

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

**ORIGINAL APPLICATION NO. 130 OF 2017**

**IN THE MATTER OF:**

LOPINHO XAVIER & ORS. ... APPLICANTS

**VERSUS**

STATE OF GOA & ORS. ... RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF  
RESPONDENT NO. 2  
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

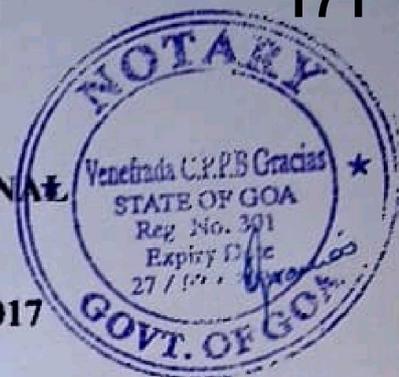
**ABHAY ANIL ANTURKAR  
ADVOCATE FOR RESPONDENT NO. 2  
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

**INDEX**

<b>Sr. No.</b>	<b>Particulars</b>	<b>Pages</b>
1.	Counter Affidavit on behalf of Respondent No. 2	1-16
2.	<b><u>Annexure R-1</u></b> True copy of the letter dated 27.05.2019	17-22
3.	<b><u>Annexure R-2</u></b> True copy of the Show Cause Notice cum Stop Work Order dated 17.06.2019	23-25
4.	<b><u>Annexure R-3</u></b> True copy of the site inspection report dated 22.05.2020	26
5.	<b><u>Annexure R-4</u></b> True copy of the letter dated 29.03.2022	27-29
6.	<b><u>Annexure R-5</u></b> True copy of the Report dated nil	30-36
7.	<b><u>Annexure R-6</u></b> True copy of copy of the letter dated 23.02.2024	37-41
8.	<b><u>Annexure R-7</u></b> True copy of the letter dated 01.03.2024	42-43
9.	<b><u>Annexure R-8</u></b> True copy of the Show Cause Notice dated 15.03.2024	44-47

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

**ORIGINAL APPLICATION NO. 130 OF 2017**



**IN THE MATTER OF:**

**LOPINHO XAVIER & ORS.**

**... APPLICANTS**

**VERSUS**

**STATE OF GOA & ORS.**

**... RESPONDENTS**

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

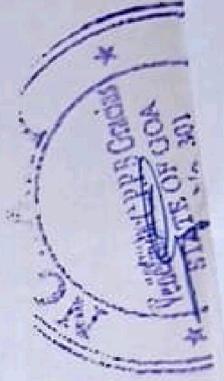
I, Johnson Bedy Fernandes, being the Member Secretary of the Respondent No. 2 Goa Coastal Zone Management Authority, having my office at: 4<sup>th</sup> Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I am the Member Secretary of the Respondent No.2, Goa Coastal Zone Management Authority and, as such, I am competent to affirm the present affidavit. I have examined the records available in my office relating to the issue involved in the above captioned application and am affirming the present Counter Affidavit. I am aware of the facts and circumstances from which the above captioned Application arises. Nothing in the present Affidavit may be deemed to be an admission of any of the contents of the

*Johnson Bedy Fernandes*

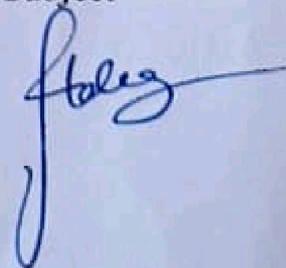
memorandum of the above captioned Application. Nothing in the other memorandum of the above captioned Application may be deemed to have been admitted for mere want of specific denial, unless the same is categorically admitted here.

