed for renovation as per CRZ norms*”.
- d. Moreover, the appellant had executed a Partnership Deed with Khushman Dhimar before the Sub-Registrar, Daman, on 15/10/2007. it is evident that before, 2007, there was no commercial activities was going on in the premises more specifically in the existing building before 2007.
- e. As per the applicable CRZ Notifications 1991 and 2011, only limited and specified activities are permitted within CRZ-III. **Commercial activities, particularly those of a purely business or profit-oriented nature such as hotels, resorts, or other non-essential commercial establishments, are restricted or prohibited, especially within the No Development Zone**



(NDZ), which extends up to 200 meters from the High Tide Line (HTL).

Therefore, commercial activities are not permitted in CRZ-III areas, and any such use unless specifically authorized under the CRZ framework and backed by valid permissions would amount to a violation of the CRZ Notification.

Hence, the use of premises for commercial purposes in a CRZ-III area, without requisite approvals of the CRZ Committee and falling outside the permitted categories, is illegal, void ab initio and liable for action, including demolition or closure.

- f. Even if Construction permission (CP) is granted, or Occupancy Certificate (OC) is issued, they do not legalize a structure if it violates CRZ norms. The CP and the OC are a nullity and void ab initio. After from the same being a nullity having been procured on the basis of forged documents.



g. Courts and tribunals (including NGT and High Courts) have repeatedly held:

CRZ violation cannot be regularized merely because another authority granted approval

“No estoppel against law” means illegal construction cannot be protected by prior permissions.

h. Subsequently, Panchayat has no authority to declare that the building is as per CRZ norms.

Hon’ble Supreme Court has held that Panchayat has no Authority to issue permission when property is in Coastal Zone.

A copy of Letter dated 27/01/2009 issued by Gram Panchayat is annexed as ANNEXURE-17.

02.02.2009:

Office of Assistant Engineer and Technical Officer PWD Panchayat Sub-Division issued occupancy certificate to appellant. As stated above appellant had mislead the authorities and submitted false and forged documents. Upon perusal of the survey records, it is found that the carpet area hatched on the original site



plan with the Enquiry Office of the City Survey Department was tampered with, and the hatched area was increased to misrepresent a larger carpet area in order to justify the new unauthorized construction. It is stated that the hatched area was increased from 150 square meters (as per the plan) to 408 Sq mts. It is stated that the approvals and occupancy certificate obtained by misrepresentation of material facts and by relying upon forged and tampered survey records thereby vitiates the entire process. Such tampering of Government records is a serious illegality and strikes at the root of the Appellant's case. A copy of Occupancy Certificate dated 02.02.2009 is annexed as **ANNEXURE R-18**.

02.05.2017:

Planning and Development Authority carried out Survey to Assess unauthorized construction along the Coastal Road of Village Marward and Devka and Appellant was directed to submit copy of approved building plan, approval letter, copy of occupancy certificate and other relevant documents within 10



days from receipt of the letter to ascertain the legal status of the building. A copy of the Letter dated 02.05.2017 is annexed as ANNEXURE R-19.

10.05.2017: Appellant submitted documents to Planning and Development Authority in reply to Notice dated 02.05.2017..

29.05.2017: Approved Plan submitted by Appellant was compared with the actual measurements of the building and it was found that Appellant has constructed ground floor + 2 floor instead of ground floor+1 and has constructed Basement also. Therefore Planning and Development Authority Daman issued Notice to Appellant U/s. 52 of the Town & Country Planning Act, 1974 to remove excess built-up area of the building within 30 days at his risk. A copy of Notice dated 29.05.2017 is annexed as ANNEXURE R-20.



02.06.2017: Appellant replied to the notice dated 29.05.2017 on his Letter head namely Hotel Ocean Panorama and stated as under:-

“Hence the contents mentioned in your NOTICE dated 29.05.2017 as mentioned above in Para-1 be reviewed and the NOTICE dated 29.05.2017 be withdrawn/revoked immediately and acknowledge the undersigned.” A copy of Reply dated 02.06.2017 is annexed as **ANNEXURE R-21**.

28.06.2017: Notice dated 29.05.2017 was withdrawn by Planning and Development Authority Daman as the appellant mislead by submitting the forged documents and suppressing violation of the conditions imposed by the CRZ Screening Committee.

25.07.2023: DDCZMA laid down a standard procedure for handling CRZ violation complaints, requiring-

- (i) receipt of complaint by DDCZMA;
- (ii) direction by Member Secretary to District Level Committee / Standing Committee for site inspection;



- (iii) submission of inspection report;
- (iv) issuing show-cause notice with gist of violation and proposed action against the alleged violator and granting minimum 10 days for reply and hearing; and
- (v) final recommendations by Member Secretary to DDCZMA, followed by authority's decision and directions to Collector/other agencies for enforcement.

A copy of Office Order dated 25.07.2023 is annexed as ANNEXURE R - 22.

09.10.2024:

A Complaint was received from Shri Soma Patel by Collector that Hotel Panorama is running without CRZ permission. A copy of Complaint dated 09.10.2024 is annexed as ANNEXURE R-23.

28.11.2024:

Member Secretary DDCZMA issued notice to appellant that a Complaint has been received with regard to CRZ violations in Plot No.27 therefore appellant was requested to remain present for hearing on 04.12.2024 alongwith documents A copy of



Notice dated 28.11.2024 is annexed as ANNEXURE R-24.

04.12.2024:

Appellant addressed Letter to Chairperson DDCZMA in reply to notice dated 28.11.2024 and stated that the structure exists since "Portuguese Time" prior to applicability of Indian Laws since liberation and the structure was repaired, renovated and strengthened from time to time. It was further stated that the Notice dated 28.11.2024 is pre mature illegal and he requested that Notice may be revoked. It was further stated that Appellant is unaware about the nature of CRZ violations as mentioned in Notice and if respondent is in requirement of further documents then a copy of the Complaint and documents attached to the complaint may be forwarded. It is submitted that Reply filed by Appellant makes it clear that he was fully aware of CRZ violations moreover the proceedings were initiated as early as in 2007 and at that point of time also Appellant was granted opportunity of hearing and to submit documents and



(Handwritten signature)

in the recent proceedings also opportunity of hearing was granted to Appellant. However appellant failed to submit any supporting documents regarding the CRZ clearance of Hotel Ocean Panorama.

06.12.2024:

Since appellant failed to submit documents regarding CRZ clearance another Notice was issued by Member Secretary DDCZMA stating that pursuant to notice dated 04.12.2024 though appellant was present for hearing on 04.12.2024 yet he failed to submit any supporting document regarding CRZ clearance of Hotel Panorama. Therefore appellant was once again requested to submit supporting documents regarding CRZ clearance. A copy of Notice dated 06.12.2024 is annexed as ANNEXURE R-25.

Another complaint was received from Shri Rajesh R. Patel where he has mentioned that the appellant had violated the provisions of various Act and Rules and thereby constructed the unauthorized structure in the name of renovation and strengthening



of the existing residential bungalow. A copy of Complaint is annexed as ANNEXURE R-26.

09.12.2024:

DDCZMA requested Collector Daman stating that a detailed enquiry into the issuance of various documents like construction permission, occupancy certificate, certificate of registration of hotel excise licence etc. needs to be conducted as it is necessary with respect to its consonance with spirit of CRZ and other norms therein. Member Secretary DDCZMA requested Collector to submit a detailed report in the matter.

31.07.2025:

Planning and Development Authority Daman conducted a Site specific enquiry and a report containing relevant findings and remarks were submitted to Member Secretary DDCZMA. Considering the letter of the Member Secretary (DDCZMA), Daman and Diu has submitted a detailed report on 31/07/2025, where the violation committed by the appellant was mentioned. Subsequent enquiries by the Member Secretary,



PDA, and PDA officials reveal that after revocation of permissions, the Appellant obtained an Occupancy Certificate dated 02.02.2009 and hotel registration by submitting forged documents and misrepresenting material facts including suppression of the conditions imposed by the CRZ Screening Committee.

The Member Secretary, PDA, further in the inquiry report confirmed (i) the hotel is a G+2 RCC structure within 200 m of HTL, i.e., in CRZ-III NDZ;, (ii) construction permission for mere renovation was misused to construct a new hotel structure, (iii) the Gram Panchayat permissions had been lawfully revoked and demolition ordered by competent authorities; and (iv) Occupancy Certificate and subsequent registrations were void ab initio as founded on forged documents and interpolated survey records as well as contrary to the conditions imposed by the CRZ Screening Committee. The Survey Plan of Plot No. 27, Village Devka, Nani Daman, as maintained by the City



Survey, clearly depicting the original plinth area of approximately 150 sq. metres of the old Parsi house and the later tampered version showing 408 sq. metres of hatched area. A copy of the Report dated 31.07.2025 is annexed as ANNEXURE R-27.

20.01.2026.

DDCZMA held a meeting to deliberate and take a decision on the report submitted by Member Secretary PDA concerning the unauthorized and illegal construction of Hotel Panorama located in Plot No.27 and it was observed that the Plot is situated within 200 meters of High tide lines and falls under CRZ-III. It was observed that gross violation of provisions of CRZ Notification – 2011 and other applicable laws had been committed and accordingly resolved, as a binding decision of the Authority, to issue demolitions orders and to levy environmental compensation. A copy of the Minutes of the meeting dated 20.01.2026 is annexed as ANNEXURE R-28.

30.01.2026:

Member Secretary DDCZMA issued direction U/s.5 of the Environment Protection Act, 1986 and stated



A handwritten signature in blue ink, consisting of a stylized 'A' followed by a flourish.

that pursuant to detailed enquiry conducted by Member Secretary PDA it is established that the Project Site is located within 200 meters of High Tide Line and falls under no Development Zone of CRZ-III.

It was further stated that the construction is in clear violation of CRZ Notification-2011 which is in CRZ-III and as per Para 8(i)III CRZ-IIIA(ii), no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure, thus the construction of Hotel Ocean Panorama located on the Plot No.27 of Village Devka, Nani Daman, falling within CRZ-III (NDZ) area is a prohibited activity. Therefore appellant was directed to demolish the unauthorized structure within 15 days and Environmental compensation amounting to Rs.1,03,02,000/- (Rupees One Crore Three Lakh Two Thousand) was levied for unauthorized construction and illegal commercial



operation in CRZ area. A copy of Order dated 30.01.2026 is annexed as **ANNEXURE R-29.**

12.02.2026: Appellant filed Writ Petition No.1782 of 2026 before the Hon'ble High Court of Bombay. In fact, the Hon'ble High Court of Bombay granted an opportunity to the Appellant to produce the photographs of the Old Bungalow, on which the Appellant orally informed the High Court that it did not have photographs of the Old Bungalow. Obviously, the Applicant suppressed photos of the Old Bungalow knowing fully well that the Applicant had violated the CRZ Screening Committee conditions and if a photograph were to be produced such violations will be apparent.

5. **PARAWISSE REPLY:**

- (i). Contents of paras 1 & 2 do not require any reply.
- (ii). In reply to Para-3 it is stated that the Order dated 30.01.2026 is a detailed and reasoned order and is passed in accordance with law. It is denied that order dated 30.01.2026 has been issued in breach of Rule 4 of the Environment (Protection) Rules, 1986 ("EP



Rules”) and contrary to DDCZMA’s order dated 25.07.2023 prescribing procedure. Under Sections 3 and 5 of the Environment Protection Act, 1986, the Central Government and the authorities constituted under Section 3(3) (including CZMAs) are empowered to issue directions, for closure, regulation and demolition of activities that cause environmental harm or violate statutory notifications. DDCZMA’s order dated 25.07.2023 lays down a complaint-based procedure requiring receipt of complaint; direction for site inspection by District Level Committee / Standing Committee; submission of report; issuance of show-cause notice with gist of complaint and proposed action, granting time for reply and hearing; and recommendation by Member Secretary and final decision by DDCZMA, followed by directions to local authorities for implementation.

The respondent further states that in the present case, written complaints were received and accordingly, the PDA carried out an inspection and submitted a detailed report dated 31.07.2025 on CRZ violations, unauthorised construction and interpolation of survey records.



The DDCZMA had already issued notices dated 28.11.2024 and 06.12.2024 referring to the complaint and requested to remain present for personal hearing with documents. The Appellant filed written submissions on 04.12.2024 and 09.12.2024 along with documents, including CRZ Committee conditional clearance dated 02.08.2006 Panchayat permissions, Occupancy Certificate and PDA correspondence. The Member Secretary thereafter placed the complaint, inspection report, Appellant's replies and past records before DDCZMA for a considered decision under the EP Act and CRZ notifications. The Applicant, being an experienced public figure and longstanding litigant in related proceedings since 2007, was fully aware of the subject-matter and has not demonstrated any specific prejudice or surprise. In any event, the Applicant has since been given complete copies of the complaint and now before this Hon'ble Tribunal, and has had ample opportunity to contest their contents. No interference is warranted on a hyper-technical plea of notice, especially where substantive and longstanding CRZ violations are established on record.

Respondent further states that Rule 4 of the EP Rules is a general provision governing the manner of issuing directions



under Section 5 of the Act, and does not override or dilute specific procedures adopted by the CZMA, so long as the basic requirements of notice, opportunity of hearing, and reasoned order are satisfied. The record shows that notice and hearing were provided; Appellant had full opportunity to place material and contest alleged violations; and the impugned order is based on extensive materials going back to 2006–2007 and 2017, not merely on the 2024–25 inspection. Hence, there is due compliance with both the EP Rules and the DDCZMA's 25.07.2023 order.

Therefore, the Appellant's plea that the impugned order dated 30.01.2026 was passed without issuing a prior show-cause detailing proposed action or enclosing the complaint/inspection report, in violation of audi alteram partem and DDCZMA's 25.07.2023 order is wrong and baseless.

The notice dated 28.11.2024 expressly states that DDCZMA "is in receipt of a complaint with regards to the CRZ violations at Hotel Ocean Panorama committed by you in survey number / Plot Number 27... Devka, Nani Daman" and requested Appellant to remain present with "all supporting documents". Appellant's replies dated 04.12.2024 and 09.12.2024 demonstrate



that he was fully aware that the violations pertain to CRZ norms and the illegality of his hotel structure and considering this, produced a detailed list of documents (CRZ Committee approval, Panchayat permission, Occupancy Certificate, PDA notices and replies) to justify the structure. The appellant also claimed that the structure was "existing since Portuguese time" and merely renovated, thereby squarely addressing the core issue of legality and extent of construction regarding CRZ norms.

The requirement in administrative law is that the notice must give reasonable information so as to enable an effective response, not that it must set out an exhaustive charge-sheet. The Appellant, was fully aware of the violations as well as the proceedings since 2007, therefore, he cannot contend that Principles of Natural Justice were violated or any prejudice was caused to him.

- (iii). In reply to Para-4 it is stated that respondent has followed Principles of Natural Justice and opportunity of hearing was granted to Appellant and he produced documents which were duly considered. Appellant was fully aware that the subject plot is located in CRZ-III within 200 meters of High Tide Line. On



08.06.2006 itself DDCZMA had granted conditional approval to appellant that no extra structure other than already there should be allowed for renovation as per CRZ-III Regulation. Notice was issued to appellant in 2007. It is denied that impugned order dated 30.01.2026 has been issued in breach of Rule 4 of the Environment (Protection) Rules, 1986 ("EP Rules") and contrary to DDCZMA's own order dated 25.07.2023 prescribing procedure. Under Sections 3 and 5 of the Act, the Central Government and the authorities constituted under Section 3(3) (including CZMAs) are empowered to issue directions, including for closure, regulation and demolition of activities that cause environmental harm or violate statutory notifications.

- (iv). In the present case, written complaint was received; the PDA, Daman carried out inspection and submitted a detailed report dated 31.07.2025 on CRZ violations, unauthorised construction and interpolation of survey records; DDCZMA had issued notices dated 28.11.2024 and 06.12.2024 referring to the complaint and requested Appellant to remain present for hearing with documents; the Appellant filed written submissions on 04.12.2024 and 09.12.2024 and along with documents including CRZ Committee



conditional clearance, Panchayat permissions, Occupancy Certificate and PDA correspondence; the Member Secretary thereafter placed the complaint, inspection report, Applicant's replies and past records before DDCZMA for a considered decision under the EP Act and CRZ notifications.

It is stated that sufficient opportunity was granted to Appellant as Notices were issued on 28.11.2024 and 06.12.2024 and the Impugned Order is passed on 31.01.2026. The gist of the Complaint dated 09.10.2024 was conveyed to the appellant.

It is stated that a valid show cause notice was issued under Rule-4(3)(a) of the Environment Protection Rules, 1986 and the procedure prescribed under the rule was followed. As stated above appellant was fully aware that a conditional CRZ clearance was granted to him and notices have been issued to him in 2007 regarding CRZ violations. Thus, neither appellant can contend that he was not aware that he has violated CRZ norms nor he can say that he was not granted opportunity of hearing regarding the violations committed by him as he was aware of violations since 2007.



- (v). Contents of Para-5(a, b & c) are matter of record and do not require any reply. However it is stated that it was an old Parsi Residential Bungalow having an area of 900 square meters with a built-up area of 150 square meters.
- (vi). In Reply to Para-5 (d & f), it is denied that the plinth area of Bungalow was not 400 square meters; instead, it was 150 square meters as is evident from the map annexed as ANNEXURE R-5. Further, even if 400 sqm is assumed to be true, then too it is at variance with the plinth area of the Hotel on ground today.
- (vii). Contents of Para-5 (e, g & h) do not require any reply.
- (viii). In reply to Para-5(i) it is stated that CRZ Committee in its meeting cleared the case with the condition that no extra structure other than what is already there should be allowed for renovation as per CRZ-III regulation.
- (ix). In reply to Para-5(j) it is reiterated that the plinth area of Bungalow was 150 square meters. It is the Appellant who has tampered with the survey record and has increased the plinth area to 400 sqm. It is stated that letter dated 06.10.2006 records that the property *"having total plinth area of 297.36 square meters and*



total floor area 897.24 square meters as appearing in schedule-II dated 01.06.2006 signed by the applicant Shri Deepesh Tandel and Shri Khushman Dhimar”.

- (x). In reply to Para-5(k) it is stated that Letter dated 26.09.2006 clearly states that there is no objection from planning point of view for renovation and strengthening of old house within the existing FAR, Coverage and Setback and it was stated that **no extra structure other than what is already there should be allowed** for the renovation and strengthening as per CRZ-III Regulation.
- (xi). Para-5 (l & m) it is stated that the Appellant has demolished the old parsi residential bungalow and has carried out unauthorized RCC structure comprising of basement, ground floor, first floor and second floor, which was detected by the PWD in the year 2007. Therefore, conditional permission was revoked by the Gram Panchayat vide Order dated 25.10.2007 and a demolition notice dated 30.10.2007 was issued.
- (xii). Para-5(n) it is stated that the construction is not as per the approved plan as already submitted above. There are discrepancies



with respect to basement, mezzanine floor and more importantly operation of commercial activity in the premises. Hence, the occupancy certificate issued in 2009 is null and void.

- (xiii). Para-5 (o & p) it is submitted that the Plot is situated in CRZ-III i.e. No Development Zone (NDZ), therefore, no commercial activities can be carried out in the CRZ-III area. It is further stated that the local authority much less a Panchayat, in view of the Notification of 1991 and 2011, has no authority to grant permission without the concurrence of CRZ Screening Committee or the Coastal Zone Management Authority.
- (xiv). Para-5 (q & r) it is stated that the plot area of the land was 900 square meters, which is not disputed. It is pertinent to mention that the permission dated 10.10.2006 was only for renovation and strengthening of the bungalow. Moreover, Panchayat has no authority to grant approval to appellant to use the renovated and strengthened residential bungalow as "Hotel Ocean Panorama". It is reiterated that the construction was carried out against the conditional permission granted.



(xv). Para-5- (s & t) it is stated that construction was against sanctioned plan and in violation of Coastal Zone Regulation. Letter dated 28.06.2007 does not absolve appellant of the violations committed by him in CRZ-III.

(xvi). Para-5 (u & v) do not require any reply.

(xvii). Para-5 (w to aa) it is stated that appellant was fully aware of the violations committed by him and Order dated 30.01.2026 is a detailed reasoned order which was passed after giving opportunity of hearing to appellant and after perusal of documents filed by him. The law as applicable was fully followed the notices were issued to appellant on 25.10.2007, 30.10.2007, 28.11.2024 and 06.12.2024 thus appellant was fully aware of the violations committed by him. It is reiterated that the plinth area of old parsi residential bungalow was approximately 150 square meters and appellant has interpolated the sanctioned maps and increased the area to 400 square meters.

(xviii). Contents of Para-6 & 7 do not require any reply. However, during the proceedings of the case before the Hon'ble High Court on dated 12/02/2026, the Hon'ble High Court granted opportunity to



①

the Appellant to produce the photographs of the Old Bungalow, to which the Appellant orally informed the Bombay High Court that it does not have photographs of the Old Bungalow.

(xix). In reply to Para-8 & 9 it is stated that a detailed reasoned order has been passed in accordance with Environment Protection Act, 1986 and Environment Protection Rule-1986.

6. It is stated that the Appellant has already replied in preceding paras regarding the contentions raised in the grounds. However it is further submitted that Occupancy Certificate issued in the year 2009 by the Marwad Group Gram Panchayat stands vitiated in law, having been obtained by the Appellant through misrepresentation and suppression of material facts. The same is null and void. The same cannot override the provisions of the CRZ Regulation.