2. The Applicant has approached this Hon'ble Tribunal *inter alia* seeking a direction to the project proponent, viz. Respondent No.5, to take steps to undo the damage done to the Khazan system on Survey Nos. 170/0 and 171 of village Quelossim [hereinafter, "**Subject Property**"] and rehabilitate the Khazan and bring it to its original status, under the supervision of the answering Respondent and the Respondent No.3 Goa State Biodiversity Board.
3. Based on newspaper reports appearing in local dailies relating to illegal filling of mangrove areas affected by tidal inlet in classified CRZ-I, i.e. the Subject Property, the answering Respondent, in collaboration with the Respondent. No.3, GSBB conducted an inspection of the aforesaid site on 30.10.2012. During the inspection, it was noticed that a large patch of Mangrove areas abutting estuarine areas at the Subject Property had been indiscriminately filled with mud and on location there existed pipelines, cables, and two heavy earth moving machineries. The answering Respondent, by its letter dated 31.10.2012 addressed to the Collector (South), the Superintendent of Police (South), the Deputy Collector and



SDO (Mormugao), and the Sarpanch/ Secretary, Village Panchayat of Quellossim and Cortalim, Vasco, Goa, directed the aforesaid authorities to initiate appropriate action in accordance with law in respect of the illegal filling and removal of the same. Furthermore, the answering Respondent directed the aforesaid authorities to ensure that the areas are restored back to the original condition. The answering Respondent directed the aforesaid authority to submit an action taken report for onward submission to the government for its appraisal.

4. On 10.10.2014, the answering Respondent issued a Stop Work Order cum Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986 read with Rule IV of the Environment (Protection) Rules, 1986 in respect of "*the illegal reclamation of land, construction of 1 km. long pathway road, cutting of Mangroves, and construction of a floating platform*" within CRZ-I area to Mr. Ram Kumar Agarwal and M/s Brahma Corp Hotels and Resorts Limited. The Show Cause Notice was issued on the basis of a telephonic complaint dated 01.10.2014 from unknown persons complaining about the reclamation of embankments with laterite boulders and massive cutting of mangroves and illegal construction of a floating platform in the Subject Property.



5. Pursuant to the Show Cause Notice, the Subject Property was inspected by the expert member of the answering Respondent on 03.10.2014 and 04.10.2014. It was *inter alia* observed that reclamation and overtopping of embankments of 1 km. long pathway road was done, mangroves were cut, and a floating pontoon was being constructed in a larger lagoon. Pursuant to the aforesaid site inspection, the aforesaid Stop Work Order cum Show Cause Notice dated 10.10.2014 was issued.
6. After hearing the parties concerned, and based on the facts available on the record, the answering Respondent observed that there was no prior permission granted by in respect of the said illegal floating pontoon and as such the same was in violation of the CRZ Notification, 2011. Accordingly, an order dated 18.11.2014 was issued to the violator for demolishing and removing the illegal floating pontoon and restore the land illegally reclaimed to its original state. By the aforesaid order, the answering Respondent directed Mr. Rajesh Rathod, care of M/s. Movaj Enterprises Private Limited, to demolish and remove the illegal structure of floating pontoon and restore the land illegally reclaimed to its original state within 15 days from the date of receipt of the order.
7. The Respondent No. 5 Project Proponent thereafter submitted an Application dated 09.07.2014 to the answering Respondent through the Respondent No. 3 GSBB for CRZ

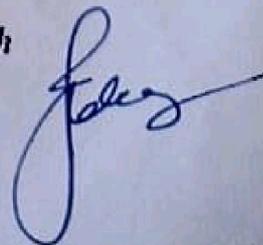


clearance/recommendation for repair of a bund in the subject property. The answering Respondent, by its letter dated 20.10.2015, granted the approval to the said proposal in terms of the CRZ angle for carrying out the work of repair and strengthening of the bund in the Subject Property. Pertinently, the said permission was subject to the condition that only locally available materials like laterites/boulders and mud/clay shall be used for the repair work and no cement/concrete be used under any circumstances.

8. On 24.01.2017 and 27.01.2017, the answering Respondent received complaint letters from Dr. Claude Alvares and the Applicant No. 1 herein, respectively, with regard to alleged illegal dumping of mud in the Subject Property. Based upon the said complaints the answering Respondent issued a Show Cause Notice dated 02.02.2017 in respect of "illegal dumping of mud" to the Respondent No. 5 Project Proponent. Furthermore, on 09.02.2017, the answering Respondent issued a Show Cause Notice cum Stop Work Order in respect of the said illegal dumping of mud.
9. On 17.02.2017, a site inspection, was conducted by the expert members of the answering Respondent. The conclusions and recommendations therein are as under:

***"Conclusion & Recommendation***

*(i) The Khazan land as well as the Mangroves in the vicinity is a CRZ I area where such*



*activity leading to the destruction of ecology is not permitted.*

(ii) *As per the information provided, M/s Movaj Enterprises Pvt Ltd initially proposed to deploy the pontoons in the water filled area of the property with regard to Mini India project. However, the closure of sluice gates and the pumping out of water indicates that the proponent has different motto and not the one for which the permissions were granted by the authorities.*

(iii) *There is a serious violation of the CRZ Notification 1996 and 2011.*

(iv) *Action may be taken as per the law of the land.”[Emphasis supplied]*



10. During the aforesaid inspection, the Project Proponent could not remain present. Hence a representation was made by the Project Proponent requesting for re-inspection. Accordingly, a site inspection was conducted on 10.05.2017. By the site inspection report dated 10.05.2017, the following conclusions and recommendations were made by the members of the answering Respondent:

***“Conclusion and Recommendation***

*i) The dumping of mud in Sy. Nos. 181 and 182 as shown by the proponent outside his property is illegal in the NDZ area, however, the filling done*

*Stalee*

*does not appear to be for the reclamation of land as there are a lot of coconut plants within the property. Nevertheless, the owner of the property should be served with a show cause notice for the act without any permission.*

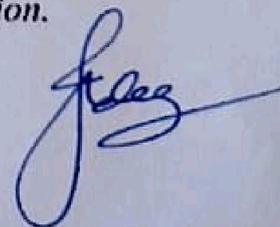
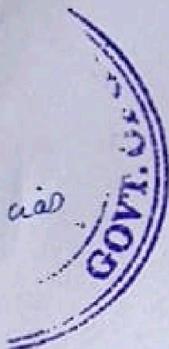
*ii) Though there is no work done in Sy. Nos. 170/0 and 171/1 and after the site inspection dated 17/2/2017, the proponent has not bothered to open the sluice gates by taking permission from GCZMA despite bringing it to the notice in site inspection report that the biodiversity and the environment is degraded due to closing of sluice gates.*

*iii) The drying of the wet land due to stopping of natural water flow from all sides to the wet land area has spoiled the biodiversity and the environment further.*

*iv) If the project is really for floating pontoons as the proponent claims, then he should have maintained sufficient water level and not allowed it to dry.*

*v) The excess dumped at the corner of the western site may be ordered to be removed immediately under proper supervision.*

*vi) Similarly, the sluice gates may be ordered to be opened immediately under proper supervision.*

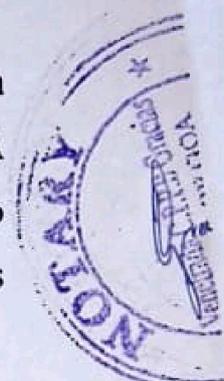



vii) *The proponent and the complainant may be heard during the Authority meeting before taking any further decision."*

11. Pursuant to the recommendations of the site inspection report, the answering Respondent, during the 156<sup>th</sup> GCZMA meeting dated 22.08.2017, directed the Project Proponent to open sluice gates immediately and to restore the sluice gates in order to facilitate circulation of water in the area.
12. The answering Respondent received another complaint relating to proponent and the subject property from the office of the MLA, Cortalim constituency *vide* letter dated 27.05.2019.

A true copy of the letter dated 27.05.2019 is annexed and is marked as **ANNEXURE R – 1**.