7. It is stated that Hon'ble Supreme Court in Civil Appeal No.4784-4785 of 2019 in the matter of – The Kerala State Coastal Zone Management Authority –Vs- The State of Kerala Maradu Municipality & Ors., 2019 (7) SCC 248 was pleased to hold that permission granted by the Panchayat was illegal and void. No development activity could have taken place in prohibited zone. A copy of Judgment and Order



dated 08.05.2019 passed by the Hon'ble Supreme Court is annexed as ANNEXURE R-30.

8. The respondent further states that it is only on the basis of such tampered records that the Occupancy Certificate dated 02.02.2009 and other licences were obtained; the enquiry terms these approvals "void ab initio" on account of forged documents, misrepresentation of material facts and tampering of survey records.

Accordingly, the claim of the appellant that DDCZMA relied on an incorrect plinth area is incorrect. On the contrary, the Authority has correctly proceeded on the basis that the lawful "existing" plinth area (within the meaning of CRZ-III NDZ provisions) is approximately 150 sq. m. and any construction in excess of that, especially a G+2 RCC hotel building with basement, is unauthorised and impermissible and the Appellant has indulged in interpolation? of Government records.

9. This Hon'ble Tribunal, exercising powers under Sections 14 and 15 of the NGT Act, is empowered to examine the merits de novo on the basis of the primary statutory regime (EP Act, CRZ Notifications)

10. The respondent further states that the calculation of the environmental compensation regime evolved by this Hon'ble Tribunal in



Paryavaran Suraksha Samiti v. Union of India (OA No. 593/2017)

and subsequent CPCB guidelines implementing that formula. The CPCB's reports and State Pollution Control Board circulars, issued pursuant to orders in OA 593/2017, prescribe formula for calculating environmental compensation based, inter alia, on scale of illegal activity (e.g., area / capacity utilised), the duration of violation (number of days / years), and environmental risk / sensitivity of the area (here, CRZ-III NDZ coastal stretch).

As the Appellant has been operating and running a commercial hotel in a prohibited NDZ for several years the unauthorised construction is of a substantial G+2 RCC structure with basement in sensitive coastline and the violations are aggravated by forgery, misrepresentation and flouting of repeated demolition and revocation orders, the compensation imposed is proportionate and necessary to achieve the "polluter pays" principle and deterrence mandated by this Hon'ble Tribunal's jurisprudence.

11. Without prejudice to the foregoing, and for the sake of brevity, even assuming without admitting that there has been no tampering of Government records or any increase in the plinth area, the admitted



position remains that the subject property, originally a residential bungalow, is now being put to commercial use by the Appellant.

Such change in use is impermissible when the property falls within CRZ III, as governed at the relevant time by the Coastal Regulation Zone Notification, 1991, issued under the Environment (Protection) Act, 1986, and subsequently continued and reinforced under the Coastal Regulation Zone Notification, 2011. Further, the property is a G+2 with basement structure which is strictly prohibited as per CRZ norms of 1991 and 2011.

The Appellant, having applied for and obtained various permissions during the period 2006 to 2009, was squarely governed by the 1991 and 2011 Notification, which strictly regulated development and use within CRZ III areas. The said regulatory framework clearly restricts and controls the permissible activities in such zones.

The CRZ regime, both under the 1991 and 2011 Notifications, regulates not only construction but also the nature and purpose of use of premises, and commercial activities are prohibited/restricted in such zones without requisite CRZ clearance. Therefore, irrespective of any alleged structural compliance, the very use of the premises for



commercial purposes renders the activity illegal and in violation of the applicable CRZ provisions.

12. Section 3 of the EP Act authorises the Central Government to take “all such measures as it deems necessary or expedient” for protecting and improving environment, including restricting areas where industries, operations or processes shall not be carried out or shall be carried out subject to safeguards. Section 3(3) permits constitution of authorities (including CZMAs) and conferral of powers and functions upon them, including powers under Section 5 to issue binding directions for closure, regulation and demolition.

13. The CRZ Notifications of 1991 and 2011, issued under Section 3, are statutory orders that define CRZ categories, NDZ, and permissible/prohibited activities. Section 24 of the Act provides that its provisions and orders have overriding effect over inconsistent enactments. The Bombay High Court in Vanashakti has emphasised that CRZ notifications are not mere delegated legislation but statutory measures under Section 3; and that NGT has wide jurisdiction to enforce them, with an interpretation favouring conferment rather than exclusion of jurisdiction.



Against this backdrop, any local permission, occupancy certificate or tax collection cannot legalise a construction that is fundamentally contrary to CRZ-III NDZ norms. At best, such local acts may serve as factual background; they cannot override the clear prohibition of new hotel.

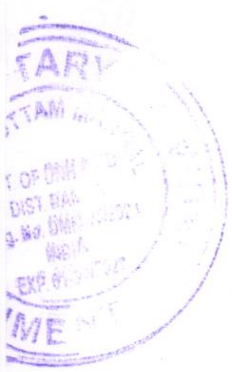
14. In view of the aforesaid facts and settled position of law, it is respectfully submitted that the appellant has carried out unauthorised construction and is operating a commercial establishment in a prohibited CRZ-III No Development Zone, in blatant violation of the applicable CRZ Notifications. The permissions relied upon by the Appellant are either conditional, revoked or obtained by fraud or tampering records and are therefore void ab initio. The order dated 30/01/2026 has been passed after due process and in strict compliance with law, and warrants no interference.

On the facts and in the circumstances it is therefore most respectfully prayed that present Appeal is devoid of any merits and deserves to be dismissed.



DEPONENT

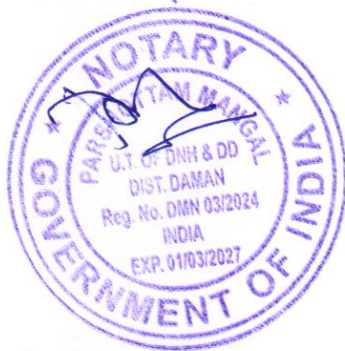
**Member Secretary (DDCZMA),
Daman & Diu**



VERIFICATION:

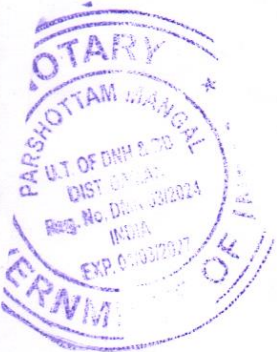
Verified that the contents of above affidavit paragraphs 1 to 14 are true and correct to the best of my knowledge as drawn from the records of the case, no part of it is wrong and nothing material has been concealed therefrom.

Verified at Moti Daman-396210 on this _____ day of March, 2026.



DEPONENT.

Member Secretary (DDCZMA),
Daman & Diu



BEFORE ME

PARSHOTTAM MANGAL
Advocate - Notary
Daman (U.T.), INDIA

મરવડ ગ્રુપ ગ્રામ પંચાયત

ઓફિસ : દેવકા તાઈવાડ, નાની દમણ - ૩૯૬ ૨૧૦.

ફોન : ૨૨૨૧૫૨૭, ૨૯૯૨૮૧૧



MARWAD GROUP GRAM PANCHAYAT

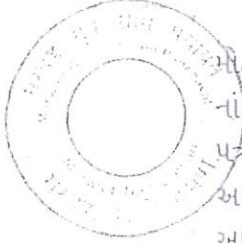
Office : Devka Taiwad, Nani Daman - 396 210.

Phone : 2221527, 2992811

No.MVP/Notice/2007-08/ 541

Date:- 16/10/07

NOTICE



આથી આસિસ્ટન્ટ એન્જનીયર એન્ડ ટેકનીકલ ઓફીસર પી. ડબલ્યુ. ડી જીહા પંચાયત મોટી દમણ નાં પત્ર નં DP/D&D/Tech.App/T.O /2007-008 / 41 Dated 10-04-2007 નાં અધારે નોટીસ આપવામાં આવે છે કે આપના દ્વારા પંચાયતની પરમીશન નં 01/2006-07 પત્ર નં MVP/Plan /2006-07/183 Date :- 10-10-2006 બાંધકામ પરમીશન મેળવેલ પરંતુ આ પરમીશન મુજબનું બાંધકામ કરેલ નથી. જેથી વધારાનું બાંધકામ દુર કરવા માટે આપને નોટીસ આપવામાં આવે છે.

ઉપરોક્ત વધારાનું બાંધકામ દિવસ સાત (7) માં તોડી પાડી અથવા તો તે બાંધકામ શા માટે તોડી ન પાડવું તેનું કારણ લેખીતમાં પંચાયત ઓફીસે જણાવશો.

જો આમ કરવામાં નિષ્ફળ જશો તો આસિસ્ટન્ટ એન્જનીયર એન્ડ ટેકનીકલ ડબલ્યુ. ડી જીહા પંચાયત મોટી દમણ કચેરી દ્વારા પગલા લેવામાં આવશે

જોડાણ:- આસિસ્ટન્ટ એન્જનીયર એન્ડ ટેકનીકલ ઓફીસર પી. ડબલ્યુ. ડી જીહા પંચાયત મોટી દમણ નાં પત્ર નં DP/D&D/Tech.App/T.O /2007-008 / 41 Dated 10-04-2007 ની ઝેરોક્ષ કોપી.

પ્રતિ

શ્રી. દિપેશ ઠાકોર ટેલ
પુશમન રણછોડ ઢીમર
દેવકા, નાની -દમણ

નકલ રવાનાં :- 1) મે.કલેક્ટર સાહેબ દમણ ને યોગ્ય જાણ સારુ.

2) મે. આસિસ્ટન્ટ એન્જનીયર સાહેબ દમણ ને યોગ્ય જાણ સારુ તેમજ યોગ્ય ઘટતી કાર્યવાહી અંગે

3) મે. વિ. ઘ અધિકારી સાહેબ દમણ ને યોગ્ય જાણ સારુ.

N. K. Patil
મરવડ / Sarpanch

મરવડ ગ્રુપ ગ્રામ પંચાયત

Marwad Group Gram Panchayat

મરવડ, Marwad

નાની દમણ/Nani Daman

O/C
[Signature]

ANNEXURE R-2

55

C/34 C/23

मरवाड ग्राम प्रांथ पंचायत

ओफिस : देवका तालुका, नानी दमण - ३९६ २१०.

फोन : २२२१५२७, २९९२८११



MARWAD GROUP GRAM PANCHAYAT

Office : Devka Taiwad, Nani Daman - 396 210.

Phone : 2221527, 2992811

No. MVP/NOTICE/07-08/553

Dated: 25.10.2007

Demolition Notice

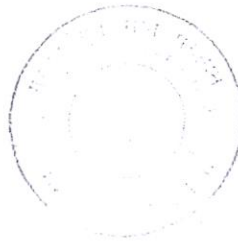
WHEREAS this Panchayat has issued notice vide Notice No. MVP/NOTICE/2007-08/541 dated: 16.10.2007. In this regards you have replied vide L.No.Nil dated 23.

WHEREAS your reply has not been found satisfactory because you have not repaired the building as per the plan got approved by you on the bases of false statement from the under sign.

WHEREAS your renovation / repair permission have been revoked under the rule 9, of Goa, Daman & Diu Village Panchayat (regulation of building) rule 1971 extended to U.T of Daman & Diu by the special meeting resolution No. 1 dated 25.10.2007 passed by the Panchayat.

THEREFORE, you are hereby given final notice to demolish the unauthorized construction of House No. 17, at Plot bearing Sr. No. 27, Devka colony, Village Devka, Daman within 3 (three) days of receiving of this notice, otherwise this Panchayat will demolish your unauthorized construction under Rule 84(2) of Goa, Daman & Diu Village Panchayat regulation 1984 at your cost.

To,
Deepesh Tandel &
Khusman Dhimar,
H. No. 17, Plot No. 27,
Devka, Nani Daman.



o/c N. K. Kulkarni
सरपंच, Sarpanch
मरवाड ग्राम प्रांथ पंचायत
Marwad Group Gram Panchayat
मरवाड, Marwad
नानी दमण/Nani Daman.

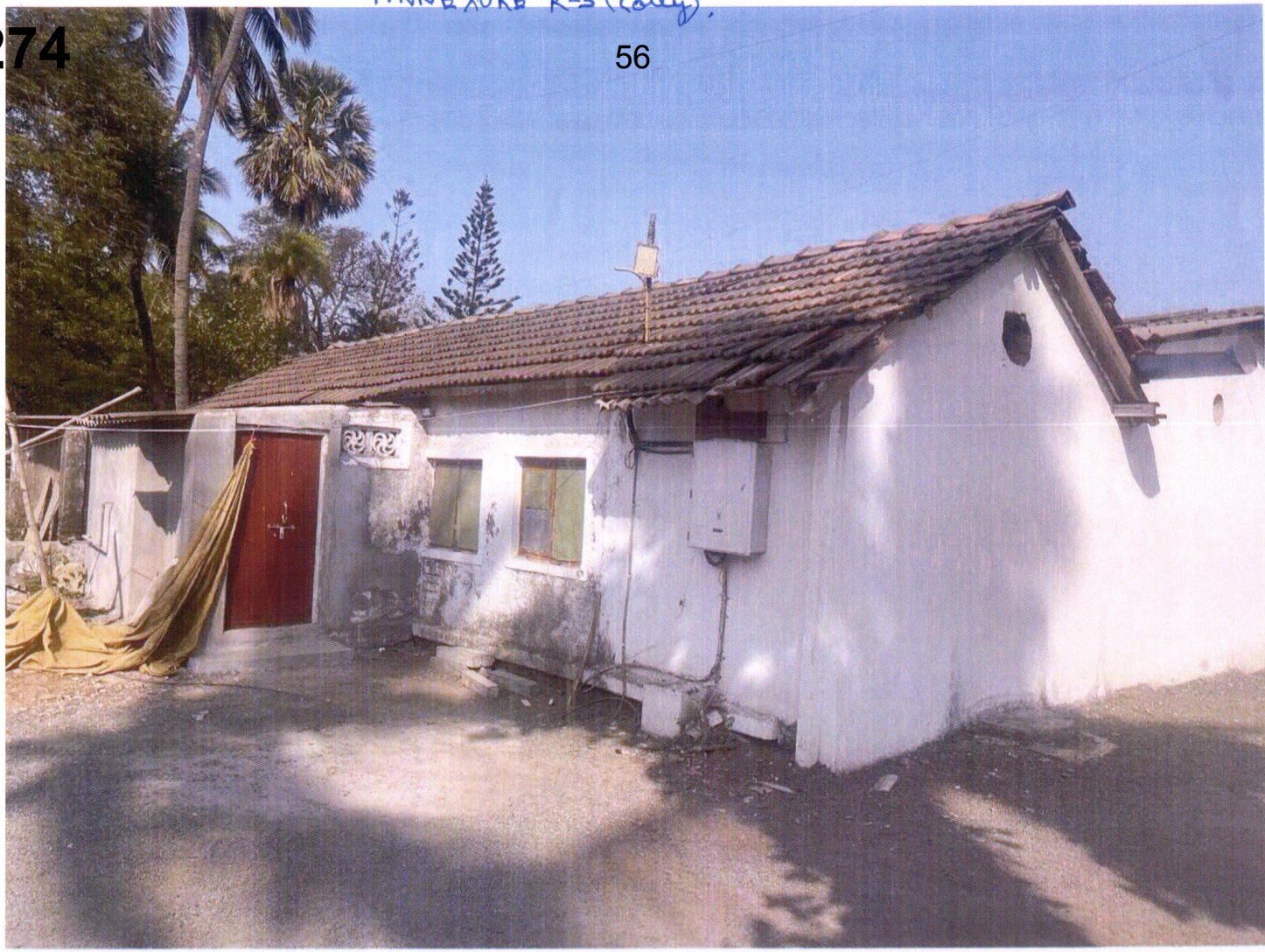
25/10/07

Copy to :

1. P.S. to President-cum-Chief Counsellor, District Panchayat, Daman & Diu, Daman.
2. The Chief Executive Officer, District Panchayat, Daman & Diu, Daman.
3. The Block Development Officer, Daman.
4. The Assistant Engineer, PWD District Panchayat, Daman.

25/10/07

25/10/07





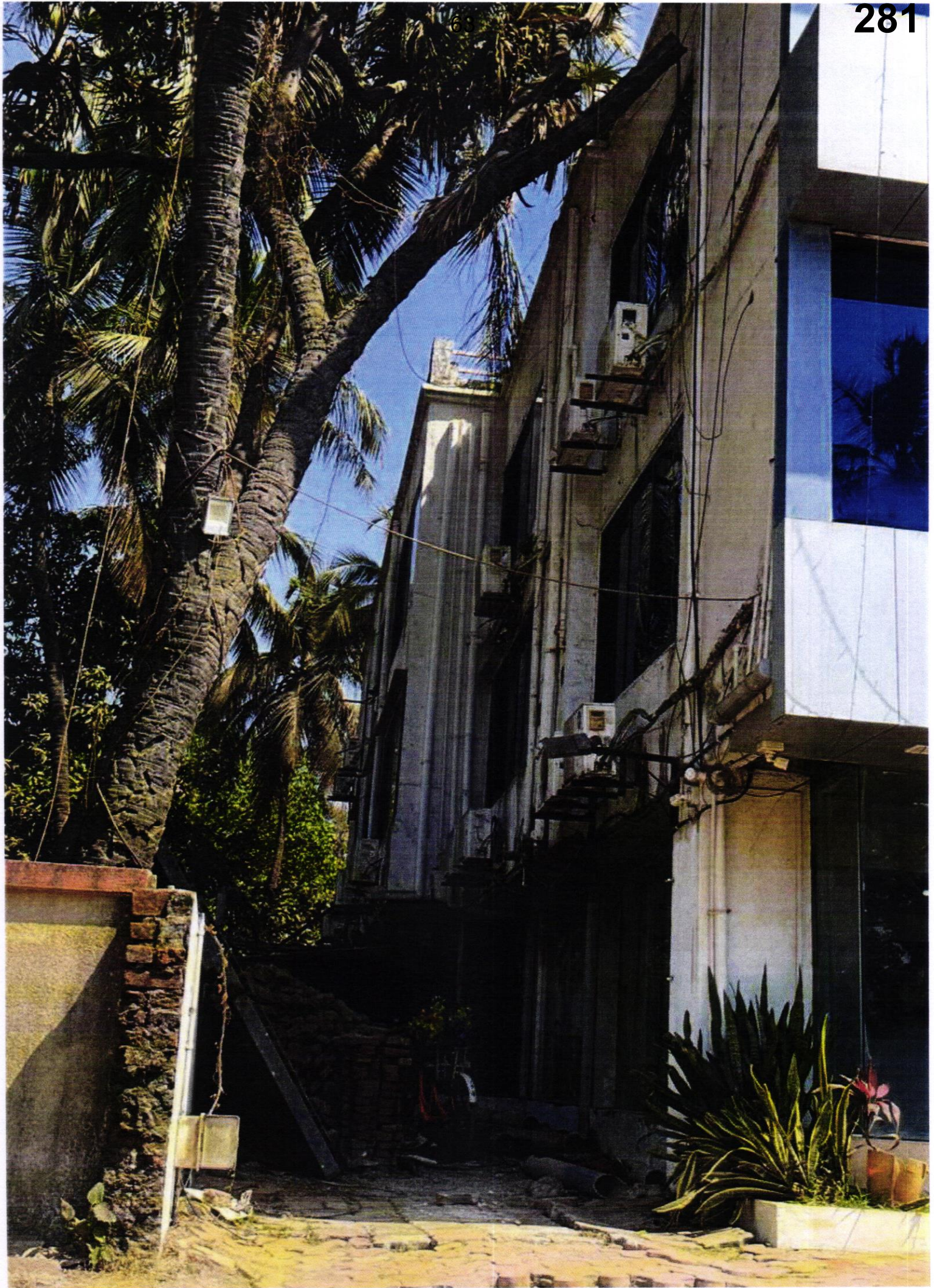






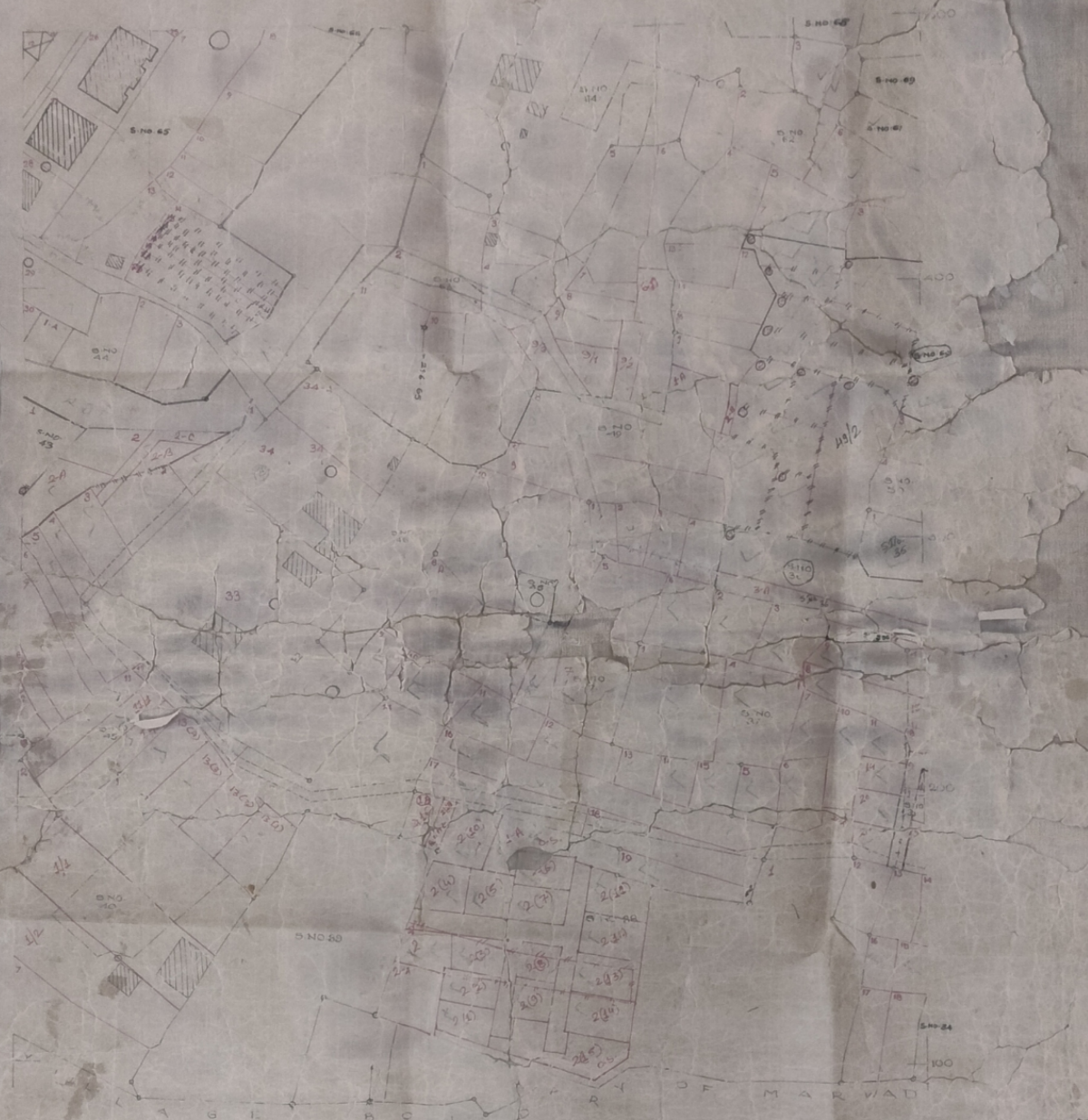






DIRECTORATE OF LAND SURVEY
DISTRICT DAMAN ALAGE: DEVKA P.TS. NO. 6E

5	
6	7
W/E	



1000 1000 500 500

COPY

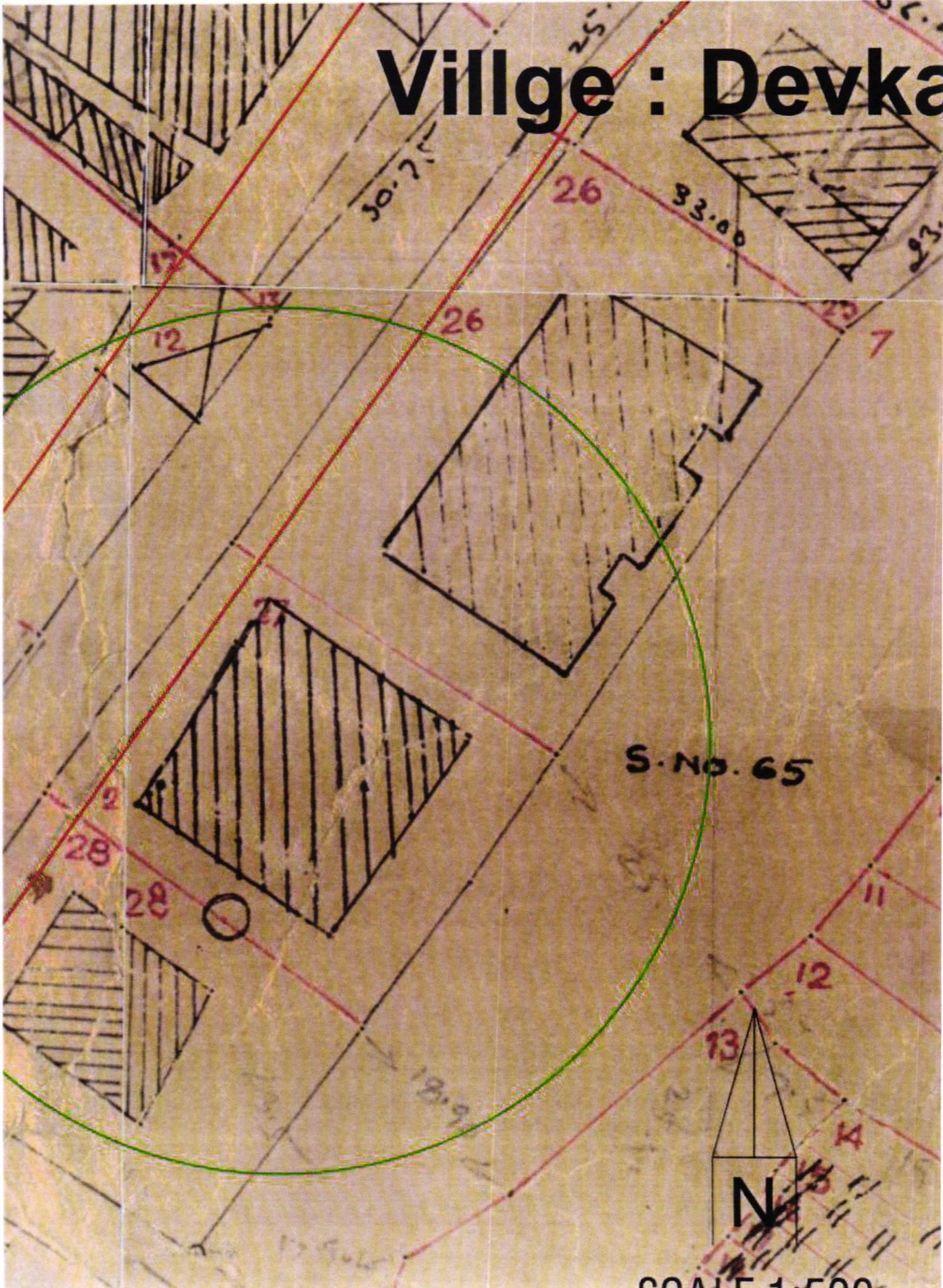
SURVEYED BY
Name: **R.S. PATEL**
Designation: **S.E.**
Date: **6-2-68 to 29-2-68**

PREPARED BY
Name: **V.D. PARULKAR**
Designation: **Subd. Surveyor**
No.: **2215/75**

CHECKED BY
Name: **K.V. Pillai**
Designation: **P.S.**
Date: **29-3-75**

CHECKED BY
Name: _____
Designation: _____
Date: **30/3/75**

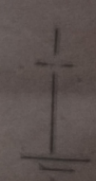
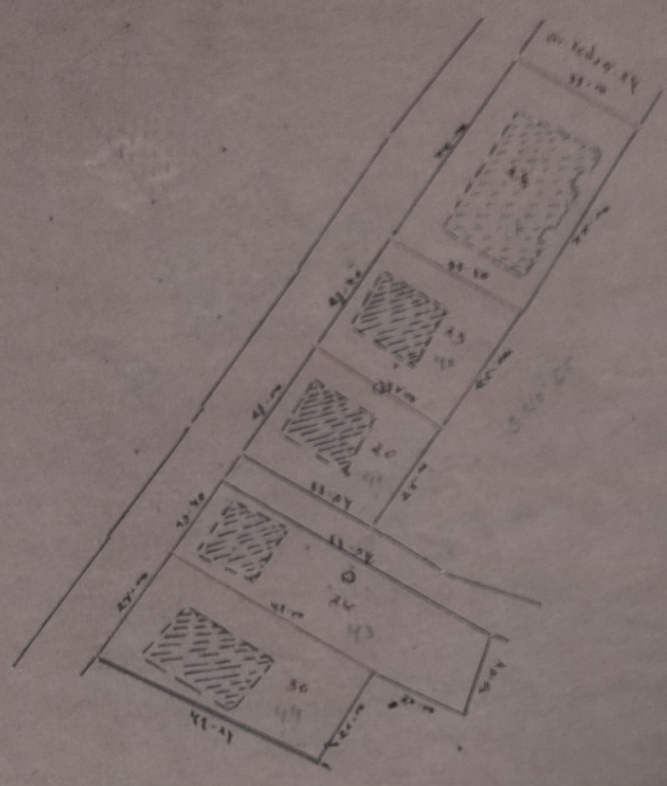
Village : Devka



S. NO. 65



SCALE 1:500



100m - 100m
 (1 = 1000)
 100m - 100m
 100m - 100m

Dated:- 06/10/2006

7
285
ANNEXURE R-1To,
The Sarpanch,
Marwad Group Gram Panchayat,
Daman.Sub:- Grant of formal approval for the const. of Renovation & strengthening of old House No. 17
on plot bearing Survey No.27 of Village Devka, Nani Daman. by Shri Deepesh Tandel &
Shri Khusman Dhimar.

- Ref:- 1) Technical approval vide letter No.DP/D&D/Tech.App/T.O/06-07/738, dt.12/09/2006
-
- 2) Views communicated by Department of Planning & Architecture vide letter
-
- No.ATP/DMN/CON/DEV PLOT No.27/31/06/320 Dated 26/09/2006.
-
- 3) Letter.No.MVP/PLAN/06-07/166 dated 26/09/2006 from Marwad G.G. Panchayat, Moti
-
- Daman

Sir/Madam,

With reference to above, the Panchayat may grant approval and issue construction permission
to the above construction of Renovation & strengthening of old House if found otherwise in order,
subject to the following conditions:

- 1) The applicant shall follow all the procedures and formalities laid down under the relevant Act & rules, and abide by other provisions of law for the time being in force.
- 2) The applicant shall invariably fulfill/comply with the conditions/observations mentioned in the letter dated 12/09/2006 from the Technical Officer & letter dt. 26/09/2006 from the Dept. of Planning & Architecture referred to above at Sr. No. 1 & 2 in the preamble.
- 3) The applicant shall not occupy and inhabit the proposed building without prior obtaining the Occupancy Certificate from competent authority and Inhabitation Certificate from the Panchayat authorities.
- 4) Building line should be kept a minimum front side and rear set back as shown in site plan.
- 5) The applicant shall pay construction fees at the prevailing prescribed rate on the estimated Const. cost of Rs. 19,98,000.00 having total plinth area of 297.36 sq. mts, and total floor area of 897.24 Sq.mts. as appearing in Schedule -II dated 01/06/2006 signed by the applicants Shri. Deepesh Tandel & Shri Khusman Dhimar.
- 6) Construction should be carried out strictly as per the plan under approval.
- 7) Construction of pucca compound wall in road side setback is not allowed except wire fencing of temporary nature.
- 8) N.O.C. from Coast Guard Authority, Daman to be obtained prior to grant of construction permission.
- 9) Title to land etc. may be verified and ascertained, before granting the permission.
- 10) Any other conditions deemed fit.

The above construction file is returned with a request to acknowledge the receipt.

Yours faithfully,

R. B. Patel(R. B. PATEL)
Block Development Officer,
DAMAN.

Encl:- As above.

TRUE COPY

*S. G. Deshmukh*Shrishailya S. Deshmukh
Advocate

A S.P. CHENGALVARAYA NAIDU (DEAD) BY L.RS.
v.
JAGANNATH (DEAD) BY L.RS. AND ORS.

OCTOBER 27, 1993

B [KULDIP SINGH AND P.B. SAWANT, JJ.]

Practice & Procedure—Court Proceedings—Non-production or non-mentioning of vital document in order to gain advantage—Litigant guilty of playing fraud on the Court and the opposite party—Such a litigant has no right to approach the Court.

C

One 'J', predecessor-in-interest of the respondents, purchased at Court auction certain properties which belonged to the appellants, on behalf of his employer 'C', the decree-holder. Subsequently 'J' relinquished all his rights in the said property in favour of 'C'. Meanwhile the appellants, judgment-debtors paid the total decretal amount to 'C'. Having received the decretal amount, 'C' was not entitled to the property which he purchased through 'J'. But without disclosing the relinquishment deed executed in favour of 'C', the said 'J' filed a suit for partition of the property and obtained a preliminary decree.

D

Only during the hearing for final decree, the appellants came to know about the release deed and challenged the application on the ground of non-disclosure of the release deed, as it amounted to fraud. The Trial Judge dismissed the application for grant of final decree. The plaintiffs' appeal against this order having been allowed by the High Court, the defendant preferred the present appeal.

E

F

Allowing the appeal this Court

HELD : 1.1. The courts of law are meant for imparting justice between the parties. One who comes to the court, must come with clean-hands. More often than not, process of the court is being abused. Property-grabbers, tax-evaders, bank-loan dodgers and other unscrupulous persons from all walks of life find the court-process a convenient lever to retain the illegal-gains indefinitely. A person, whose case is based on falsehood, has no right to approach the court. He can be summarily thrown out at any stage of the litigation. [426-H, 427-A]

G

H

CHENGALVARAYA NAIDU v. JAGANNATH [KULDIP SINGH, J.] 423

1.2. In the instant case, the non-production and even non-mentioning of the release deed at the trial tantamounts to playing fraud on the court. The High Court was not correct in its view that the appellants-defendants could have easily produced the certified copy of the registered release deed and non-suited the plaintiff. A litigant, who approaches the Court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds a vital document in order to gain advantage then he would be guilty of playing fraud on the court as well as on the opposite party. [427-D-E-F]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 994 of 1972.

From the Judgment and order dated 18.4.1967 of the Madras High Court in Appeal No. 347 of 1962.

Ms. Lily Thomas for the Appellants.

A.T.M. Sampath and Ms. Pushpa Rangam for the Respondents.

The Judgment of the Court was delivered by

KULDIP SINGH, J. "Fraud-avoids all judicial acts, ecclesiastical or temporal" observed Chief Justice Edward Coke of England about three centuries ago. It is the settled proposition of law that a judgment or decree obtained by playing fraud on the court is a nullity and nonest in the eyes of law. Such a judgment/decree - by the first court or by the highest court - has to be treated as a nullity by every court, whether superior or inferior. It can be challenged in any court even in collateral proceedings.

Predecessor-in-interest of the respondents-plaintiffs filed application for final decree for partition and separate possession of the plaint - properties and for mesne profits. The appellants-defendants contested the application on the ground that the preliminary decree, which was sought to be made final, was obtained by fraud and, as such, the application was liable to be dismissed. The trial Judge accepted the contention and dismissed the application for grant of final decree. The respondents-plaintiffs went in appeal before the High Court. A Division Bench of the High Court went through plethora of case - law and finally allowed the appeal and set aside the order of the trial court. This appeal is by way of certificate granted by the High Court.

- A One Jagannath was the predecessor-in-interest of the respondents. He was working as a clerk with one Chunilal Sowcar. Jagannath purchased at court auction the properties in dispute which belonged to the appellants. Chunilal Sowcar had obtained a decree and the court sale was made in execution of the said decree. Jagannath had purchased the property in the court auction on behalf of Chunilal Sowcar, the decree-holder. By a registered deed dated November 25, 1945, Jagannath relinquished all his rights in the property in favour of Chunilal Sowcar. Meanwhile, the appellants who were the judgment-debtors had paid the total decretal amount to Chunilal Sowcar. Thereafter, Chunilal Sowcar, having received the decretal amount, was no longer entitled to the property which he had purchased through Jagannath. Without disclosing that he had executed a release deed in favour of Chunilal Sowcar, Jagannath filed a suit for partition of the property and obtained a preliminary decree. During the pendency of the suit, the appellants did not know that Jagannath had no *locus-standi* to file the suit because he had already executed a registered release deed, relinquishing all his rights in respect of the property in dispute, in favour of Chunilal Sowcar. It was only at the hearing of the application for final decree that the appellants came to know about the release deed and, as such, they challenged the application on the ground that non-disclosure on the part of Jagannath that he was left with no right in the property in dispute, vitiated the proceedings and, as such, the preliminary decree obtained by Jagannath by playing fraud on the court was a nullity. The appellants produced the release deed (Ex.B-15) before the trial court. The relevant part of the release deed is as under:-

F "Out of your accretions and out of trust vested on me, purchased the schedule mentioned properties benami in my name through court auction and had the said sale confirmed. The said properties are in your possession and enjoyment the said properties should henceforth be held and enjoyed with all rights by you as had been done:

G "So far. If any civil or criminal proceedings have to be conducted in respect of the said properties or instituted by others in respect of the said properties you shall conduct the said proceeding without reference to me and shall be held liable for the profits or losses you incur thereby. All the records pertaining the aforesaid properties are already remaining with you."

H

CHENGALVARAYA NAIDU v. JAGANNATH [KULDIP SINGH, J.] 425

The High Court reversed the findings of the trial court on the following reasonings:- A

"Let us assume for the purpose of argument that this document, Exhibit B-15, was of the latter category and the plaintiff, the benamidar, had completely divested himself of all rights of every description. Even so, it cannot be held that his failure to disclose the execution of Exhibit B-15 would amount to collateral or extrinsic fraud. The utmost that can be said in favour of the defendants is that a plaintiff who had no title (at the time when the suit was filed) to the properties, has falsely asserted title and one of the questions that would arise either expressly or by necessary implication is whether the plaintiff had a subsisting title to the properties. It was up to the defendants, to plead and establish by gathering all the necessary materials, oral and documentary, that the plaintiff had no title to the suit properties. It is their duty to obtain an encumbrance certificate and find out whether the plaintiff had still a subsisting title at the time of the suit. The plaintiff did not prevent the defendants, did not use any contrivance, nor any-trick nor any deceit by which the defendants were prevented from raising proper pleas and adducing the necessary evidence. The parties were fighting at arm's length and it is the duty of each to traverse or question the allegations made by the other and to adduce all available evidence regarding the basis of the plaintiff's claim or the defence of the defendants and the truth or falsehood concerning the same. A party litigant cannot be indifferent, and negligent in his duty to place the materials in support of his contention and afterwards seek to show that the case of his opponent was false. The position would be entirely different if a party litigant could establish that in a prior litigation his opponent prevented him by an independent, collateral, wrongful act such as keeping his witnesses in wrongful or secret confinement, stealing his documents to prevent him from adducing any evidence, conducting his case by tricks and misrepresentation resulting in his misleading of the Court. Here, nothing of the kind had happened and the contesting defendants could have easily produced a certified registration copy of Exhibit B-15 and non-suited the plaintiff; and, it is absurd for them to take advantage of or make a point of their own acts of omission or negligence or carelessness in the H

426

SUPREME COURT REPORTS. [1993] SUPP. 3 S.C.R.

A conduct of their own defence."

The High Court further held as under :-

B "From this decision it follows that except proceedings for probate and other proceedings where a duty is cast upon a party litigant to disclose all the facts, in all other cases, there is no legal duty cast upon the plaintiff to come to Court with a true case and prove it by true evidence. It would cut at the root of the fundamental principle of law of finality of litigation enunciated in the maxim '*interest republicaent sit finis litium*' if it should be held that a judgment obtained by a plaintiff in a false case, false to his knowledge, could be set aside on the ground of fraud, in a subsequent litigation."

C

Finally, the High Court held as under:-

D

"The principle of this decision governs the instant case. At the worst the plaintiff is guilty of fraud in having falsely alleged, at the time when he filed the suit for partition, he had subsisting interest in the property though he had already executed Exhibit B-15. Even so, that would not amount to extrinsic fraud because that is a matter which could well have been traversed and established to be false by the appellant by adducing the necessary evidence. The preliminary decree in the partition suit necessarily involves an adjudication though impliedly that the plaintiff has a subsisting interest in the property."

E

F The High Court, in our view, fell into patent error. The short question before the High Court was whether in the facts and circumstances of this case, Jagannath obtained the preliminary decree by playing fraud on the court. The High Court, however, went haywire and made observations which are wholly perverse. We do not agree with the High Court that "there is no legal duty cast upon the plaintiff to come to court with a true case and prove it by true evidence". The principle of "finality of litigation" cannot be pressed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants. The courts of law are meant for imparting justice between the parties. One who comes to the court, must come with clean-hands. We are constrained to say that more often than not, process of the court is being abused. Property-grabbers,

G

H

CHENGALVARAYA NAIDU v. JAGANNATH [KULDIP SINGH, J.] 427

tax-evaders, bank-loan-dodgers and other unscrupulous persons from all walks of life find the court - process a convenient lever to retain the illegal-gains indefinitely. We have no hesitation to say that a person, who's case is based on falsehood, has no right to approach the court. He can be summarily thrown out at any stage of the litigation. A

The facts of the present case leave no manner of doubt that Jagannath obtained the preliminary decree by playing fraud on the court. A fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another. It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage. Jagannath was working as a clerk with Chunilal Sowcar. He purchased the property in the court auction on behalf of Chunilal Sowcar. He had, on his own volition, executed the registered release deed (Exhibit B-15) in favour of Chunilal Sowcar regarding the property in dispute. He knew that the appellants had paid the total decretal amount to his master Chunilal Sowcar. Without disclosing all these facts, he filed the suit for the partition of the property on the ground that he had purchased the property on his own behalf and not on behalf of Chunilal Sowcar. Non-production and even non-mentioning of the release deed at the trial tantamounts to playing fraud on the court. We do not agree with the observations of the High Court that the appellants-defendants could have easily produced the certified registered copy of Exhibit B-15 and non-suited the plaintiff. A litigant, who approaches the court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds a vital document in order to gain advantage on the other side then he would be guilty of playing fraud on the court, as well as on the opposite party. B C D E

We, therefore, allow the appeal, set aside the impugned judgment of the High Court and restore that of the trial court. The appellants shall be entitled to their costs which we quantify as Rs. 11,000. F

G.N.