13. During the 202<sup>nd</sup> meeting dated 29.05.2019, the answering Respondent, after perusing the agenda note and the representation from the office of the MLA of Cortalim constituency, decided to issue a Stop Work Order cum Show Cause Notice immediately, and also to conduct a site inspection through its expert members. Accordingly, a Show Cause Notice cum Stop Work Order dated 17.06.2019 was issued by the answering Respondent to the Project Proponent.



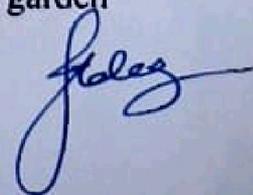
A handwritten signature in blue ink, appearing to be 'J. Dees'.

A true copy of the Show Cause Notice cum Stop Work Order dated 17.06.2019 is annexed and is marked as **ANNEXURE R - 2**.

14. The subject property was inspected by the expert member GCZMA on 22.05.2020.

A true copy of the site inspection report dated 22.05.2020 is annexed and is marked as **ANNEXURE R - 3**.

15. During the pendency of the proceedings before the answering Respondent, the Hon'ble High Court of Bombay at Goa, by its order dated 31.08.2021 in PIL Writ Petition No.12/2020, directed the answering Respondent to decide the Show Cause Notice cum Stop Work Order dated 17.06.2019.
16. The since all the three complaints related to the same subject land, the complaints were heard together by the answering Respondent. The Applicant No. 1 above named was also present for the 276<sup>th</sup> GCZMA meeting held on 21.10.2021.
17. During the 277<sup>th</sup> GCZMA meeting dated 02.11.2021, the Applicant No. 1 was present along with the other complainants. Both the Applicant as well as the Project Proponent filed written documents before the answering Respondent. The Applicant submitted that the Subject Property is Khazan land and is wrongly shown as garden



area on Form I and XIV. The answering Respondent decided to seek old records from the office of the Collector, South Goa pertaining to the Subject Property.

18. The Applicant No. 1 was present in the 288<sup>th</sup> GCZMA meeting dated 16.12.2021. The Applicant submitted that the answer that the Project Proponent has done mud filling in Khazan land which needs to be removed, and that the proponent has destroyed the bund and the area falls in NDZ. The Proponent, on the other hand, sought to content that the bund was destroyed by a GAIL pipeline project and not by the Proponent.



19. Pursuant to the directions of the answering Respondent, the office of the Directorate of Settlement and Land Records (DSLRL), Panaji submitted a report/plan *vide* letter dated 29.03.2022.

A true copy of the letter dated 29.03.2022 is annexed and is marked as **ANNEXURE R – 4**.

20. The answering Respondent in its 302<sup>nd</sup> GCZMA meeting dated 05.05.2020, decided the issue relating to the subject land. The answering Respondent framed the following issue:

*“Whether the Respondent has carried out any developmental activities in CRZ area in Survey No. 170/0, 171/0 and 171/1, Quelossim Village, Cortalim, Mormugao”*

21. The answering Respondent observed that in view of recommendation of the expert member of GCZMA, who had recommended detailed mapping of the subject matter property, the DSLR has forwarded the report/plan along with its letter dated 29.03.2022. The answering Respondent perused the plan submitted by the DSLR and noted that the mud stack at loco do not have much bearing on the ecological setup of the area. The answering Respondent noted that the floating pontoons are of temporary nature and their positioning is also not fixed and, hence, not affecting the water flow. The answering Respondent observed that minor widening of bund is no way is in no way impacting the water flow, nature and landscape. Taking the taking the relevant documents and submissions into consideration, the answering Respondent concluded that there was no merit in the submission of the complainant and, thus, the Project Proponent was discharged. The answering Respondent took the aforesaid decision strictly based on the documents available on record before it at that point of time.

22. In pursuance of its aforesaid decision, the answering Respondent issued an order dated 22.07.2022 to discharge the Proponent.