Appeal allowed.

Deepesh Thakorbbhai Tandel
7/51, Fort Area, Moti Daman

Date : 08th June 2006
Ref : RS/MGGP/0806

To,
Sarpanch / Secretary
Marwad Group Gram Panchayat,
Marwad, Nani Daman - 396 210.

SUB : To get Permission for Renovation & Strengthening only of House No. 17.

Dear Sir,
I enclose here with the following mention below relevant documents for the Renovation & Strengthening only of the existing structure of House No. 17 situated on Plot No. 27 of Village Devka.

- 1 > SCHEDULE - 3
- 2 > Plan - 5 Set.
- 3 > Form 1/14 - 5 Nos.
- 4 > Site Plan - 5 Nos.
- 5 > Mutation Order - 5 Nos.

So, Please do the needful.

Thanking You,

Yours Faithfully.


Deepesh Thakorbbhai Tandel

Received
Jeld
09-6-2006

MINUTE OF THE MEETING OF THE CRZ COMMITTEE HELD IN THE CHAMBER OF
THE COLECTOR, DAMAN ON 02-08-2006 AT 5.00 P.M.

The following members were present.

- 1) The Dy. Collector (HQ)/Member Secretary, CRZ Screening Committee, Daman.
- 2) The Architect Town Planner, Daman
- 3) The Executive Engineer, PWD, Daman
- 4) The Mamlatdar, Daman.
- 5) The Enquiry Officer, City Survey, Daman.
- 6) The Block Development Officer, Daman
- 7) The Municipal Engineer, DMC, Daman.
- 8) The Range Forest Officer, Daman.

Recommendation.

1. Case No. 21/05:- Shri Jayesh Prema Patel, r/o Marwad, Nani Daman has applied for N.A. permission of the construction of Residential-cum-Commercial use on the land bearing Survey No. 592/16 situated at Marwad, Nani Daman. The land falls under CRZ-III at the distance of 250 Mts. from HTL of Sea. The case was postponed for further clarification from the Forest Department, as to on what ground they have not recommended the case and clarification from the applicant about the proposed area of the construction within the plot and other details. The Applicant has submitted lay out plan showing the Hotel building. The R.F.O has reported that the proposal falls under CRZ III. The Committee therefore rejected the case as it does not comply with the CRZ norms.
2. Case No. 01/06 :- The Executive Engineer, PWD, S/D-I, Daman has submitted the proposal for Construction of Overhead tank at Village Marwad, Nani Daman on the bearing Sy. No. 30. The land falls under CRZ-III and distance within 200 Mtrs. from HTL of Sea. The case was postponed. The clarification should be obtained from the E.E., PWD, Daman whether the existing overhead tank in which place they are constructing a new one is how many years old, and proposed construction is reconstruction or new construction. The EE PWD has reported that the said tank is very old and in a very dilapidated and un-repairable and as such the office has on other option than to demolish it and requested to reconstruct the over head tank. The Committee has cleared the case in the public interest with the condition that all CRZ norms should be followed.
3. Case No. 03/06 :- The Chief Officer, DMC, Daman has submitted the proposal of Shri Devjibhai J. Tandel, & Shri Anil Devjibhai Tandel, R/o. of Tin Batti, Nani Daman for Construction of building at Village Dunetha, Nani Daman on the Sy. No. 557/2 admeasuring 3240 Sq. Mtrs. The case was postponed. Clarification should be obtained from the Forest Department about the exact distance from HTL of creek/back waters. The R.F.O. has reported that as applicability of CR Z is 100 Mts. as per Notification of this Administration, which shows that the area is outside CRZ as per distance. The Committee has postponed the case as the RFO should submit more clarification.

खरी नकल
TRUE COPY

(MOHAN LAL)
Zonal Agriculture Officer,
Daman.

4. Case No. 09/06:- The CO, DMC, Daman has submitted the proposal of Smt. Maria Antonia Carlos Pereira E. Gudes r/o. Black Smith Road,, Moti Daman for Revised Plan for proposed Construction of Residential Building on the land bearing New City Survey No.PTS-83/137-D adm. 195 Sq. Mtrs. The land falls under CRZ-II within 200 Mtrs from HTL of Sea. The Committee has cleared the case with the conditions that the applicant should ensure the FAR/FSI as per the norms and the DMC should ensure compliance of the same.
5. Case No. 11/06:- The Marwad Group Gram Panchayat has submitted the proposal of Shri Deepash Tandel and Shri Khusman Dhimar r/o. 7/51, Fort Area, Moti Daman for renovation and strengthening of Old House on the land bearing Survey No. 27, situated at Devka Nani Daman. The land falls under CRZ-III within 200 Mtrs from HTL of Sea. The Committee cleared the case with the condition that no extra structure other than what is already there should be allowed for renovation as per CRZ III regulation. It is the responsibility of the Panchayat/Dist. Panchayat to ensure the same.
6. Case No. 08/06:- The District Panchayat, Daman has submitted the proposal of Shri Hareeshbhai N. Damania POAH of Gajanand Fakir & Ors. r/o. Nani Daman for Construction of Hotel building on the land bearing Sy. No. 133/1 situated at Devka, Nani Daman. The land falls under CRZ-III within 200-500 Mtrs from HTL of Sea. The case was postponed. The Asstt. Engineer, PWD, District Panchayat who has submitted the proposal shall submit clarification about the proposed area of the plot in which the construction of Hotel building proposal has been sent so as to measure exact location. The Asstt. Engineer, PWD, Dist. Panchayat has reported that the plot under reference falls on landward side from the existing road, the construction should be permissible with 33% FAR with ground plus first floor and height should not exceed 9 Mts. from the Ground level.. The Committee therefore rejected the case as except ATP all other Departments have not recommended the case.
7. Case No.12/06:- The District Panchayat has submitted the proposal of Shri Kalpesh Bagon and Bina Bagon r/o. Ambawadi, Moti Daman for Hotel Building on the land bearing Survey No.47/3, adm. 1300 Sq. Mtrs, situated at Thanapardi, Moti Daman The land falls partly under CRZ-I within 100 Mts. approx. from the River. The Committee therefore rejected the case.
8. Case No. 22/06:- Smt. Ushaben Ramabhai Tandel, r/o Teen Bati, Nani Daman has applied for N.A. permission of the Commercial use on the land bearing Survey No.40/2 and 40/3 situated at Thanapardi, Moti Daman The land falls under CRZ-I at the distance of partly falls within 100 Mts. from HTL of River. The Committee therefore rejected the case as it fall under CRZ I.

(Neeraj Semwal)
Deputy Collector/Member Secretary,
CRZ Screening Committee,
Daman.

NO.COL/DMN/CRZ/Part-II/04-05/ 2955
Dated: 10/05/2006.
08

खरी नकल
TRUE COPY
(MOHAN LAL)
Zonal Agriculture Officer,
Daman.

No. MVP / PLAN / 2006-07 / 183
Marwad Group Gram Panchayat

Date: 10-10-2006

Office of The Village Panchayat of Marwad

FORM

PERMISSION NO. 01/2006-07

[See rule 3]

Shri / Smt. / Kum. DEEPESH TANDEL & KHUSMAN DHIMAR
from Devka ward Nani Daman is hereby granted permission

for the construction of Renovation & strengthening of old house in term of
NO. 17 on plot bearing No. 27 of Village of Devka Nani
the resolution No. taken in the Panchayat meeting dated as per Daman

the plans in triplicate / duplicate attached to his / her application under inward No.

Plans dated One copy to the plans
concerned with the approval not carrying the embossed seal of this Panchayat and duly signed
is returned to the interested party who shall comply with the following conditions.

1. To limit himself / herself to the Plan approved and statements there in.
2. The construction shall be as per plan approved by the village Panchayat and condition imposed on it.
3. To inform the Panchayat when the construction has been completed upto Plinth level.
4. To inform the Panchayat as soon as the construction is completed.
5. Not to inhabit the building without the prior permission of the Panchayat.
6. To abide by the other relevant provision of law for the time being of force.
7. That the building or construction is carried out as per the alignment given and the Plinth level fixed by the Panchayat.
8. The construction permission shall be revoked.

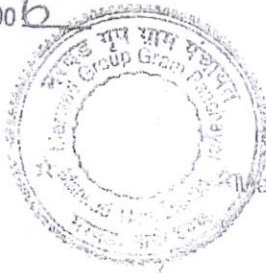
a) if the construction work is not executed as per the plans approved and statement there in.

b) wherever there is any false statement of any misrepresentation of any material passed approved or shown in the application on which the permit was based.

c) The plan is technically approved by the Asstt Engineer P.W.D - II Daman vide his Letter No. DP/D&D/Tech-APP/T.O/ Dt. 06-07-2006 and the approval
is made from the Architect planner Daman vide his No. AP/DMN/CON/DEV/plot/NO/ Dt. 26-09-2006 The conditions given in said letter should be strictly fulfilled. The copy of said letters are enclosed herewith. B. D. O. Letter
No. B/D/DMN/RE/Plan/06-07/52 Dt. 06-10-2006
Coast Guard Air Station Daman Letter No. 143/act/06/102 Dt. 28 sep/06

The permission shall be valid for a period of Three years from 10-10-2006 to 9-10-2009 He has paid the respective Tax / Fee to the tune of Rs. 10,040/- by Receipt No. 001133 Dated 10-10-2006

This carries the embossed seal of this Panchayat Office of the Village Panchayat of Marwad
10-10-2006



1121 वा 2721 मी 2444
सरपंच / Sarpanch
मरवड ग्राम पंचायत
Marwad Group Gram Panchayat
मरवड / Marwad Sarpanch
नानी दामण / Nani Daman

ANNEXURE - 12

c/01
c/25

No.DP/D&D/Tech.App/T.O./2007-08/41
Office of the Assistant Engineer, &
Technical Officer,
P.W.D., Panchayat Sub Division,
District Panchayat,
Moti Daman,

Dated :- 10/04/2007.

To,
✓ The Sarpanch,
Marwad Group Gram Panchayat,
Devka, Nani Daman

Sub :- Permission license No.01/2006-07 dated 10/10/2006 to Shri Deepesh Tandel and Khuman Dhimar from Devka.

Sir,

It is observed that the licence has violated the construction permission for construction license granted to him as the nature of the work is totally change i.e. the CRZ has clear the file only for renovation strengthening of old house No.17 on plot No.27 of village Devka, Nani Daman where as in the construction is of new nature and from baremat to ground floor, first floor and second floor level of RCC frame structure in view of the above the construction permission NO.01/2006-07 vide letter No.MVP/PLAN/2006-2007/183 dated 10/10/2006 may be removed accordingly.

मेलबे कोर्टा/२७ नं. २७/२००७ म. २७/२००७

Signature
Vice Sarpanch
Marwad Group Gram Panchayat
Marwad.

11-4-2007 (1) Akhota

Your faithfully,

Signature
(S.B. Barad)
Assistant Engineer, &
Technical Officer,
P.W.D., Panchayat Sub Division,
District Panchayat,
Moti Daman.

Copy Submitted

1. The Collector, Collect orate Moti Daman, Daman for information.
2. Member secretary CRZ via lotion committee forest Department Moti Daman, Daman for information.
3. The Architect Planner, Moti Daman, Daman for information.
4. The Block Development Officer, District Panchayat, Daman.

MINUTES OF THE MEETING OF CRZ VIOLATION REPORTING COMMITTEE
HELD ON 27/04/2007 IN THE OFFICE CHAMBER OF DEPUTY CONSERVATOR
OF FOREST, DAMAN.

C/794
C/180

The following officials attended the meeting

1. Shri Kamal Datta
Deputy Conservator of Forest,
Daman
2. Shri Ajay kumar
Deputy Collector(HQ)
Daman.
3. Deputy Collector (HQ)
Diu.
4. Shri J.M. Dali,
Enquiry Officer, (City Survey),
Daman
5. Shri S.B. Barad,
Assistant Engineer,
District Panchayat, Daman.
6. Mr. M.B. Gonsalves,
Municipal Engineer, DMC.
7. Representative of Architect Planner,
Daman.
8. Shri N. R. Makude,
Range Forest Officer,
Daman.

The summary record of the proceedings of the meeting is as follows :-

1. Agenda item No. 1 :- Review of the inspection report dated 16/03/2007.

As decided in the meeting of the committee held on 09/02/2007 inspection of the following site were conducted on 16/03/2007 by Technical Officer, District Panchayat, Daman, Municipal Engineer, Daman, Member Secretary of the Committee cum Range Forest Officer, Daman and Representative of Architect Planner, Daman. The report of the committee has been submitted today and on perusal of the report it is seen that prima facia violation of CRZ norms have been noticed in the following locations :-

- A. Hotel Princes Park, Devka [Extension towards HTL is made to the platform in backyard about 6-7 months back & addition to existing building is going on.]
 - B. Hotel Jazira, Devka [Extension towards HTL is made to the platform in backyard & new shed is also erected about one year back.]
 - C. Sea View Guest House & Restaurant, adjoining to Hotel Jazira, Devka [New platform is constructed few months back & shed is being constructed.]
 - D. Construction of new building opposite Hotel Jazira, Devka [Construction, reportedly belongs to Shri. Deepesh Tandel, is going on]
 - E. Hotel Utsav, opposite Hotel Jazira on the Summer House Road [Construction reportedly belonging to Shri. Bhandari, almost completed]
 - F. Hotel Miramar, Devka [Extension towards HTL is made to the platform in backyard about 9-10 month back & shed is also erected. Addition to existing building is made]
 - G. Construction of new building opposite to Hotel Miramar, Devka
 - H. Hotel Sea Rock, Marwad [Extension towards HTL is made to the platform in backyard about one year back & shed is also erected.]
 - I. Hotel Cida-de Daman, Marwad [Extension towards HTL is made to the platform in backyard about one year back & shed is also erected.]
- Numbers of small huts have been come up along the Marwad Coast.

The committee deliberated on the issue at length and is of the considered opinion that the aforesaid violations be reported to the Collector, Daman, the Monitoring and Enforcing Authority for initiating further action from his end. The report of the committee is enclosed with this minutes as Annexure-I.

Handwritten notes and signatures on the left margin:
ajay
D.J.
[Signature]
[Signature]
27/4/07
[Signature]
[Signature]
[Signature]

C/178
C/292

2. Agenda item No. 2 :- Letter No. DP/D&D/TECHAPP/TO/2007-08/41 dated 10/04/2007 of Technical Officer, District Panchayat, Daman.

The Technical Officer, District Panchayat, Daman vide his letter No. DP/D&D/TECHAPP/TO/2007-08/41 dated 10/04/2007 has asked the Sarpanch of Marwad Group Gram Panchayat to revoke the construction permission No. 01/2006-07 granted for renovation of old house No. 17 on Plot No. 27 of village Devka, Nani Daman as the nature of work being carried out is different from what is allowed as per the permission granted. The said letter of Technical Officer, District Panchayat is enclosed as Annexure-II with this minutes. The Technical Officer, District Panchayat informed the committee that a new RCC building is being constructed on the plot whereas the permission was granted only for the strengthening and renovation of the old building situated there. It was further informed that the area falls within 200 mtrs of the HTL and it is a CRZ-III area.

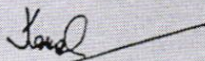
The matter was discussed in detail. Considering that the construction is being done in CRZ-III area violating the terms of the permission granted by the District Panchayat, the committee was of the opinion that the construction is apparently illegal and is in violation of CRZ norms. The committee decided that this area be inspected by the full committee or at least four members members of the committee to assess the ground realities. The Technical Officer, District Panchayat will submit the copies of the all relevant documents to the Member Secretary of the committee urgently for this purpose. The Member Secretary of committee will also obtain the relevant documents including status report from the Block Development Officer, Daman before conducting the site inspection.

3. Agenda item No. 3 :- Problems being faced by the committee during field inspection.

The members of the committee intimated that they are facing difficulties while conducting field inspections as the proper authorized persons are not always found present on the site at the time of inspection and also the required documents like the approved plans of construction, approval obtained from the different authorities, revenue records etc. are not produced which in turn makes it difficult for the committee to decide whether any violation has really occurred on the ground or not.

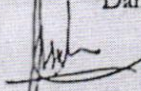
4. Agenda item No. 4. Violation of CRZ norms in construction of Damao Pequeno Jetty and in Survey No. 380 & 382 of village Kachigam.

In the meeting of the committee held on 09/02/2007 it was decided that the full CRZ Violation Reporting Committee will inspect the construction of Damao Pequeno Jetty and Survey No. 380 & 382 of village Kachigam. However on 16/03/2007 the committee could not visit the concerned sites due to shortage of time as mentioned in the report of the committee at Annexure-I. The matter was discussed in detail and it was noted by the committee that the violations in those areas has already been reported to Collector, Daman for his further action. Therefore the committee was of the opinion that it would serve no purpose to report the same again to Collector, Daman as it would be a repetition of the same work.

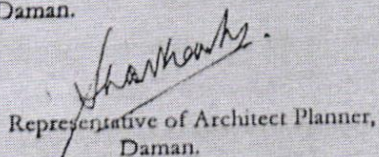


(Kamal Datta)

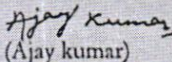
Deputy Conservator of Forest,
Daman



(M.M. Dali)
Enquiry Officer,
City Survey,
Daman.

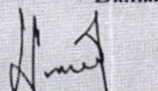


Representative of Architect Planner,
Daman.

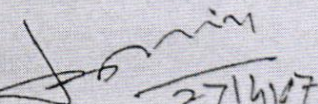


(Ajay Kumar)

Deputy Collector(HQ)
Daman.

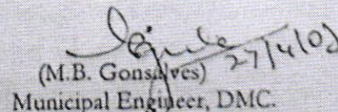


(S.B. Barad)
Assistant Engineer,
District Panchayat,
Daman.

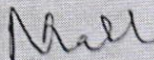


(V.P. Singh)

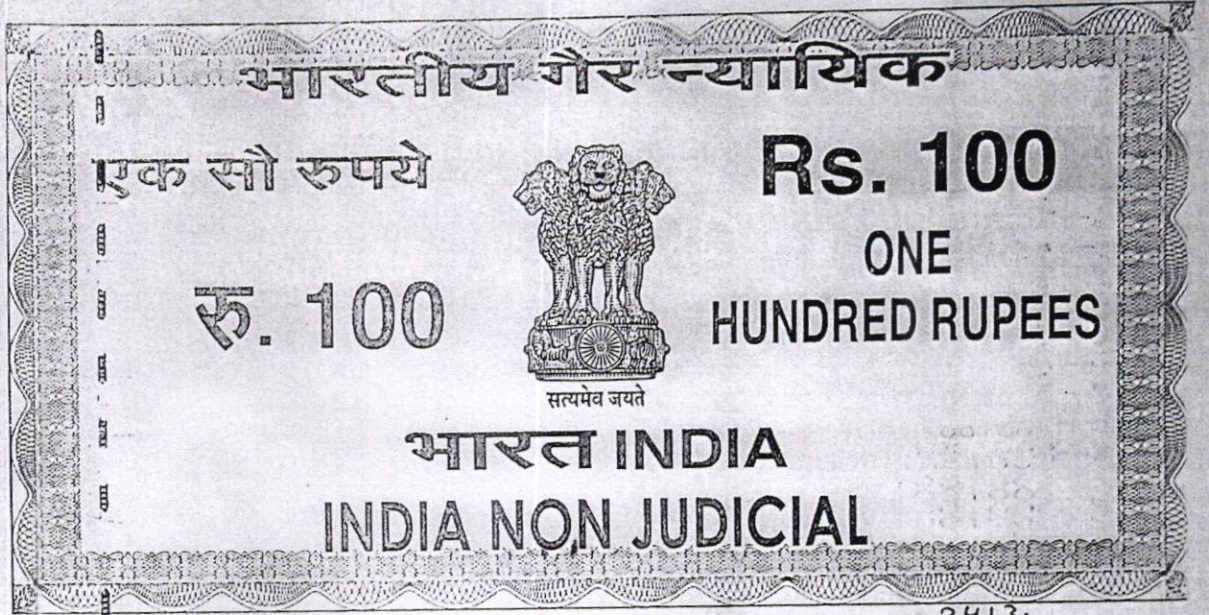
Deputy Collector (HQ),
Diu.



(M.B. Gonsalves)
Municipal Engineer, DMC.



(N. R. Makude)
Range Forest Officer,
Daman.



भागाने दीव दमण और दीव DAMAN AND DJU 2007

Copy of Documents No. 2413

of Book No. 4

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contains 5 Sheets



Serial No. 2413/2007
Presented at the Office of the
Sub-Registrar of DAMAN
between the hours 4-00 PM
and 4-30 PM on 15/10/2007.
Sdl - Deepesh Tandel.

Received fees for:	Rupees
Registration	100/-
Copying (Folios)	23/-
Copying endorsements	2/-
Postage.....	2/-
Private Attendance	
Total Rs.	125/-

Sdl - M.L.S. Duarte
SUB REGISTRAR
DAMAN

Sdl - M.L.S. Duarte
SUB REGISTRAR
DAMAN

DEED OF PARTNERSHIP

This Deed of Partnership is made and entered into at Damam
on this 15th day of October in the year Two thousand Seven.

(Dt. 15/10/2007) BETWEEN :

..... 2

[Handwritten signature]

[Handwritten signature]

15 OCT 2007

S. No. 1564/... DMNTRY, dated

Name Our name

No. Dipesh, Tandel

Residence W

Power of Attorney

Signature of Vendor

Signature of Purchaser

074

000

(02)

1. Mr. DEEPESH TANDEL son of Shri Thakorbbhai Tandel age about 36 years, occupation business, Indian national. residing at House No. 7/51, Fort Area, Moti Daman, Daman 396 220. Party of First Part. (Which expression shall be deemed to include his heirs, successors, executors, administrators, legal representatives and assigns whenever the context or meaning shall so require or permit).

.....3

[Handwritten signature]

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075

(03)

Copy of Documents No. 2413-
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AND

Sub Registrar
 DAMAN

2. Mr. KHUSHMAN DHIMAR son of Shri Ranchhod Dhimar aged about 34 years, an Indian Inhabitant, residing at House No. 412/F/1, Kanyakumari Apartment, Sarvodaya Society, Teen Batti, Nani Daman, Daman 396 210. Party of the Second Part (Which expression shall be deemed to include his heirs, successors, executors, administrators, legal representatives and assigns whenever the context or meaning shall so require or permit).

WHEREAS the parties hereto have decided to carry on the business of **Hotel cum Restaurant**. However, the parties by mutual consent may add to this line any other line/s of business, which they may decide from time to time.

AND WHEREAS parties hereto are desirous to reduce into writing the terms and conditions upon which they will run the partnership business.

NOW THIS DEED OF PARTNERSHIP WITNESSETH AS UNDER :

1. The name and style of the firm of the partnership will be "**HOTEL OCEAN PANORAMA** "
2. The business of the partnership firm shall be that of business of **Hotel cum Restaurant**. However, the parties by mutual consent may add to this line any other line/s of business, which they may decide from time to time.
4. The business of the partnership shall be carried on at Building No. 17, Plot No. 27, Devka Beach, Nani Daman, Daman 396 210 and / or at such other place/s as the parties hereto may from time to time mutually agree.

.....4

[Handwritten Signature]

[Handwritten Initials]

076

(04)

5. That the business of this partnership shall be deemed to have commenced from 21st October, 2007.

6. The duration of the partnership shall be "AT WILL".

7. The capital of the firm shall be contributed by both the partners in the manner which they may decide. However, the parties hereto may bring such additional funds as and when required.

8. The net profit of the partnership business after deducting interest and remuneration payable to the partners in accordance with the clause of this Deed of Partnership shall be divided and distributed between the partners on the close of the accounting year in the following ratio :

<u>Sr. No</u>	<u>Share of Partners</u>	<u>Share of Profit / Loss</u>
(i)	Mr. DEEPESH TANDEL	50 %
(ii)	Mr. KHUSMAN DHIMAR	50 %
Total		100 %

9. Interest on Capital :- The parties hereto may charge to firm Simple Interest on Capital at the rate of 12% p.a. or such lower or higher rate prescribed under section 40 (b) (iv) of Income Tax Act, 1961 shall be payable by the partnership firm on the amount standing to the credit of Capital Account whether Current Account or Fixed Capital. The partners shall be at liberty to increase or reduce the above said rate of interest from time to time. Partners may agree by mutual consent to waive or reduce the rate of interest payable to them in respect of their capital accounts in the case of losses or of small profits or because of difficult financial position of the firm or for any of the reasons of what so ever nature as mutually agreed among the partners.

.....5

077

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(05)

Sub Registrar
 DAMRU

10. It is agreed by and between the parties hereto that the both the partners shall be "working partners" who will devote their time and attention into the conduct of the affairs of the firm as the circumstances and business needs may require. The working partners shall be entitled to the following remuneration.

Total Remuneration payable to the "Working Partners" shall be worked out as under:

Incase of loss or book profit Upto Rs. 75,000/- for the year	: Rs.50,000 or 90% of the book profits whichever is higher
On the amount of book profit Exceeding Rs. 75,000/- but not Exceeding Rs. 1,50,000/- for the Year	: 60% of the book profits in excess of Rs. 75,000/-
On the book profit exceeding Rs.1,50,000/- for the year	: 40% of the book profits in excess of Rs.1,50,000/-

Explanation : i) For the purpose of this clause, the expression "Book Profit" defined as in section 40 (b) of the Income Tax Act, 1961 or any statutory modification or re-enactment thereof, for the time being in force. "Total Remuneration" includes salary, commission, Incentives and bonus for the purpose of this clause. Such total remuneration shall be paid to the working partners as per mutual agreement from time to time.

The remuneration payable to the working partner as above shall be credited in equal proportion to their capital accounts on ascertainment of book profits at the end of the year.

The partners shall be entitled to increase, reduce or waive the above remuneration to either of the partner. The parties hereto may also agree to revise the mode of calculating the above remuneration and decide to pay salary and grant other benefits.

.....6

[Handwritten Signature]
 12.12.02

[Handwritten Initials]
 M

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(06)

Each partner shall be entitled to draw a sum with consent of other partner against credit balance in the capital account. Any excess withdrawal than credit balance in the capital account will be considered as loan and will carry simple interest @ 12% p.a. on Debit balance in capital account.

11. The partnership firm may borrow, from time to time, from persons, firms, companies or banks such money or monies may be required for the purpose of the business, as deposit / loans etc. at an agreed rate of interest.

12. The usual bank account shall be opened in such bank or banks as the parties hereto may agree from time to time mutually, and the said account/ accounts of the partners in the business shall be operated by both the partners jointly.

13. The usual books of account of the partnership business shall be regularly and properly maintained and posted up and each party shall have free access to them and shall be at liberty to take extracts there from as partners or their agents as may think necessary.

14. The books of account pertaining to the first accounting year shall be closed on 31st March, 2007. Thereafter the accounts of the partnership shall be made up and settled from 1st April to 31st March every year and shall be signed by the parties hereto.

15. If any of the partners is desirous of retiring from the partnership he shall be required to give at least one calendar month previous notice in writing in that behalf to other partners or leaving the same at the place where the partnership business is being carried on.

..... 7



079

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 of Book No. 4
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Sub Registrar
 PAMAR

(07)

16. The partners shall not to do any act which may prejudice the rights of other partners.

The partners shall :

- i) Punctually pay his separate debt and indemnify the other partners and assets of the firm against the same and all expenses on account of the firm forthwith pay all moneys, cheques and negotiable instruments received by him on account of the firm.
- ii) Be just and faithful to each other and at all times give such other full information and truthful explanation of the matter relating to the affairs of the partnership and efforts any and / or every assistance in his carrying on the business for their mutual advantage.

No partner shall without the consent of the other partners :

- i) Lend any of the partnership moneys or give credits to any person or persons whom the other partners have previously forbidden him to trust.
- ii) Mortgage or charge his share in the assets or the profit of the firm. Give any security or promise for the payment of the money on account of the firm in the ordinary course of the business.
- iii) Draw, accept or endorse any bill of exchange promissory note on account of the firm except in ordinary course of business.

..... 8

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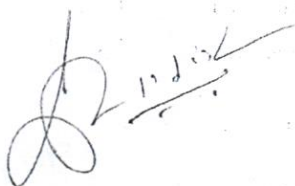
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(08)

17. The insolvency, or any other legal disability of any of the partners shall not automatically dissolve the firm but the solvent and continuing partner shall carry on the business of the firm including the operation of the bank account/s of the firm. The firm's name and goodwill thereof including tenancy rights, Quota rights, if any, and all other rights of the partnership shall belong to continuing and solvent partners only.
18. That in case of Natural or Accidental death of a partner the Partnership shall not be dissolved or closed down. The remaining partners in the partnership shall continue the business after admitting one of the legal heirs or representative of the deceased partner.
19. All disputes and questions whatsoever which arise either during the partnership or afterwards between partners or the representatives of any partners this deed or the construction or application there clause or thing herein contained, or any account, or division of assets, debts, liabilities, to hereunder or as to any act, deed or commission partner or as to any other matter in any way related to the partnership business or the affairs thereof rights, duties and liabilities of any person under Indenture shall be referred to arbitrator/s appointed by each of the parties to the dispute, and the decision of arbitrator/s or the umpire, as the case may be, should be final and binding on all the partners.

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Sub Registrar
NANI DAMAN

(09)

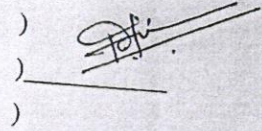
Matter on which the deed is silent shall be governed by relevant provision of the Partnership Act, 1932 and rules made thereunder.

IN WITNESS WHEREOF the parties hereto have subscribed there respective hands and seals the day and year herein written.

Signed and delivered
By Mr. DEEPESH TANDEL



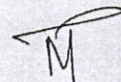
Signed and delivered
By Mr. KHUSMAN DHIMAR
in the presence of.....



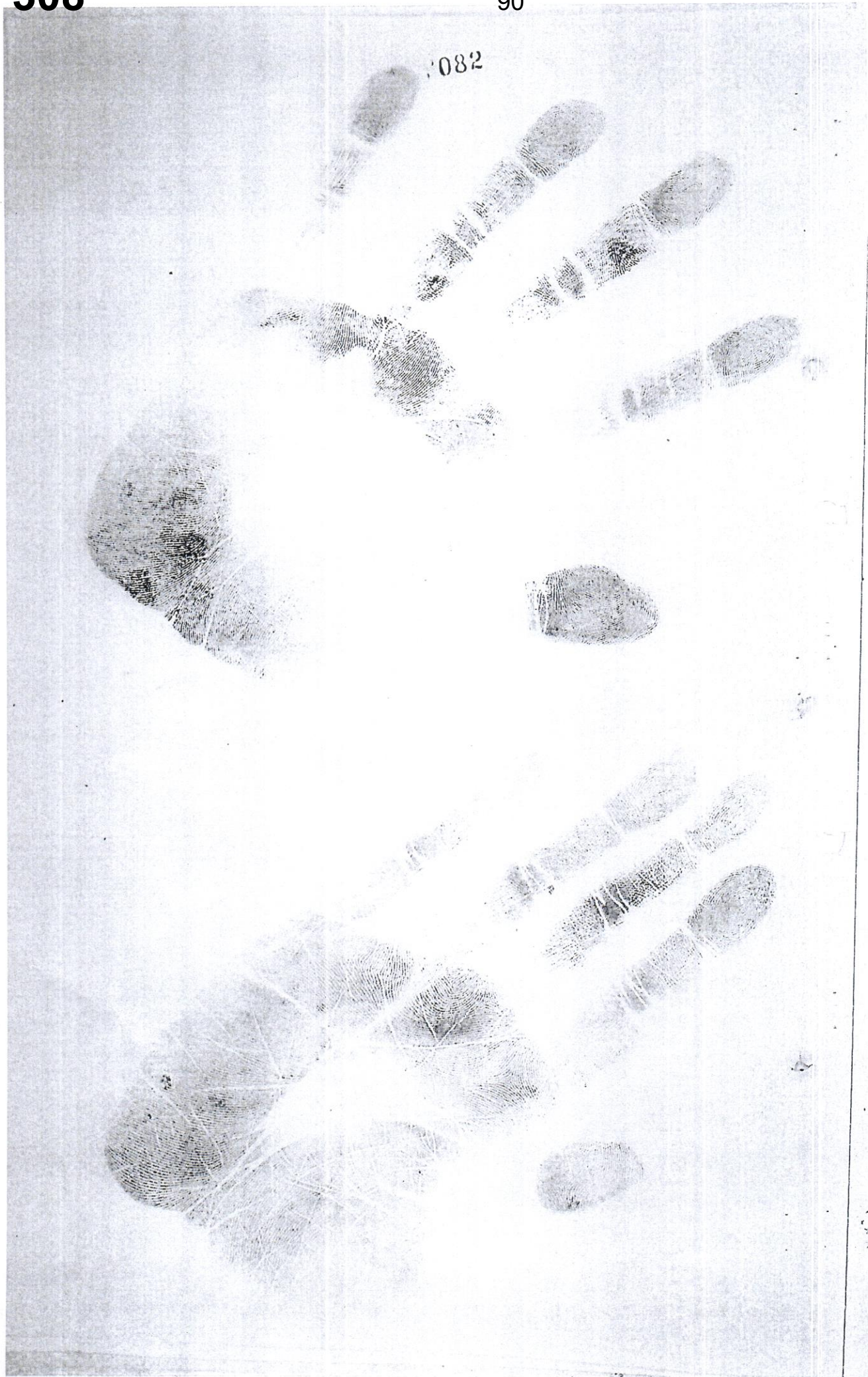
1. Dilip Patel
9, Somnath Commercial Center,
Somnath Teen Rasta, Dabhel,
Nani Daman, Daman 396 210.



2. Gopal Patel
9, Somnath Commercial Center,
Somnath Teen Rasta, Dabhel,
Nani Daman, Daman 396 210.



082



083

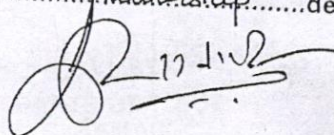
* copy of endorsements and certificates *

(1) Deepesh Tandel; Son of Thakor-bhai Tandel, aged 36 years, business, Indian National, residing at Moti Daman

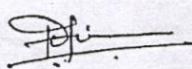
(2) Khushman Dhima, son of Ranchhod Dhima, aged 34 years, Indian National, residing at Teen Batti, Nani-Daman

Executing party.....

admits execution of the so called partnership deed

(1) 



(2) 

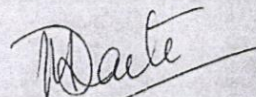


Gopal Patel, major, unmarried, Service, Indian National, residing at Nani Daman

and known to the Sub-Registrar states that he personally known the above executant and identifies him.



15 OCT 2007



SUB REGISTRAR
DAMAN

084

Registered No. 51 at pages. 73 to

84.

Vol. No. 25 Book No. 4.

Date 15-10-2007

Warte
Sub Registrar
DAMAN



Foot Note:
mistakes. NIL

Warte
SUB REGISTRAR
DAMAN

Endorsement copied by *Modiwalle*

True copy and) Reader
endorsement) *Modiwalle*

Compared by) Examiner

Warte
SUB REGISTRAR
DAMAN

The Original Document is Returned to
Shri Gopal A. Patel
as authorized by the
Registrar

Warte 17 OCT 2007
SUB REGISTRAR
DAMAN

DP/DMN/PWD/1062/2007-08/3846
 Administration of Daman & Diu,
 Office of the Collector,
 Daman.
 Dated: 30 Oct. 2007

- Read: (1) Report of Chairman, CRZ Violation Committee vide minute of the meeting dated 27/4/2007.
 (2) Letter No.COL/LND/CRZ/195-2005/1716 dated 9/7/2007.
 (3) Report of Asstt. Engineer PWD, District Panchayat in file No.DP/DMN/PWD/1062/2007-08.

NOTICE

WHEREAS, it is seen that the CRZ Screening Committee vide its meeting held on 02/08/2006 cleared the case of renovation and strengthening of old house on the land bearing plot No.27 situated at village Devka, Nani Daman with the condition that no extra structure other than what is already there should be allowed for renovation as per CRZ III regulation. It is the responsibility of the Panchayat /District Panchayat to ensure the same.

AND WHEREAS, it has been brought to my notice that a Hotel (commercial activity) has been constructed in plot No.27 and Shri Deepesh Tandel and Shri Khushman Dhimar have applied for Hotel registration with the Tourism Department, Daman.

AND WHEREAS, construction of Hotel, instead of renovation of old house for which permission was granted, is in gross violation of CRZ norms as the said area is falling in CRZ III and this plot No.27 of village Devka falls within 200 meters of High Tide Line where no commercial activities are permitted as per CRZ notification in force in U.T. of Daman & Diu.

AND WHEREAS, this violation of CRZ norms have been reported by the Chairman of CRZ Violation Committee vide letter dated 27/4/2007 and also by the Asstt. Engineer, District Panchayat in his report vide file No.DP/DMN/PWD/1062/2007-08.

In view of the above facts which are on records, the Sarpanch Marwad Group Gram Panchayat is hereby directed to take immediate necessary action for removal of unauthorized structure which has been constructed against the CRZ norms and report compliance.

This is issued with the approval of the Chairman, CRZ Screening Committee, Daman.

No. MYP	31 / 11 / 07
MARWAD G. PANCHAYAT	
DATE	30-10-07

(Nandlal Singh)
 Member Secretary,
 CRZ Screening Committee, Daman.

To:
 The Sarpanch,
 Marwad Group Gram Panchayat,
 Marwad, Nani Daman.

Copy to the Collector, Daman.
 2. The Asstt. Engineer, PWD, District Panchayat, Daman.

सरपंच, Sarpanch
 मरवड ग्राम पंचायत
 Marwad Group Gram Panchayat
 नानी दमण/Nani Daman

3:15 P.M.
 30/10/2007

3. Shri Deepesh Thakorbhai Tandel
R/o 106, Satya Sagar, Dilip Nagar
Nani Daman, Daman

4. Khushman Ranchhodbhai Dhimar
R/o 103, Kanyakumari Apartment
Nani Daman, Daman

..... APPLICANTS

Vs.

✓ Marwad Group Gram Panchayat

..... OPPONENT

ORDER

The revision application dated 26/10/2007 from the above mentioned applicants filed under section 54, r/w section 50 of the Goa, Daman & Diu Village Panchayat Regulation as amended vide regulation of 1994, challenging Notice dated 16/10/2007 and dated 25/10/2007 and resolution No.1 dated 25/10/2007 passed by the Marwad Group Gram Panchayat, is hereby dismissed. The order of the status quo issued on 26/10/2007 is vacated.

No order to cost.

Parties be informed

Given under my hand and seal of this court on this 2nd day of November 2007



V. Anand
Vikas Anand 02/11/07
Collector Daman

मरवड ग्रुप ग्राम पंचायत

मरवड कम्युनिटी सेंटर, मरवड, नानी दमण - ३६७ २१०.

फोन : २२२१५२७, २६६२८११



MARWAD GROUP GRAM PANCHAYAT

Marwad Community Centre, Marwad, Nani Daman - 396 210

Phone 2221527, 2992811

No.MVP/Permission/2008-09/50

Date : 27.01.2009

- Read : (1) Letter No. DP/D&D/Tech-App/T.O./2007-08/41 dated 10/04/07.
 (2) Notice No. MVP/Notice/2007-08/541 dated 16/10/07.
 (3) Demolition Notice No. MVP/NOTICE/07-08/553 dated 25/10/07.
 (4) Notice No. DP/DMN/PWD/1062/2007-08/3846 dated 30/10/07.
 (5) Application from Owner for Regularization dated 19/02/2008 & 15/01/09.

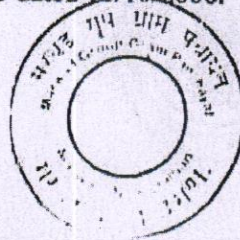
WHEREAS this panchayat was directed by CRZ Screening Committee vide Notice No. DP/DMN/PWD/1062/2007-08/3846 dated 30/10/07 for removal of Unauthorized Structure, Which has been constructed against the CRZ Norms.

AND WHEREAS this panchayat was already issued the Notices Vide Notice No. MVP/Notice/2007-08/541 dated 16/10/07. and Demolition Notice No. MVP/NOTICE/07-08/553 dated 25/10/07 to owner for removal of extra Construction of Bungalow No. 17 on Plot 27 of Village Devka, Nani Daman.

IN View of above, the owner had removed the Extra & Unauthorized construction of Bungalow No. 17 on plot 27 of Village Devka as per CRZ Norms & above said Notices

THIS panchayat along with the Technical Officer, P.W.D., Panchayat Sub Division, District Panchayat & B.D.O., District Panchayat inspected Bungalow no 17 and certified that the Building is as per CRZ Norms, Notifications and permission & other all building regulations of Village & District Panchayat.

IN View of above all, this Panchayat re grant the Permission No. 01/2006-07 vide No. MVP/PLAN/2006-07/183 dated 10/10/2006.



Hebaji
 Sarpanch
 Marwad Group Gram Panchayat
 Marwad.

To,
 1) Member Secretary,
 CRZ Screening Committee, Daman

2) Deepesh Tandel & Khsuman Dhimar, H. No. 17, Plot No. 27, Devka, Daman.

GOVERNMENT OF INDIA
ADMINISTRATION OF DAMAN & DIU
OFFICE OF THE ASSISTANT ENGINEER &
TECHNICAL OFFICER
P.W.D., PANCHAYAT SUB DIVISION
DISTRICT PANCHAYAT
MOTI DAMAN

OCCUPANCY CERTIFICATE

No. DP-D&D/Tech - Officer /Occp. Cert/2008-09/ 2399 dated 2/02/2009.

UNDER RULE 10. OF G.D.D. V.P. (REGULATION OF BUILDING) RULES 1971.

Certified that on being notified on dated : 02/02/2009 by the building permit Deepesh Thakorbbhai Tandel & Khushman R. Dhimar, Nani Daman, I have conducted the site inspection of building construction on plot bearing Survey No.:- 27 at village Devka, Daman upon its completion of building no.17 for the work authorized by the building construction permission no.01/2006-07 vide letter No.MVP/Plan/2006-07/183 granted on dated 10/10/2006 by the Marwad Group Gram Panchayat, Daman.