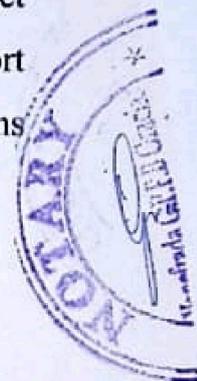
23. This Hon'ble Tribunal, by its order dated 16.05.2023, directed the answering Respondent and the Respondent No. 2 GSBB to constitute a joint committee and inspect the Subject Property. In compliance with this Hon'ble



1105

GOVT. V.

Tribunal's directions, a joint committee comprising of the members of the answering Respondent, the Respondent No. 2 GSBB, and the Directorate of Settlement and Land Reports inspected the Subject Property on 19.01.2024. Applicant No. 1 and a representative of the Project Proponent were present during the site inspection. A report of the joint committee indicates the following conclusions and recommendations:



***“Conclusions and Recommendation***

- *As per CZMP 2011 the Survey No. 170/0 and Survey No. 171/1 is fully shown as Mangroves, Mangrove Buffer, Khazan land and partly CRZ III (River NDZ).*
- *Survey No. 170/0 is fully covered with stagnant water and Survey No. 171/1 is not accessible.*
- *Few floating pontoons are observed on the bund and 2 pontoons were floating into water.*
- *One of the floating pontoons was carrying mini dredger.”*

A true copy of the Report dated nil is annexed and is marked as ANNEXURE R – 5.

A handwritten signature in blue ink, appearing to be 'J. Das'.

24. The Respondent No. 3 GSBB issued a report dated 23.02.2024 to the answering Respondent in respect of the joint committee's site inspection held on 19.01.2024. This report indicated, *inter alia*, the following observations:

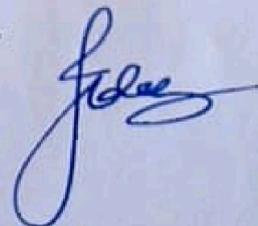
*"1. Few floating pontoons were observed stacked on the bunds. Two such pontoons were in the water, one of these pontoon had a mini dredger on top and the other had a temple model. (Refer photos given in photo plate).*

*2. Most of the area of Sy No. 170/0 was having stagnant water due to closure of the sluice gates. Also large areas of the water body were covered with algal blooms and also having foul smell.*

*3. There is no access to Sy No. 171/1 as thick growth of mangroves is blocking the access.*

*4. Out of the three nos of sluice gates observes, one was operational and two sluice gates on the south eastern side of the property were closed. (Refer photo in attached Photoplate).*

*5. As compared to the previous site inspection it was found that destruction of more mangroves was visible along approximately 1 km of the bund in the north western side of the property. This is evident from the clear view available of the adjoining creek and beyond.*



6. *The overall size of the bund is varying from approximately 6 m to 3 m and at some places approximately 10 m wide.*

7. *On the north-western side, near the operational sluice gate, the water body had ongoing fishing activity evident from the fishing nets placed there in. (Refer photo in photo plate).*

8. *The entrance gate was found to be locked which was opened by the representative of the property owner to allow the team access to the property. Closing of the gate denies access to the traditional pathway to the river, mangroves and adjoining creek to the locals.*

9. *Further it is requested to GCZMA to avail area statements from DSLR of mangroves and khazans destroyed and accordingly assess the extent of destruction caused to the same by M/s. Movaj. Accordingly, the restoration and reclaimed area and mangrove replantation be taken up."*

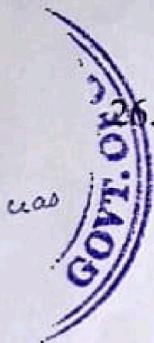
A true copy of the letter dated 23.02.2024 is annexed and is marked as ANNEXURE R – 6.

25. On 01.03.2024, the Director of the Respondent No. 5 Project Proponent issued a letter dated 01.03.2024 to the answering Respondent stating, *inter alia*, that he was unable to remain present during the joint committee's site



inspection dated 19.01.2024. Thus, he requested the answering Respondent to conduct a fresh site inspection in his presence.