Certified further that the said building construction conforms generally in all respects to the requirement of its/their plan approval and the said permission granted under rule 3 of Goa, Daman and Diu Village Panchayat (Regulation of building) Rules 1971 and is fit for occupation.

This is issued at the request letter dated 29/01/2009 Deepesh Thakorbbhai Tandel & Khushman R. Dhimar, Nani Daman



(Signature)
(S. B. Barad)
Technical Officer
& Assistant Engineer,
P.W.D., Panchayat Sub Division,
District Panchayat,
Moti Daman.

1. Deepesh Thakorbbhai Tandel & Khushman R. Dhimar, Nani Daman
2. The Sarpanch Village Panchayat of Marwad G.G.P Daman for information please

U. T Administration of Daman and Diu
Planning and Development Authority
Daman

No. 19/PDA/DMN/UAC/DEV/Plot 27/18/2017/87

Date: 02/05/2017

To,
Hotel Ocean Panaroma
Plot No. 27, Devka,
Nani Daman.

Sub:- To furnish document related to construction permission.

Sir,

You are hereby requested to submit the copy of approved building plan approval letter, copy of Occupancy Certificate and other relevant document if any to office for records within 10 days from the date of receipt of this letter to ascertain the legal status of the building. Failing which it would be presumed that the said construction is being carried out without any valid permission.

Yours faithfully



(P. P. Parmar)
Member Secretary(PDA)/
Associate Town Planner
Daman

Copy to : The Collector, Daman for kind information please.

No 19/PDA/DMN/UAC/DEV/Plot No 27/18/2017-172 - Date 29/05/2017

NOTICE

Whereas, Planning and Development Authority(PDA), Daman has carried out detailed survey to assess the unauthorised construction along the stretch of Coastal road of village Marwad and Devka. The detailed measurements of the existing building on land bearing **Plot No. 27 of village Devka** which is belonging to you were taken by the staff of the PDA.

Whereas, vide Letter No. 19/PDA/DMN/UAC/DEV/Plot NO. 27/18/2017/87 dated 02/05/2017, you were requested to submit the documents related to construction permission. You have submitted the copy of approved plan and occupancy certificate of the building located on the said plot number. The approved plan is compared with the actual measurements of the building and it is found that you have constructed **Ground floor + 2, instead of Ground Floor +1** which attracts the action under Rule 21 of the Development Control Rules-2005 of Daman district related to unauthorised construction.

Therefore, notice is hereby issued to you under Section 52 of the Town and Country Planning Act, 1974 (Principal Act) directing you to remove unauthorised excess built up area of your building erected on the above said land within **30 days** at your risk and cost failing which the Planning and Development Authority shall remove the unauthorised structure at your risk and cost without giving further notice.



(P.P. Parmar) 29/05/17

Member Secretary
PDA, Daman.

To,
Hotel Ocean Panaroma,
Plot No. 27,
Devka, Nani Daman.

Copy to -

The Mamlatdar, Daman with the request to arrange to serve the said notice upon the concerned persons, through the concerned Talathi and report compliance.

1-112

HOTEL

*Ocean Panorama*Devka Beach, Nani Daman - 396 210.
Email : oceanpanorama@yahoo.inTelefax : (0260) 2250885, Mob. : 09825127229
website : www.hoteloceanpanorama.comTo, *o/c*
Shri P. P. Parmar,
Member Secretary (PDA), Planning & Development Authority,
U.T. Administration of Daman & Diu, Daman - 396 220.

Letter No. : HOP/PDA/ATP/0106

Date : 01/06/2017
02SUB : Request to withdraw/revoke NOTICE No. 19/PDA/DMN/UAC/DEV/Plot No.
27/18/2017-172 dated 29/05/2017.

REF : 1 > Our letter No. HOP/PDA/ATP/1005 dated 10/05/2017.

2 > Your letter No. No. 19/PDA/DMN/UAC/DEV/Plot 27/18/2017/87 dated
02/05/2017.

Sir,

You have issued NOTICE dated 29/05/2017 stating that "The approved plan is compared with the actual measurement of the building and it is found that you have constructed Ground Floor + 2, instead of Ground Floor + 1"

In this regards, you are requested to please verify the Elevation, Section A-A-A, Floor Plans & area statements of plan approved by your office which is for Ground Floor + 2.

Further the Block Development Officer, District Panchayat directed the sarpanch, Marwad Group Gram Panchayat to grant the approval for the Construction total area of 897.24 Sq. Mts. of Ground Floor + 2, accordingly Marwad Group Gram Panchayat collected the Construction fees in year 2006 and Tax also collected since last eight years for Ground Floor + 2.

The Occupancy certificate also obtained from Technical Officer & Assistant Engineer, PWD, Panchayat Sub Division, Daman for Ground Floor + 2 in year 2009.

In addition to above, the Existing Plan of Ground Floor + 2 of the Old House is also technically verified by Junior Engineer and Technical Officer, PWD, Panchayat Sub Division, Daman in year 2006 in respect of CRZ recommendation.

Hence the contents mentioned in your NOTICE dated 29/05/2017 as mentioned above in para -1 be reviewed and the NOTICE dated 29/05/2017 be withdrawn/revoked immediately and acknowledge the undersigned.

Thanking You with Regards,
For "HOTEL OCEAN PANORAMA"*Deepesh Tandel*
Deepesh Tandel

Encl : As above

*U.D.C.
P.&D.A.
Daman*

**COASTAL ZONE MANAGEMENT AUTHORITY
DAMAN & DIU**

O/O THE POLLUTION CONTROL COMMITTEE
DD & DNH
1ST FLOOR, UDHYOG BHAVAN
BHENSLORE, NANI DAMAN- 396210

C/99

Phone: 0260-2262524/2260974/2260804 (Fax)/

Email: pccddnh@gmail.com

No. PCC/DDCZMA/CRZ VIOLATION/2018-19/ 81

Dated: - 25/07/2023

ORDER

Subject: Procedure for reporting and handling of CRZ violation cases in the Union Territory of Daman and Diu.

WHEREAS the Daman & Diu Coastal Management Authority (DDCZMA) has been constituted vide notification No. F.No. J-17011/18/1996-IA III (pt) dated 13 January 2020 for the purpose of protecting and improving the quality of the Coastal Environment and preventing, abating and controlling environmental pollution in the Coastal Regulation Zone in the Union Territory of Daman and Diu.

AND WHEREAS the U.T Administration of DNH & DD in the exercise of powers conferred under provision 6(c) of CRZ Notification, 2011, has constituted District Level Committee (DLC) under the Chairmanship of Concerned District Collector for both the districts of Daman and Diu.

NOW, THEREFORE, in order to report and handle the violation cases under CRZ Notification, 2011/2019, the following procedure is hereby laid down by the DDCZMA:

Any person willing to file a complaint shall submit a written letter in the name of the Member Secretary, DDCZMA, at the O/o The Pollution Control Committee, DNH & DD, 1st Floor, Udyog Bhawan, Bhenslore, Nani Daman -396210.

Based on the complaint received regarding CRZ violations or any other information received, the Member Secretary, DDCZMA, shall issue an order to DLC / Standing Committee for conducting a site inspection to verify the complaint and violation. The Standing committee shall consist of ATP (Associate Town Planner), BDO (Block Development Officer), ME (Municipal Engineer), EE-PWD (Executive Engineer-PWD) and Nodal Officer from PCC.

After due examination, the standing committee shall prepare a report and identify the violations if any, under the provision of CRZ Notification and submit a report to the Member Secretary CZMA.

If no violation is found in the report of the committee, the MS DDCZMA may in its discretion either direct the committee to reinspect the premises or may direct to drop the complaint or the proceedings.

If any violation is found in the report, MS, DDCZMA shall issue a show cause notice to the concerned person/unit. The person/unit shall reply to the issued show cause notice within 10 days of the issuance of the notice.

If, on the basis of reply submitted, and after making such enquiries as he may deem necessary, the member secretary DDCZMA finds that no violation of CRZ rules or any other law has taken place, he shall drop the further proceedings and consign the file in such cases.

If on the basis of reply received, or after conducting such enquiries or hearings as he may deem necessary, the MS, DDCZMA comes to the conclusion that any violation of CRZ rules or any other law related to CRZ has taken place, he shall forward his recommendations to the

101
COASTAL ZONE MANAGEMENT AUTHORITY
DAMAN & DIU

O/O THE POLLUTION CONTROL COMMITTEE
 DD & DNH
 1ST FLOOR, UDHYOG BHAVAN
 BHENSLORE, NANI DAMAN- 396210

9:

Phone: 0260-2262524/2260974/2260804 (Fax)/


Email: pcdddnh@gmail.com

7

DDCZMA which may direct for demolition of the construction/site or direct such other appropriate actions as may be deemed necessary.

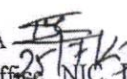
After the final decision of the DDCZMA, the directions will be issued to the concerned District Collector and to the Secretary of the local body or such other officer of the local administration as may be necessary to take action against the violation as per The Environment (Protection) Act 1986.

This is issued with the approval of the Chairman, Coastal Zone Management Authority, Daman & Diu, Daman vide dated: 25/07/2023


 Member Secretary
 DDCZMA
 Daman

o/c

To,

1. The Chairman, DDCZMA 
2. The State Informatics Office, NIC, Daman with a request to upload the same on the Administration of Daman & Diu website on Coastal Zone Management Authority Portal.
3. Office File.

Received
Secretary
Dept. of IT

सोमा उकाई पटेल
पटेल फलिया, मारवाड़,
नानी दमन, दमन - 396210

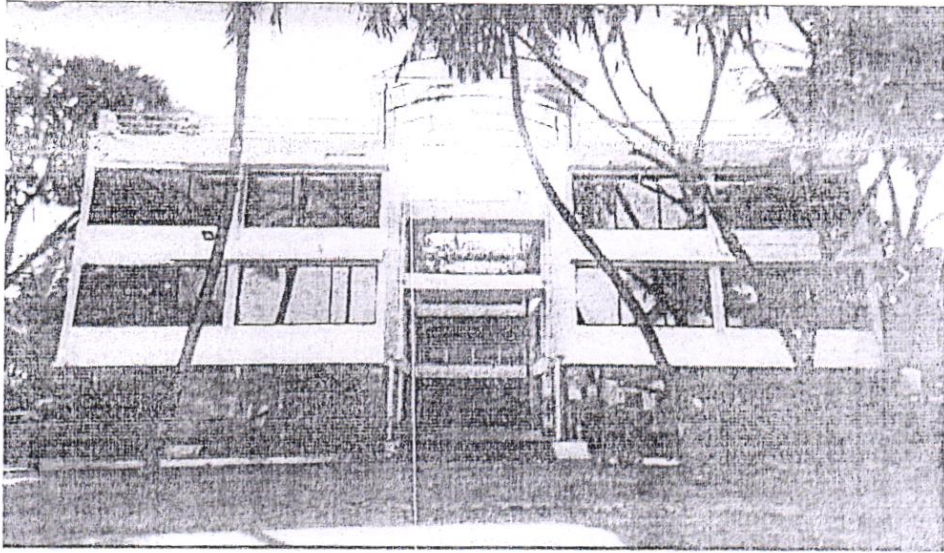
प्रति श्री,
कलेक्टर,
प्रदूषण विभाग, दुनेथा,
नानी दमन, दमन - 396210

विषय: CRZ समिति की अनुमति के बिना निर्मित होटल ओशन पैनोरमा

महोदय,

मैं यह सूचित करना चाहता हूँ कि श्री दीपेश ठाकोरभाई टंडेल ने दमन के तटीय विनियमन क्षेत्र समिति की मंजूरी के बिना देवका, नानी दमन, दमन में होटल ओशन पैनोरमा नामक एक होटल का निर्माण किया है। और वर्तमान में होटल CRZ दमन से पूर्व अनुमति के बिना चल रहा है।

इसलिए, मैं देवका, नानी दमन, दमन में स्थित सर्वे नंबर 0/प्लॉट नंबर 27 वाली भूमि पर निर्माण होटल को ध्वस्त करने का अनुरोध कर रहा हूँ।



यह आगे की कार्रवाई के लिए आपके विचार के लिए है और आम जनता के लिए एक उदाहरण स्थापित करने के लिए है।

आपका सादर

सोमा उकाई पटेल

MS MCZMA

9/7/24

कार्यालय का कार्यालय, दमन	09/10/2024
Office of the Collector, Daman	09/10/2024
दुनेथा	
4173	

U.T. Administration of Dadra & Nagar Haveli and Daman & Diu
O/o the Director-cum-Deputy Secretary (Environment, Forest & Wildlife)/
Member Secretary (DDCZMA),
District Court Premises, Fort Area, Moti Daman- 396220
Email: ddczmadnhdd@gmail.com

No.: DDCZMA/Complaint/Daman&Diu/2024-25/22

Date:28/11/2024

To,

Dipesh Takorbhai Tandel
Hotel Ocean Panorama.
Devka, Nani Daman

Notice

The DDCZMA is in receipt of a complaint with regards to the CRZ violations at Hotel Ocean Panorama committed by you in survey number 0/ Plot Number 27 of the village Devka, Nani Daman

You are requested to present for a hearing on 04th December, 2024, at 12:00 noon, along with all supporting documents, to the office of the Chairperson (DDCZMA), 4th Floor, Secretariate, Vidhyut Bhawan, Kachigam, Nani Daman- 396210 Failing which, necessary action shall be initiated as per the law.

M. J.
20/11/24
Member Secretary (DDCZMA)
Daman & Diu

Copy:

1. Secretary (Environment, Forest & Wildlife)/ Chairman (DDCZMA), DNH & DD

O/o the Secretary (Forest & Wildlife)
UT of D & NH and Daman & Diu.

Inward No. 22 Date 28/11/24

Outward No. _____ Date _____

U.T. Administration of Dadra & Nagar Haveli and Daman & Diu
O/o the Director-cum-Deputy Secretary (Environment, Forest & Wildlife)/
Member Secretary (DDCZMA),
District Court Premises, Fort Area, Moti Daman- 396220
Email: ddczmadnhdd@gmail.com

No.: DDCZMA/Complaint/Daman&Diu/2024-25/152-A

Date:-06/12/2024

To,
Dipesh Takorbhai Tandel,
Hotel Ocean Panorama.
Devka, Nani Daman.

Notice

Whereas, The DDCZMA was received a complaint with regards to the CRZ violations at Hotel Ocean Panorama committed by you in survey number 0/ Plot Number 27 of the village Devka, Nani Daman

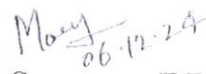
Whereas, You were requested to present for a hearing on 04th December, 2024, at 12:00 noon, along with all supporting documents, to the office of the Chairperson (DDCZMA), 4th Floor, Secretariate, Vidhyut Bhawan, Kachigam, Nani Daman- 396210.

Whereas, you were present under above said date & time but fail to submit any supporting documents regarding CRZ clearance of Hotel Ocean Panorama situated at survey number 0/ Plot Number 27 of the village Devka, Nani Daman.

Whereas, you were given last and final opportunity to submit supporting documents regarding CRZ clearance of Hotel Ocean Panorama on date 09.12.2024 in office of the Chairperson (DDCZMA), 4th Floor, Secretariate, Vidhyut Bhawan, Kachigam, Nani Daman- 396210.

Hence, you are hereby requested to present on date 09.12.2024 in office of the Chairperson (DDCZMA), 4th Floor, Secretariate, Vidhyut Bhawan, Kachigam, Nani Daman- 396210.




Member Secretary (DDCZMA)
Daman & Diu

Copy:

1. The Secretary (Environment, Forest & Wildlife)/ Chairman (DDCZMA),DNH &DD.



U.T. Administration of Dadra and Nagar Haveli and Daman & Diu,
Planning & Development Authority Daman,
Collectorate, Moti Daman.



No. PDA/DMN/CRZ-Gnr/2025/ 835

Dated: 31/07/2025.

Diary no- 404

To,

The Member Secretary,
Daman & Diu Coastal Zone Management Authority (DDCZMA)
Daman & Diu.

Subject: Submission of Report – Hotel Ocean Panorama, Plot No. 27, Devka Road, Daman.

Reference: Your letter No. DDCZMA/Complaint/Daman&Diu/2024-25/25 dated-09/12/2024, regarding detailed inquiry into Hotel Ocean Panorama.

With reference to the above-cited subject, the matter pertaining to Hotel Ocean Panorama, Plot No. 27, Devka Road, Daman, has been examined in detail by this office. In compliance with the directions issued in your above-cited letter, a site-specific inquiry was conducted, and the necessary observations have been recorded.

Accordingly, the report containing relevant findings and remarks is enclosed herewith for your kind consideration and further necessary action.

This is issued with the approval of the Chairman of the Planning and Development Authority, Daman.

(Priyanshu Singh)
Member Secretary,
Planning and Department
Authority, Daman.

Encl: As above

Copy to: 1. The Chairman, PDA, Daman, for information, please.

Office of the Deputy Secretary (Forest, Env. & WL)	
UIT of D&NH and Daman & Diu	
Inward No. 404	Date 05/08/25
Outward No.	Date

Report on Unauthorized Construction of Hotel Ocean Panorama

1. Introduction

- As per the letter received from the Member Secretary, DDCZMA dated 09/12/2024, the Planning and Development Authority, Daman was directed to carry out a detailed inquiry into the functioning of Hotel Ocean Panorama, Plot No. 27, Devka Road, Daman, in view of alleged violations, specifically the operation of the establishment without obtaining the mandatory CRZ clearance..
- In pursuance of the above, and in view of earlier complaints received on the same matter, this inquiry was conducted. This includes the latest complaint dated 18/07/2025, which again raised concerns about unauthorized construction and non-compliance with CRZ rules at plot No.27, Devka.
- This report presents the detailed chronology and findings regarding the unauthorized construction of Hotel Ocean Panorama by Shri Dipesh Thakorbbhai Tandel at Plot No. 27, Village Devka, Nani Daman. The report is based on site inspection conducted by the Planning and Development Authority (PDA), Daman, and a review of official records from 2006 to present.

2. Chronology of Events

2.1 Initial Purchase and Renovation Application

- In 2006, Shri Dipesh Thakorbbhai Tandel purchased an old Parsi house from Shri Shyam Manikshaw, with an existing plinth area of approx. 150.00 sq.mtrs.
- Vide letter dated 08/06/2006, he applied to the Marwad Group Gram Panchayat for renovation and strengthening of the structure.

2.2 CRZ Committee Approval

- On 09/06/2006, the Gram Panchayat referred the proposal to the CRZ Committee, as the land falls within CRZ-III (within 200 meters of High Tide Line). **(Annexure-I)**
- The CRZ Committee, in its meeting dated 10/08/2006, approved the proposal under Case No. 11/06 with a specific condition: **(Annexure-II)**
- "No extra structure other than what is already there should be allowed for renovation as per CRZ-III regulations."
- Based on this, the Panchayat granted permission for renovation only on 10/10/2006 (Order No. MVP/PLAN/2006-07/183). **(Annexure-III)**

2.3 Violation of Permission

- On 10/04/2007, the Assistant Engineer and Technical Officer, PWD, reported to the Panchayat that a new RCC frame structure (G+2 floors) was being constructed, violating the granted renovation permission. **(Annexure-IV)**
- Consequently, the Panchayat issued a demolition notice on 16/10/2007 (Notice No. MVP/Notice/2007-08/541). **(Annexure-V)**

2.4 Revocation and Legal Action

- A special Gram Panchayat meeting on 25/10/2007 resolved to revoke the permission under Rule 9 of the Goa, Daman & Diu Village Panchayat Regulation of Building Rules, 1971, and issued a final demolition order (No. MVP/NOTICE/07-08/553). **(Annexure-VI)**
- The CRZ Screening Committee also issued notice on 30/10/2007, citing gross violations of CRZ norms and misuse of permission for commercial activity within 200 meters of HTL. **(Annexure-VII)**

2.5 Appeal and Dismissal

- Shri Dipesh Tandel filed an appeal before the Collector on 26/10/2007, which was dismissed on 02/11/2007, upholding the legality of the notices and the Gram Panchayat's resolution. **(Annexure-VIII)**

3. Fraudulent Actions Post-Revocation

3.1 Forged Documents and Misrepresentation

- On 29/01/2009, Shri Dipesh Tandel submitted false statements and forged documents to obtain an Occupancy Certificate from the PWD Department.
- Based on the falsified documents, Occupancy Certificate No. DP/D&D/Tech-Officer/Occp.Cert./2008-09/2399 was issued on 02/02/2009.(Annexure-IX)
- Using the illegally obtained certificate, the applicant secured hotel registration by misrepresenting facts and misleading the competent authorities.
- Upon perusal of the survey records, it is found that the carpet area hatched on the original site plan with the Enquiry Office of the City Survey Department was tampered with, and the hatched area was increased to misrepresent a larger carpet area in order to justify the new unauthorised construction.

4. Site Inspection & Legal Position

4.1 Present Status

- The site inspection by PDA confirms the presence of a G+2 RCC structure, constructed without any valid construction permission or CRZ clearance.
- The original approval limited activity strictly to renovation of the existing structure.

4.2 Applicability of CRZ Notification, 2011

As per CRZ Notification dated 06/01/2011, under Section 8(III)(B):

- For areas between 200m and 500m from HTL, buildings:
 - Shall conform to local town planning rules,
 - Shall not exceed 9.00 meters in height, and
 - Shall be limited to two floors (Ground + First).