A true copy of the letter dated 01.03.2024 is annexed and is marked as **ANNEXURE R – 7**.



26. Pursuant to the observations of the aforesaid site inspection reports prepared by the joint committee, the answering Respondent has issued another Show Cause Notice dated 15.03.2024 to the Respondent No. 5 Project Proponent.

A true copy of the Show Cause Notice dated 15.03.2024 is annexed and is marked as **ANNEXURE R – 8**.

27. No application/proposal in respect of the 'Mini India Park' allegedly proposed to be constructed by the Project Proponent is pending before the answering Respondent. If any such application is made, the answering Respondent shall decide the same strictly in accordance with the relevant statutory provisions by taking all applicable CRZ norms into account.



28. In view of the aforesaid, the answering Respondent submits that the above captioned Original Application may kindly be disposed off.

*[Signature]*  
DEPONENT

**VERIFICATION**

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

Verified at Panaji on this 15<sup>th</sup> day of March, 2024.



*[Signature]*  
DEPONENT

Executed before me  
At Calangute Bardez  
Reg. No. 47/03/2024/P  
Dated: 15/03/2024

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



Member of Legislative Assembly,  
Cortalim Constituency

Member Secretary

Inward No. 663/F  
Date 27-05-2019

Annexure R1 187

Smt. Alina Saldanha

Address : Upasnagar, Velsao- Pale,  
Goa - 403 712

Tel.: (O) 8669694466, Mob.: 9822160941

Ref. No. : MLA/CORT/GEN/2019-20/ 62

Date: 27/05/2019

To,  
Mr. Ravi Jha,  
Member Secretary,  
Goa Coastal Zone Management Authority (GCZMA),  
Pt. Deendayal Upadhyay Bhavan,  
Behind Pundalik Devasthan,  
Porvorim – Goa.

**Sub: Copies of some documents relevant to Mini India Park Project by  
M/s. Movaj Enterprises Pvt. Ltd in the village of Quelossim.**

Dear Mr. Jha,

This refers to our meeting today at the Office of GCZMA, Porvorim, along with the members of Quelossim Panchayat.

Enclosed please find copies of relevant documents pertaining to the proposed Mini India Park project in the village of Quelossim by the proponent M/s. Movaj Enterprises Pvt. Ltd.

Kindly conduct a site inspection at the earliest and do the needful as illegal work continues.

Thank you.

*Alina Saldanha*  
ALINA SALDANHA  
(MLA of Cortalim constituency)

Pls. keep for discussion  
in 20<sup>th</sup> GCZMA meeting

*K.*  
28/05/19

Dashmi



Office of the Village Panchayat  
QUELOSSIM  
Cortalim - Mormogoa - Goa, 403 701

Ref. No. VP/Q/39/Stop Notice/2019-43

Date: 12/05/2019

### Stop Notice

It is come to the notice of this panchayat, that you are carrying out developmental activities in the survey no. 170/0 of Village Quelossim in the jurisdiction of Village Panchayat Quelossim without obtaining prior permission from this panchayat.

In the view of above, you are hereby directed to stop all activities immediately until further orders failing which this panchayat will take action against you.



*Doyle*  
*12/05/19*  
(Maria R. Souza)  
Sarpanch  
V.P. Quelossim

To,  
Movaj Enterprises Pvt Ltd,  
Mishell, Near Ribandar Police Out Post,  
Ribandar - Goa.

*Received at 1:57 PM*  
*at 1:57 PM*

*ok*



## Office of the Village Panchayat

- QUELOSSIM  
Cortalim - Mormogoa - Goa, 403 710

Ref. No. VP/ Q/144/2017-18/968

Date : 01/03/2018

A/P -  
To,  
M/s.Movaj Enterprises Pvt.Ltd.,  
Missel, Near Old Goa Police Out Post,  
Ribandar Goa, 403006.