The present structure is a G+2 RCC building, violating the above norms.

4.3 Legal Status

- There exists no valid CRZ approval or construction permission for the structure.
- Hence, the construction is unauthorized and illegal, liable for action under CRZ and local building regulations.

5. Recommendations

5.1 Immediate Legal Action

Initiate proceedings for demolition of the illegal structure under relevant sections of The CRZ Notification, 2011;

5.2 Criminal Proceedings

- File a formal FIR for:
 - Submission of forged documents,
 - Misrepresentation of facts,
 - Fraudulent obtaining of Occupancy Certificate and Hotel License.

5.3 Cancellation of Hotel License

- Recommend immediate cancellation of hotel registration obtained fraudulently, and
- Blacklisting of the applicant from future commercial ventures in Daman

5.4 Restoration Measures

- Order site restoration to its original state and ensure compliance with CRZ norms.
- Initiate steps for environmental remediation of any damage caused due to the illegal construction.

6. Conclusion

- The construction of Hotel Ocean Panorama by Shri Dipesh Thakorbbhai Tandel is in blatant violation of approved norms, CRZ regulations, and town planning laws.

- The structure stands unauthorized, and all relevant legal and administrative actions must be taken expeditiously to uphold the rule of law and protect coastal ecological integrity.



(Priyanshu Singh)
Member Secretary
Planning and Development Authority
Daman.

Encl: As above.

MINUTES OF THE MEETING OF DAMAN & DIU COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 20.01.2026 AT 5:30 PM.

The meeting of the Daman & Diu Coastal Zone Management Authority (DDCZMA) was held on 20.01.2026 at 05:30 PM in hybrid mode, under the Chairmanship of the Secretary (Environment & Forests), DNH & DD / Chairman, DDCZMA, at the Conference Hall, Collectorate, Daman.

Agenda:-

1. To deliberate and take a decision on the report submitted by the Member Secretary (Planning and Development Authority - PDA), Daman vide letter No. PDA/DMN/CRZ-Gnrl/2025/835, dated 31.07.2025, concerning the unauthorized and illegal construction of Hotel Panorama located at Plot No. 27, Devka Road, Nani Daman.
2. To discuss regarding Land conversion /NA permission for projects in CRZ II and CRZ III
3. To discuss any other issue with permission of the Chairman, DDCZMA, DNH & DD.

Following Members/representatives/ invitees of Daman & Diu Coastal Zone Management Authority (DDCZMA) attended the meeting:

1. Shri Saurabh Mishra, Secretary (Environment & Forests), DNH & DD/Chairman, DDCZMA, DNH & DD/ Collector, Daman
2. Shri Rahul Dev Boora, Collector, Diu
3. Shri Priyanshu Singh, Chief Town and Country Planner, Town Country Planning Department, Moti Daman.
4. Shri Nischal Joshi, B-2, Akshar Banglow, Opp. NID, Kudsan, Gandhinagar.
5. Dr. Vijay Kumar, Representative of Gujarat Institute of Desert Ecology
6. Shri Puneet Kulshreshtha, Director-cum Deputy Secretary (Environment & Forests), DNH & DD/Member Secretary, DDCZMA, DNH & DD

Invitees Members:

1. Shri Jayant Panchal, Law Secretary, DNH & DD

The Chairman, DDCZMA, welcomed all the Members and asked the Member Secretary to brief the Authority on the agenda and conduct the proceedings.

Minutes of the previous meeting held on 17.12.2025 were discussed and approved by all the Members present.

Agenda Item no.1 : To deliberate and take a decision on the report submitted by the Member Secretary (Planning and Development Authority - PDA), Daman vide letter No. PDA/DMN/CRZ-Gnrl/2025/835, dated 31.07.2025, concerning the unauthorized and illegal construction of Hotel Panorama located at Plot No. 27, Devka Road, Nani Daman.

Background

The Authority was apprised that the matter pertains to alleged unauthorized and illegal construction carried out by Shri Deepesh Thakorbbhai Tandel, owner of Hotel Ocean Panorama, situated at Plot No. 27, Devka Road, Nani Daman, which falls within the Coastal Regulation Zone.

The Authority was informed that:

- i. On 09.10.2024, DDCZMA received a letter through the office of the Collector, Daman, from Soma Ukkad Patel, Patel Faliya, Marwad, Nani Daman, Daman-396210, regarding the construction of Hotel Ocean Panorama without CRZ clearance.
- ii. On 28.11.2024 and 06.12.2024, DDCZMA issued notice to Deepesh Takorbhai Tandel, owner of Hotel Ocean Panorama with the direction to submit supporting documents regarding CRZ clearance of the Hotel Ocean Panorama.
- iii. On 04.12.2024, the proponent Mr Deepesh Takorbhai Tandel appeared in the office of the Chairperson, DDCZMA, however, failed to submit any supporting documents regarding CRZ clearance issued to the Hotel Ocean Panorama.
- iv. On 09.12.2024, DDCZMA requested Collector, Daman to inquire into the various complaints and issuance of all such documents issued to Hotel Ocean Panorama and submit a detailed report.
- v. In July, 2025, another complaint was received from Shri Rajesh R. Patel, alleging unauthorized construction of Hotel Ocean Panorama and requesting demolition of the same.

Presentation by Member Secretary, PDA

The Member Secretary, PDA, made a detailed presentation before the Authority and informed that:

- The project site is located at Plot no. 27, Village Devka, Nani Daman within 200 metres of the High Tide Line (HTL) and falls under CRZ-III category in NDZ area
- Vide letter dated 31.07.2025, a comprehensive inquiry report, including examination of the latest complaint dated 18.07.2025, was submitted to the Authority.

The Member Secretary, PDA further informed that the salient findings of the inquiry report are as follows:

A. Initial Purchase and Renovation Application.

- In 2006, Shri Deepesh Thakorbhai Tandel purchased an old Parsi house from Shri Shyam Manikshaw, with an existing plinth area of approx. 150.00 sq. mtrs.
- Vide letter dated 08.06.2006, he applied to the Marwad Gram Panchayat for renovation and strengthening of the structure.

B. CRZ Committee Approval

- On 09.06.2006, the Gram Panchayat referred the proposal for renovation and strengthening of an old house located at Plot no. 27, to the CRZ Committee, as the land falls within CRZ-III (within 200 meters of High Tide Line).
- The CRZ Screening Committee, in its meeting held on 02.08.2006, approved the proposal under Case No. 11/06 with a specific condition:

“No extra structure other than what is already there should be allowed for renovation as per CRZ-III regulations.”

- Based on this, the Panchayat granted permission for renovation only on 10.10.2006.

C. Violation of Permission.

- On 10.04.2007, the Assistant Engineer and Technical Officer, PWD, reported to the Panchayat that the construction was of a new nature and that an RCC frame structure comprising basement, ground floor, first floor, and second floor was being constructed, violating the granted renovation permission.
- Consequently, the Marwad Group Gram Panchayat issued a demolition notice on 16.10.2007

A

D. Revocation and Legal Action

- A special Gram Panchayat meeting on 25.10.2007 resolved to revoke the permission under Rule 9 of the Goa, Daman & Diu Village Panchayat Regulation of Building Rules, 1971, and issued a final demolition order (No. MVP/NOTI CE/07-08/553).
- The CRZ Screening Committee also issued a notice dated 30.10.2007 to the Sarpanch, Marwad Group Gram Panchayat, directing the Panchayat to take immediate necessary action for removal of the unauthorised structure constructed in violation of CRZ norms and for misuse of permission for commercial activity within 200 metres of the HTL.

E. Appeal and Dismissal

- On 26.10.2007, Shri Deepesh Tandel preferred an appeal before the Collector against the notices dated 16.10.2007 and 25.10.2007 issued by the Marwad Group Gram Panchayat, which was dismissed on 02.11.2007, upholding the legality of the said notices and the resolution of the Gram Panchayat.

F. Fraudulent Actions Post-Revocation**➤ Forged Documents and Misrepresentation**

- On 29.01.2009, Shri Deepesh Tandel submitted false statements and forged documents to obtain an Occupancy Certificate from the PWD Department.
- Based on the falsified documents, Occupancy Certificate No. DP/D&D/Tech-Officer/Occp.Cert./2008-09/2399 was issued on 02.02.2009.
- Using the illegally obtained certificate, the applicant secured hotel registration by misrepresenting facts and misleading the competent authorities.
- Upon perusal of the survey records, it is found that the carpet area hatched on the original site plan with the Enquiry Office of the City Survey Department was tampered with, and the hatched area was increased from 150 Sqm (as per the plan) to 408 Sqm, to misrepresent a larger carpet area in order to justify the new unauthorised construction.

G. Site Inspection & Legal Position**➤ Present Status.**

- The site inspection on 10.12.2024 by PDA confirms the presence of a G+2 RCC structure, constructed without any valid construction permission or CRZ clearance.
- The original approval limited activity strictly to renovation of the existing structure.

➤ Applicability of CRZ Notification, 2011

As per CRZ Notification dated 06.01.2011, under Section B(III)(B):

- For areas between 200m and 500m from HTL, buildings:-
 - Shall conform to local town planning rules
 - Shall not exceed 9.00 meters in height, and
 - Shall be limited to two floors (Ground + First).

The present structure is a G+2 RCC building, violating the above norms.

➤ Legal Status

- There exists no valid CRZ approval or construction permission for the structure.
- Hence, the construction is unauthorized and illegal, liable for action under CRZ and local building regulations.

H. Recommendations:➤ **Immediate Legal Action**

Initiate proceedings for demolition of the illegal structure under relevant sections of The CRZ Notification, 2011;

➤ **Criminal Proceedings**

- File a formal FIR for:-
 - Submission of forged documents,
 - Misrepresentation of facts,
 - Fraudulent obtaining of Occupancy Certificate and Hotel License.

➤ **Cancellation of Hotel License**

- Recommend immediate cancellation of hotel registration obtained fraudulently, and
- Blacklisting of the applicant from future commercial ventures in Daman

➤ **Environmental remediation**

- Initiate steps for environmental remediation of any damage caused due to the illegal construction.

I. Conclusion

- The construction of Hotel Ocean Panorama by Shri Deepesh Thakorbbhai Tandel is in blatant violation of approved norms, CRZ regulations, and town planning laws.
- The structure stands unauthorized, and all relevant legal and administrative actions must be taken expeditiously to uphold the rule of law and protect coastal ecological integrity.

Decision:

After detailed deliberations and examination of the records placed before it, the Authority observed that gross violations of the CRZ Notification, 2011, and other applicable laws have been committed. Accordingly, the Authority unanimously decided and directed as under:

1. A direction under Section 5 of the Environment (Protection) Act, 1986, shall be issued to M/s Hotel Ocean Panorama, directing demolition of the unauthorized construction in question located on the Plot no. 27 of village Devka, Nani Daman within 15 days of receipt of the notice. Failing to comply with the demolition order by the owner within 15 days, the Collector of Daman shall implement the order and recover the cost of demolition from the owner. Further, the Secretary, Tourism, Daman shall ensure immediate cessation of all commercial activities at the said premises.
2. Environmental compensation/costs shall be imposed on the project proponent for damaging the coastal ecology, commensurate with the extent of violations caused.

Agenda Item no. 2: To discuss regarding Land conversion /NA permission for projects in CRZ II and CRZ III

The Authority was apprised of the Minutes of the meeting held on 08.08.2024, which had reiterated the decisions recorded in the Minutes of the meeting of the Authority dated 02.03.2019, concerning land conversion and building plan permissions for projects located within the Coastal Regulation Zone (CRZ).

It was further informed that the Collector, Daman, has raised objections to the Minutes of the meeting dated 08.08.2024 and has requested modification of Point No. 2 and Point No. 4(i) of the Minutes of Meeting dated 02.03.2019, on the following grounds:

1. While acknowledging the intent of the CRZ regulatory framework, it was submitted that Point No. 2 of the Minutes dated 02.03.2019 introduces an additional approval requirement which is neither prescribed under the CRZ Notification, 2011 or 2019, nor serves any substantive regulatory purpose.
2. Coastal Regulation Zone (CRZ) Act, 2011 & 2019, nowhere prescribes State/UT Coastal Zone Management Authority CZMA's approval for Land Conversion permission/Non-Agricultural (NA) Permission in CRZ areas.
3. Land Conversion permission/NA Permission does not mean that the applicant will surely construct the building on the proposed site. So, at an early stage of Land Conversion permission/NA Permission, DDCZMA permission is unnecessary and DDCZMA CRZ clearance at the Construction Permission stage of the building will itself satisfy all CRZ requirements.
4. NA Permission/Land Conversion permission in the No-Development Zone (NDZ) area is many times required by the applicant to amalgamate their plots with adjoining NA Plots in beyond NDZ and beyond CRZ areas. Applicants have no intention for construction in the NDZ area; rather in these cases, their intention is to use their area as open space/green area, which satisfies CRZ regulations of 2011 & 2019.
5. These unnecessary CRZ clearance of DDCZMA at the NA stage will overburden the DDCZMA.
6. The Collector at the time of giving NA permission obtains a report from the Planning and Development Authority (PDA) which gives due recommendation after complying with the Outline Development Plan (ODP). Also, ODP has been formed by overlaying the map of the Coastal Zone Management Plan (CZMP). Also, it was informed that decision of NA Permission/ Land Conversion permission recommendation is given after due consideration of CRZ requirements.
7. On Point No. 4 (i) of the DDCZMA Minutes of Meeting held on 02.03.2019, it is to state that the CRZ documentation is a bulky and lengthy process. So, such documentation shall be restricted at the stage of Construction Permission, where the applicant has clearly envisaged what is to be built, which is not envisaged at the stage of NA Permission.

Decision: After detailed deliberation and in consonance with the provisions of the CRZ Notification, 2011, the Authority unanimously agreed with the submissions of the Collector, Daman, and resolved that Point No. 2 and Point No. 4(i) of the Minutes of the Meeting of the Daman & Diu Coastal Zone Management Authority held on 02.03.2019 shall stand modified accordingly.

The meeting ended with thanks to the chair.



Member Secretary,
Daman & Diu Coastal Zone Management
Authority (DDCZMA)

No. DDCZMA/Complaint/Daman&Diu/2024-25/52

Dated: 28/01/2026

Copy to all concerned.

Daman & Diu Coastal Zone Management Authority
Office of the Director - cum-Deputy Secretary,
Forest, Environment and Wild life,
DNH & DD, Fort Area, Moti Daman-396220

FTS No. 177 / UCDY/SECY (FEW) / 2026 / 4168783 / 4168785 / 4168787 / 4168789
No.DDCZMA/Complaint/Daman&Diu/2024-25/ 54

Dated: 30/01/2026

Subject : Direction under Section 5 of the Environment (Protection) Act, 1986 for violation of the provisions of the Coastal Zone notification, 2011 -reg.

WHEREAS, the Government of India has issued the Coastal Regulation Zone (CRZ) Notification, 2011 vide S.O. No. 19(E) dated 06.01.2011 under the Environment (Protection) Act, 1986, with the objective of conserving coastal ecology and regulating developmental activities in CRZ areas;

AND WHEREAS, the Daman & Diu Coastal Zone Management Authority (DDCZMA) is the competent authority empowered under Section 5 of the Environment (Protection) Act, 1986, read with MoEFCC Notification No. S.O. 4650(E) dated 30.09.2022, to issue binding directions for protection of the coastal environment within its jurisdiction;

AND WHEREAS, complaints received on 09.10.2024 and in July, 2025 alleged unauthorized construction of Hotel Ocean Panorama located on the Plot no. 27 of Village Devka, Nani Daman without CRZ clearance, which were examined by the Authority;

AND WHEREAS, despite issuance of notices dated 28.11.2024 and 06.12.2024, and giving opportunities for the personal hearing before the Chairman, DDCZMA on 04.12.2024, the owner failed to produce valid documents regarding the CRZ clearance or lawful construction permission;

AND WHEREAS, on 09.12.2024, DDCZMA requested the Collector, Daman to inquire into the various complaints and issuance of all such documents issued to Hotel Ocean Panorama and submit a detailed report.

AND WHEREAS, vide letter No. PDA/DMN/CRZ-Gnr/2025/835 dated 31.07.2025, the Member Secretary, Planning and Development Authority (PDA), Daman, submitted a comprehensive inquiry report to the Authority, including examination of the latest complaint dated 18.07.2025, after detailed scrutiny of records and site inspection;

AND WHEREAS, a detailed inquiry conducted by the Member Secretary, PDA, Daman establishes the fact that the project site pertaining to Hotel Ocean Panorama is located at Plot No. 27, Village Devka, Nani Daman, within 200 metres of the High Tide Line (HTL), and falls under No Development Zone (NDZ) of CRZ-III;

AND WHEREAS, the Member Secretary, PDA has reported that the project proponent, Shri Deepesh Thakorbhai Tandel, purchased an old existing Parsi house in the year 2006 having a plinth area of approximately 150 sq. mtrs, and applied to the Marwad Group Gram Panchayat only for renovation and strengthening of the old house;

AND WHEREAS, the Member Secretary, PDA, has informed that on 09.06.2006, the Marwad Group Gram Panchayat referred the proposal for renovation and strengthening of an old existing house situated at Plot No. 27, Village Devka, Nani Daman, to the CRZ Screening Committee, as the said land was falling within CRZ-III (within 200 metres of the High Tide Line);



AND WHEREAS, the CRZ Screening Committee, in its meeting held on 02.08.2006, considered the said proposal under Case No. 11/06 and accorded conditional clearance strictly limited to renovation of the old house, with a specific stipulation that 'no extra structure other than what already exists shall be allowed for renovation as per CRZ-III regulations'; based on which, and subject to strict compliance with the aforesaid condition, the Gram Panchayat granted only renovation permission on 10.10.2006;

AND WHEREAS, the Member Secretary, PDA has further established that, in violation of the aforesaid conditional permission, the project proponent undertook new construction in the form of an RCC structure comprising basement, ground floor, first floor and second floor, which was detected by the PWD authorities in April 2007, leading to issuance of demolition notices, revocation of permission by the Gram Panchayat on 25.10.2007, and confirmation of such revocation and demolition orders by the Collector, Daman, thereby leaving no subsisting construction permission;

AND WHEREAS, the Member Secretary, PDA also stated that the CRZ Screening Committee also issued a notice dated 30.10.2007 to the Sarpanch, Marwad Group Gram Panchayat, directing the Panchayat to take immediate necessary action for removal of the unauthorised structure constructed in violation of CRZ norms and for misuse of permission for commercial activity within 200 metres of the HTL;

AND WHEREAS, notwithstanding the lawful revocation of permissions, the inquiry report of the Member Secretary, PDA establishes that the project proponent subsequently obtained an Occupancy Certificate dated 02.02.2009 and hotel registration by way of submission of forged documents, misrepresentation of material facts, and tampering of survey records, including inflation of the carpet area from 150 sq. mtrs to 408 sq. mtrs, thereby rendering such approvals void ab initio;

AND WHEREAS, as per the report of the Member Secretary, PDA, the site inspection carried out on 10.12.2024 confirmed the continued existence and continued commercial operation of the unauthorised G+2 RCC structure known as Hotel Ocean Panorama, constructed without any valid CRZ clearance or lawful construction permission;

AND WHEREAS, the Member Secretary, PDA, has concluded that the said construction is in clear violation of the provisions of the CRZ Notification, 2011, which, in CRZ-III areas, permits only repair or reconstruction of authorised existing structures without any structural expansion and further restricts construction in the area between 200 metres and 500 metres from the HTL to a maximum building height of 9.00 metres with Ground plus First Floor only;

AND WHEREAS, the inquiry report of the Member Secretary, PDA unequivocally establishes that the construction of Hotel Ocean Panorama is unauthorised, illegal, environmentally impermissible, and used for commercial purposes, and deliberately continued despite statutory prohibitions, thereby warranting immediate action under Section 5 of the Environment (Protection) Act, 1986, including demolition, environmental compensation, and allied legal proceedings:

AND WHEREAS, as per the extant provisions of the CRZ Notifications, 2011, para 8(I)III CRZ-III A(ii), no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorised structure, thus the construction of Hotel Ocean Panorama located on the Plot no. 27 of Village Devka, Nani Daman, falling within CRZ-III (NDZ) area is a prohibited activity;

AND WHEREAS, the Authority, in its meeting held on 20.01.2026, deliberated upon the inquiry report submitted by the Member Secretary, PDA, under Agenda Item No. 1, and, upon due consideration thereof, observed that gross violations of the provisions of the CRZ Notification, 2011 and other applicable laws had been committed, and accordingly resolved, as a binding decision of the Authority, to issue demolition orders and to levy environmental compensation;

(Signature)

NOW, THEREFORE, in exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Daman & Diu Coastal Zone Management Authority (DDCZMA) hereby issues the following directions, which shall be binding and enforceable:

- **Demolition of the structure:** The owner shall demolish the unauthorized structure known as Hotel Ocean Panorama, situated on the Plot No. 27, Devka Road, Nani Daman within 15 days of the receipt of this notice. Failing which, the Collector, Daman shall carry out the demolition and the cost towards this shall be recovered from the owner.
- **Construction & Demolition Waste:** Demolition shall be carried out strictly in accordance with the Construction and Demolition Waste Management Rules, 2016, at your own cost.
- **Environmental Compensation:** In accordance with the formula mandated by the Hon'ble National Green Tribunal (NGT) in *Paryavaran Swaksha Samiti Vs. UOI (OA 593/2017)*, you are directed to deposit a sum of Rs 1,03,02,000/- (Rupees One Crore Three Lakh Two Thousand only) as Environmental Compensation for unauthorised construction and illegal commercial operation in the Coastal Regulation Zone.