**Sub: Revocation of In-principle approval grants for setting up of an Eco Recreational Floating Platform for Park/Mini India Park, with 5 Star Category Resort, House Boats, Floating Cottages and Water Sports Activity at Survey No.170/0 and 171/0, Village Quelossim, Mormugao Goa.**

**Ref No: 1) 17/2016/Goa-IPB-102/269 dated 12/01/2018.**  
**2) VPCQ/44/2012-13/1696 dated 24/09/2012.**  
**3) VPCQ/6/2016-17/1460 dated 27/09/2016**

Sir,

This is to inform you that the above permission granted to you mentioned at Sr.no(3) is revoked based on the revocation of approval granted by Goa Investment Promotion and Facilitation Board.

The above provisional NOC was granted strictly on the basis of N. 17/2016/Goa-IPB - 399 dated 02/08/2016 by Goa IPB but since the same is withdrawn vide above referred sr.no.(1), this office has revoked the provisional NOC granted. The same is revoked as per panchayat meeting res.no.III(1) dated 30/01/2018 and the NOC granted to you on the above subject stands cancelled.



Yours faithfully,

(Maria R. Souza)

Sarpanch

Village Panchayat Quelossim

Encl: copy of resolution.

Copy to:-

1) The Chief Executive Officer, Goa Investment Promotion and Facilitation Board.



Ref. No. VP / Q /

Date : \_\_\_\_\_

**TRUE COPY OF RESOLUTION PASSED IN THE  
FORTNIGHTLY MEETING HELD ON 30.01.2018**

The following members were present: ↓

1. Smt. Maria R. Souza	Sarpanch	Sd/-
2. Shri. Sebastiao C. Serrao	Dy. Sarpanch	Sd/-
3. Shri. Salvador Fernandes	Member	Sd/-
4. Smt. Filomena P. Figueredo	Member	Sd/-
5. Smt. Rigel V. Tavares	Member	Sd/-
6. Smt. Cintia S. D'silva	Member	Absent/-
7. Shri. Ezbon De Souza	Member	Absent/-

**RESOLUTION NO.III(1)**

**Proposed by:- Sebastiao Serrao**

**Seconded by:- Maria R. Souza**

- 1) No. 17/2016/Go-IPB-102/269 dated 12/01/2018 from Goa Investment Promotion and Facilitation Board, Panaji-Goa on revocation of in-principle approval granted for setting up of Eco Recreational Floating Platform for Park/Mini India Park, with 5 star Category Resort, House Boats, Floating Cottages and Water Sports at Sy.No.170/0 and 171/0, Village Quelossim.

The meeting widely discussed on the above issue and the members present unanimously resolved to revoke the provisional NOC granted by the Village Panchayat for the above Eco Recreational Floating Platform for Mini India Park. It is also resolved to intimate the high court on revocation of provisional NOC for filing reply by panchayat.

  
(Asha S. Mesta)  
Secretary  
V.P. Quelossim



  
(Maria R. Souza)  
Sarpanch  
V.P. Quelossim

GOA INVESTMENT PROMOTION AND FACILITATION BOARD (Goa-IPB)  
1<sup>ST</sup> FLOOR, "PATTO SPACES", EDC PATTO PLAZA, PANAJI, GOA-403 001

REGD. A/D

MOST URGENT/  
Goa-IPB MATTER

No.17/2016/Goa-IPB-102/269

Date: 09/01/2018.

12

To,  
M/s. Movaj Enterprises Pvt. Ltd.,  
Missel, Near Old Goa Police Out Post,  
Ribandar Goa, 403 006.

**Sub:** - Revocation of In-principle approval granted for setting up of an Eco Recreational Floating Platform for Park/Mini India Park, with 5 Star Category Resort, House Boats, Floating Cottages and Water Sports activity at Survey No.170/0 and 171/0, Village Quelossim, Mormugao Goa.