➤ Calculation: $EC = PI \times N \times R \times S \times LF$

Where,

EC is Environmental Compensation in ₹

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees (₹) for EC

S = Factor for scale of operation

LF = Location factor

$(30 (PI) \times 6,868 (Days) \times 100 (R) \times 0.5 \times 1 (LF))$.

- The amount shall be paid via Demand Draft in favor of "Chairman, DDCZMA" within 15 days.

FAILURE TO COMPLY with these directions shall invite penal action under the provisions of the Environment (Protection) Act, 1986

This order is issued with the prior approval of the Chairman, DDCZMA.



Member Secretary,
Daman & Diu Coastal Zone Management
Authority (DDCZMA)

To: Shri Deepesh Thakorbbhai Tandel,
Hotel Ocean Panorama, Plot No. 27,
Devka Road, Daman.

Copy to:

1. The Collector, Daman: For immediate enforcement of demolition upon expiry of the notice period.
2. The Secretary, Tourism, Daman: To ensure immediate cessation of all commercial activities at the said premises.
3. The Superintendent of Police, Daman: To provide necessary police assistance for effective enforcement of the above directions.
4. PA to Chairman, DDCZMA.
5. Guard File.

RECEIVED

13/10/2018
Inward clerk
Secretary (Tourism)

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4784-4785 OF 2019
(Arising out of SLP (C) Nos.4227-4228 of 2016)

THE KERALA STATE COASTAL ZONE MANAGEMENT AUTHORITY ... APPELLANT

VERSUS

THE STATE OF KERALA MARADU MUNICIPALITY & ORS. ... RESPONDENTS

WITH

CIVIL APPEAL NOS.4790-4793 OF 2019
(Arising out of SLP (C) Nos.4231-4234 of 2016)

AND

CIVIL APPEAL NOS.4786-4789 OF 2019
(Arising out of SLP (C) Nos.4238-4241 of 2016)

O R D E R

Leave granted.

Applications for intervention are allowed.

The appeals have been filed by the Kerala State Coastal Zone Management Authority aggrieved by the judgment and order dated 11.11.2016 passed by the High Court in Writ Appeal No.132 of 2013 and other connected appeals.

The appellant authority has been constituted by the Government of India in compliance with the directions issued by this Court in Indian Council for Enviro-Legal Action v. Union of India [(1996) 5 SCC 281] as well as in the exercise of the powers conferred under Section 3 of the Environment Protection Act, 1986. The appellant authority is empowered to deal with the environmental issues

relating to the notified Coastal Regulations Zones (in short, 'CRZ'). Construction activities in the notified CRZ areas can be permitted only in consultation with and prior concurrence of the appellant authority. It is the binding duty of the local self-Government, the competent authority before issuing building permits to forward an application for building permission to the appellant authority along with the relevant record. The appellant authority has issued circulars to all Gram Panchayats, Municipalities, and Municipal Corporations directing them to follow the provisions of CRZ notifications and to act in accordance with the procedures provided in the notifications.

The decision of this Court in Piedade Filomena Gonsalves v. State of Goa [(2004) 3 SCC 445] has also been relied upon which explains the significance of CRZ notifications in the interest of protecting environment and ecology in the coastal area and the construction raised in violation of the regulations cannot be lightly condoned. The construction activities of the respondent builders are on the shores of the backwaters in Ernakulam in the State of Kerala which supports exceptionally large biological diversity and constitutes one of the largest wetlands in India.

The area in which the respondents have carried out construction activities is part of the tidally influenced water body and the construction activities in those areas are strictly restricted under the provisions of the CRZ Notifications. Uncontrolled construction activities in these areas would have devastating effects on the natural water flow that may ultimately

result in severe natural calamities. The expert opinions suggest that the devastating floods faced by Uttarakhand in recent years and Tamil Nadu this year are the immediate result of uncontrolled construction activities on river shores and unscrupulous trespass into the natural path of backwaters. The Coastal Zone Management Plan (in short, 'CZMP') has been prepared to check these types of activities and construction activities of all types in the notified areas. The High Court has ignored the significance of approved CZMP.

As per the appellant, these constructions activities are taking place in critically vulnerable coastal areas which are notified as CRZ-III. The panchayats have issued these permissions in violation of relevant statutory provisions and CRZ notifications. The Vigilance Section of Local Self Government Department, Government of Kerala detected these violations and anomalies in the issue of building permits and hence directed the concerned bodies to revoke all the flawed building permits exercising its powers under Rules 16 and 23 of the Kerala Municipality Building Rules, 1999 (in short, referred to as 'the Rules of 1999').

A show cause notice was issued under Rule 16 of the Rules of 1999, asking the builders to show cause why the building permit issued to them be not cancelled. Writ Petitions were filed questioning the same. The learned Single Judge allowed the writ petitions. The Division Bench dismissed the appeals. The High Court has observed that the permit holders cannot be taken to task

for the failure of local authorities in complying with the statutory provisions and notifications. Review petitions were also dismissed. Hence, the appeals by special leave have been preferred.

After hearing the appeals for two days, we constituted the Committee to hear the parties. Following is the order passed by this Court on 27.11.2018 :

"1. The writ petitions filed questioning the show cause notice dated 4.6.2007 issued for the removal of the buildings, which according to show cause notice were falling within the prohibited area of CRZ Category. Various violations were mentioned in the show cause notice. Without availing the remedy of filing reply to the show cause notice, writ petitions were filed directly in the High Court. The Single Bench of the High Court vide its judgment and order dated 10.09.2012, allowed the writ petition. Aggrieved thereby, the Municipality preferred writ appeals before the Division Bench, which were dismissed by the impugned judgment and order dated 02.06.2015.

2. Considering the peculiar facts and circumstances of the case, as there is no categorical finding recorded either by the Single Bench or by the Division Bench that whether the area in question is in CRZ Category-III, Category-I or Category-II. It was claimed by the petitioner before the Single Bench that they fell within the CRZ Category-II, whereas the case set up by Coastal Zone Management Authority in this Court is that area is of CRZ Category III. We deem it appropriate to call for the findings on the aforesaid aspect.

3. We constitute a Three-Member Committee consisting of the Secretary to the Local Self Government Department, the Chief Municipal officer of the concerned Municipality and the Collector of the District, to hear the objections and to give a finding in terms of Notification dated 19th February 1991.

4. Let the Committee hear the affected parties as well as Kerala State Coastal Zone Management Authority and State Government and consider the matter as submitted by the parties and send a report to this Court as to legality of construction and precisely in which category the area in question is to be categorized and whether building is in prohibited zone. Let the exercise be done within a period of two months and a report be submitted to this Court.

5. Let the report be submitted covering the aspect that may be urged by the parties as to the legality of construction."

The aforesaid order was passed in order to cut short the litigation in respect of the show cause notice issued by the authorities as the only question to be decided was as to whether the area falls in CRZ-III of Coastal Zone Regulations. We have heard the learned counsel at length again after receipt of the report. The Committee consisted of the following members :

1. K. Gopalakrishna Bhat, IAS
Local Self Government (Rural)
In-Charge.
2. K. Mohammed Y. Safirulla, AIA,
District Collector,
Ernakulam.
3. Subhash P.K.,
Municipal Secretary,
Maradu Municipality.

The Committee has given the opportunity of hearing and has dealt with the case set up by all the stakeholders in extensive detail. Following findings and conclusion have been recorded by the Committee :

"The Committee evaluated all arguments raised by the parties and KCZMA, existing Rules and

Statutes and examined the Google map produced at the time of the meeting.

The findings of the committee are as follows:

1) Marad Panchayat which was formed in 1953 was upgraded into a municipality in November 2010.

2) The Coastal Zone Management Plan (CZMP of Kerala currently applicable is the one that was approved in 1996. As per the said CZMP, Marad has been marked as Panchayat area and hence falls in the Coastal Regulation Zone (CRZ) category of CRZ-III. The area is represented in the Map numbers 33, 33A and 34 of CZMP 1996. These maps are attached as Annexure 1 and 2. A mosaic of the three maps showing the Marad area is attached as Annexure 3. Since the Panchayat has been upgraded to Municipality in the year 2010, the same has been shown as CRZ-II category in the draft CZMP prepared as per the CRZ Notification 2011 and submitted to the MoEF&CC of Government of India recently. Until the Government of Kerala/KCZMA receives a communication from the Government of India on the approval of the CZMP draft submitted, the CZMP of 1996 stands valid. Hence, as on date, Maradu area being a backwater island the provisions as detailed below is applicable after 6th January 2011 i.e., the date on which Government of India published Coastal Zone Management Plan (CZMP).

i) The islands within the backwaters shall have 50 mts width from the High Tide Line on the landward side as the CRZ area;

ii) within 50 mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;

iii) beyond 50 mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Grama panchayat;

iv) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50 mts width from HTL of these backwater islands.

CONCLUSION

The Coastal Zone Management Plan (CZMP) of Kerala currently applicable is the one that was approved in 1996. As per the said CZMP Maradu has been marked as Panchayat area and hence falls in the Coastal Regulation Zone (CRZ) category of CRZ III. Maradu Panchayat has been upgraded to Municipality in the year 2010 and hence in the draft CZMP prepared as per CRZ Notification 2011, it is shown as CRZ II category. The new draft CZMP is submitted to MoEF & CC of Government of India for approval. Until Government of India approved the draft notification CZMP 1996 stands valid."

It is apparent that at the relevant time when the construction has been raised by the respondents in the matters, the area was within CRZ-III. With respect to CRZ-III, the relevant notification dated 19.2.1991 indicates that the area of 200 meters from the High Tide Line is no development zone. No construction shall be permitted within this zone except for repairs of the authorized structures not exceeding existing FSI. The notification dated 19.02.1991 relating to CRZ-III is extracted below:-

"iii. The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

i. The area up to 200 meters from the High Tide Line is to be earmarked as "No Development Zone". No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area, and existing density, and for permissible activities under the notification including facilities essential for such activities. An authority designated by the State Government/Union Territory Administration may permit construction of facilities for water supply, drainage, and sewerage for requirements of local inhabitants. However, the following

uses may be permissible in this zone agriculture, horticulture, gardens, pastures, parks, playfields, forestry and salt manufacture from sea water.

ii. Development of vacant plots between 200 and 500 meters of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests (MEF permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II.

iii. Construction/reconstruction of dwelling units between 200 and 500 meters of the High Tide Line permitted so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans. Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than twice the number of existing units; total covered area on all floors shall not exceed 33 percent of the plot size; the overall height of construction shall not exceed 9 meters and construction shall not be more than 2 floors ground floor plus one floor. Construction is allowed for permissible activities under the notification including facilities essential for such activities. An authority designated by State Government/Union Territory Administration may permit construction of public rain shelters, community toilets, water supply, drainage, sewerage, roads, and bridges. The said authority may also permit construction of schools and dispensaries, for local inhabitants of the area, for those panchayats the major part of which falls within CRZ if no other area is available for construction of such facilities.

iv. Reconstruction/alterations of an existing authorised building permitted subject to (I) to (iii) above."

It is also relevant to take note of Rule 23(4) of the Rules of 1999 which is extracted below:-

"23(4) Any land development or redevelopment or building construction or reconstruction in any

area notified by the Government of India as a coastal regulation zone under the Environment (Protection) Act, 1986 (29 of 1986) and rules made thereunder shall be subject to the restrictions contained in the said notification as amended from time to time."

It is necessary for the local authority to follow the restrictions imposed by the notification, as amended from time to time. Thus, it was not open to the local authority, i.e., Panchayat, in view of the notification of 1991 to grant any kind of permission without the concurrence of Kerala State Coastal Zone Management Authority. Admittedly, Panchayat has not forwarded any such applications for building permissions and there is no concurrence or permission granted by the Kerala State Coastal Zone Management Authority. As such, we find that once a due inquiry has been held by the Committee, there is no escape from the conclusion that the area fell within CRZ-III, it was wholly impermissible and unauthorised construction within the prohibited area. We also take judicial notice of recent devastation in Kerala which had taken place due to heavy rains compounded by such unbridled construction activities resulting in colossal loss of human life and property due to such unauthorised activity.

This Court in *Vaamika Island (Green Lagoon Resort) vs. Union of India & Ors.* [(2013) 8 SCC 760], has observed:-

"26. The petitioner had affected the construction in violation of the provisions of 1991 and 2011 Notifications as well as Map No.32-A, so found by the High Court. The factual details of the same and where actually the portion of some of the properties of the petitioner in Vettila Thuruthu will fall has been elaborately dealt with by the

High Court in its judgment in paras 109 to 119. We notice that the High Court has dealt with the issue pointing out that so far as buildings which have been constructed by the petitioner during the currency of the Notification issued in 1991 are concerned, they are clearly in violation of this notification, hence, action has to be taken for the removal of the same. The Director of Panchayat also vide letters dated 7.3.1995, 17.7.1996 directed all the panchayats to strictly follow the provisions of CRZ notification which it was found not followed by granting permission. The High Court has also found on facts that reconstruction work appeared to have been done during the currency of the 2011 Notification and two buildings (193/D and 193/E) were also constructed illegally. The High Court has also noticed another new construction underway. These all are factual findings which call for no interference by this Court. The High Court has clearly noticed that reconstruction work has been done contrary to 1991 as well as 2011 Notifications and the report of the Expert Committee constituted by the Kerala State Committee on Sciences Technology and Environment (KSCSTE) was accepted.

27. We are of the considered view that the above direction was issued by the High Court taking into consideration the larger public interest and to save Vembanad Lake which is an ecologically sensitive area, so proclaimed nationally and internationally. Vembanad Lake is presently undergoing severe environmental degradation due to increased human intervention and, as already indicated, recognising the socio-economic importance of this waterbody, it has recently been scheduled under "vulnerable wetlands to be protected" and declared as CVCA. We are of the view that the directions given by the High Court are perfectly in order in the abovementioned perspective.

28. Further, the directions given by the High Court in directing demolition of illegal construction effected during the currency of the 1991 and 2011 CRZ Notifications are perfectly in tune with the decisions of this Court in *Piedade Filomena Gonsalves v. State of Goa* [(2004) 3 SCC 445], wherein this Court has held that such notifications have been issued in the interest of protecting environment and ecology in the coastal area and the construction raised in violation of

such regulations cannot be lightly condoned."

In *Piedade Filomena Gonsalves vs. State of Goa & Ors.* [(2004)

3 SCC 445], this Court has observed :

"4. We do not think that any fault can be found with the judgment of the High Court and the appellant can be allowed any relief in exercise of the jurisdiction conferred on this Court under Article 136 of the Constitution. Admittedly, the construction which the appellant has raised is without permission. Assuming it for a moment that the construction, on demarcation and measurement afresh and on HTL being determined, is found to be beyond 200 meters of HTL, it is writ large that the appellant has indulged into misadventure of raising a construction without securing permission from the competent authorities. That apart, the learned counsel for the respondent, has rightly pointed out that the direction of the High Court in the matter of demarcation and determination of HTL is based on the amendment dated 18.8.1994 introduced in the notification dated 19.2.1991 entitled the Coastal Regulation Zone notification issued in exercise of the power conferred by section 3(1) and Section 3(2)(v) of the Environment Protection Act, 1986, while the appellant's construction was completed before the date of the amendment and, therefore, the appellant cannot take benefit of the order dated 25.9.96 passed in writ petition No. 102 of 1996.

5. It is pertinent to note that during the pendency of the writ petition, the appellant had moved two applications, one of which is dated 11.7.1995, for the purpose of regularisation of the construction in question. Goa State Coastal Committee for Environment-the then competent body constituted a sub-committee which inspected the site and found that the entire construction raised by the appellant fell within 200 meters of the HTL and the construction had been carried out on existing sand dunes. The Goa State Coastal Committee for Environment, in its meeting dated 20.10.1995, took a decision inter alia holding that the entire construction put up by the appellant was in violation of the Coastal Regulation Zone Notification.

6. The Coastal Regulation Zone notifications have been issued in the interest of protecting the environment and ecology in the coastal area. Construction raised in violation of such regulations cannot be lightly condoned. We do not think that the appellant is entitled to any relief. No fault can be found with the view taken by the High Court in its impugned judgment."

Further, reference has also been made to a decision of the Kerala High Court in *Ratheesh v. State of Kerala* [2013 (3) KLT 840]. The same is extracted below :

"98. However, we would rather rest our decision without pronouncing on the validity of the permits as such. We have found that the Notification is applicable to the island, the island falls in CRZ-I and construction is impermissible. By merely getting a permit under the Building Rules, it cannot be in the region of any doubt that the company cannot arrogate to itself, the right to flout the terms of the Notification. We have already noticed Rule 23(4) of the Kerala Municipality Building Rules, 1999 and Rule 26(4) of the Kerala Panchayat Building Rules, 2011. In this case, we may also note that there is no permission sought from the authority. It is apposite to note that paragraph 3 (v) clearly mandates that for investment of Rs.5 crores and above, permission must be obtained from the Ministry of Environment WP(C).NO.19564/11 & CON.CASES 21 and Forest. In this case, the investment of the company is far above Rs.5 crores. In respect of investments below Rs.5 crores, for activities which are not prohibited, permission must be obtained from the concerned authority in the State. The company has not made any such attempt at getting permission. That apart, this is a case where, even if permission had been applied for, the terms of the Notification would stand in the way of any such permission being granted in so far as the island is treated as falling in CRZ-I. Construction of buildings as has been done by the company was absolutely impermissible. The fact that in a situation where the construction activity was permissible under the Notification and if the company had obtained permit from the local body, would have made its activities legal, cannot

avail the company for the reason that under the terms of the Notification, such permit obtained from the panchayat will be of little avail to it in the light of the nature of the restrictions brought about by the Regulations in respect of CRZ-I in which zone the island falls. According to the WP(C).NO.19564/11 & CON.CASES 22 panchayat, no doubt, the conditions have been imposed also as recommended by the Assistant Engineer who is alleged to have even visited the island. Whatever that be, as observed by us, in the light of the view we have taken, namely that the 1991 Notification applies to the island, it is squarely covered by the same being included in CRZ-I and the constructions were begun even during the currency of the 1991 Notification. The conclusion is inescapable that it is in the teeth of the prohibition contained in the 1991 Notification and, therefore, it is palpably illegal.

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107. At this stage, we must deal with the argument raised before us by the company. It is submitted that a world-class resort has been put up which will promote tourism in a State like Kerala which does not have any industries as such and where tourism has immense potential and jobs will be created. It is submitted that the Court may bear in mind that the company is eco-friendly and if at all the Court is inclined to find against the company, the Court may, in the facts of this case, give direction to the company and the company will strictly abide by any safeguards essential for the preservation of environment.

108. We do not think that this Court should be detained by such an argument. The Notification issued under the Environment (Protection) Act is meant to protect the environment and bring about sustainable development. It is the law of the land. It is meant to be obeyed and enforced. As held by the Apex Court, construction in violation of the Coastal Regulation Zone Regulations are not to be viewed lightly and he who breaches its WP(C).NO.19564/11 & CON.CASES 24 terms does so at his own peril. The fait accompli of constructions being made which are in the teeth of the Notification cannot present, but a highly vulnerable argument."

We find that the view taken by the Kerala High Court in the aforesaid decision is appropriate.

In the instant case, permission granted by the Panchayat was illegal and void. No such development activity could have taken place in prohibited zone. In view of the findings of the Enquiry, Committee, let all the structures be removed forthwith within a period of one month from today and compliance be reported to this Court.

The appeals are, accordingly allowed with aforesaid direction. Interlocutory applications, if any, stand disposed of.

....., J.
(Arun Mishra)

....., J.
(Navin Sinha)

New Delhi;
May 08, 2019

ITEM NO.60

COURT NO.4

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 4227-4228/2016
(Arising out of impugned final judgment and order dated 02-06-2015
in WA No. 132/2013 11-11-2015 in RP No. 787/2015 02-06-2015 in WPC
No. 22590/2007 11-11-2015 in WA No. 132/2013 passed by the High
Court Of Kerala At Ernakulam)

THE KERALA STATE STATE COASTAL ZONE
MANAGEMENT AUTHORITY

Petitioner(s)

VERSUS

THE STATE OF KERALA MARADU MUNICIPALITY AND ORS.

Respondent(s)

WITH

SLP(C) No. 4231-4234/2016 (XI-A)

SLP(C) No. 4238-4241/2016 (XI-A)

Date : 08-05-2019 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Romy Chacko, AOR
Mr. Shapti Chand J., Adv.
Mr. Vishant Singh, Adv.

For Respondent(s) Mr. Ranjan Kumar, AOR
Mr. V. Giri, Sr. Adv.
Mr. Jayanth Muthraj, Sr. Adv.
Mr. Mohammed Sadique T.R., AOR
Mr. Ranjan Kumar, Adv.
Mr. Anu K. Joy, Adv.
Mr. Amith Krishnan, Adv.
Mr. Alim Anvar, Adv.

Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. M. T. George, AOR

Mr. Avishkar Singhvi, Adv.
Mr. Nipun Katyal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Applications for intervention are allowed.

The appeals are allowed in terms of the signed order.

Interlocutory applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
COURT MASTER

(Reportable order is placed on the file)