**Ref:** 1. In-principle approval bearing No.17/2016/Goa-IPB/399 dated 02/08/2016.

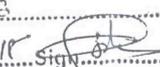
2. PIL/WP No.26/2016 in the matter of The Goa Foundation V/s State of Goa before the Hon'ble High Court of Bombay at Goa.

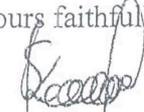
Sir,

Goa -IPB, in its 18<sup>th</sup> meeting held on 02/12/2017, has reviewed all the project proposals which were granted 'In-Principle Approval' in CRZ areas. After taking into account the appropriate legal opinion, the Board has come to a conclusion that projects proposed in CRZ areas do not fall under purview of Goa-IPB in terms of the restriction imposed upon **Section 8** of the **Goa Investment Promotion Act, 2014**. Accordingly, we would like to inform you that the 'In-Principle Approval' granted to your project communicated vide aforementioned letter is hereby withdrawn.

However, as decided by the Board, we are referring your matter to the State Government through the Director, Directorate of Industries, Trade & Commerce for further course of action and appropriate decision. On receipt of the decision of the State Government, the same will be also communicated to you accordingly.

Yours faithfully,

Village Panchayat Quelossim	
Inward No.	1108
Date:	27/02/18
Sign:	

  
(Srinet Kothwale) 12/1/2018  
Chief Executive Officer  
Goa Investment Promotion &  
Facilitation Board

Noted  
27/02/18

Copy to:-

1. The Secretary, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-3.
2. The Joint Secretary, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-3.
3. The Director, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-3.
4. The Director, Directorate of Industries, Trade & Commerce, Udyog Bhavan, Panaji Goa.
5. The Collector & District Magistrate (South), Collectorate Building, Margao Goa.
6. The Director, Department of Tourism, Paryatan Bhavan, Patto, Panaji Goa.
7. The Director, Directorate of Panchayats, Junta House, Panaji Goa.
8. The Director, Department of Agriculture, Tonca, Caranzalem Goa.
9. The Member Secretary, Goa State Pollution Control Board, 1<sup>st</sup> Floor, Dempo Tower, Patto, Panaji Goa.
10. The Chief Town Planner, Town & Country Planning Department, Patto, Panaji Goa.
11. The Chief Electrical Engineer, Electricity Department, Vidyut Bhavan, Panaji Goa.
12. The Principal Chief Engineer, Public Works Department, Altinho, Panaji Goa.
13. The Chief Engineer, Water Resource Department, Porvorim Goa.
14. The Member Secretary, Goa Coastal Zone Management Authority, Near Pundalik Devasthan, Porvorim Goa.
15. The Dy. Collector & SDO, Mormugao Goa.
16. The Sarpanch/Secretary, Village Panchayat of Quelossim, Mormugao Goa.

Copy to kind information:-

1. *OSD to Hon'ble Chief Minister of Goa (Chairperson, Ex-Officio – Goa-IPB), Ministerial Block, Secretariat, Porvorim Goa.*
2. *P.A. to Hon'ble Minister for Industries, Secretariat, Porvorim Goa.*
3. *P.S. to Secretary (Industries), Secretariat, Porvorim Goa.*
4. *The Under Secretary (Industries), Industries Department, Secretariat, Porvorim Goa.*

## Annexure R 2

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Science, Technology and Environment (Govt. of Goa)  
1<sup>st</sup> floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,  
Porvorim, Bardez- Goa-403 521, Phone: (0832) 2416561  
www.czma.goa.gov.in

Ref.No. GCZMA/S/DLE-Comp/19-20/07/892

Dated: 17/06/2019

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

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

AND WHEREAS, the Office of the GCZMA has received a letter dated 27/05/2019 from Smt. Alina Saldanha (MLA of Cortalim Constituency) with regard to the alleged illegal construction in survey no. 170/0 and 171/0 in NDZ of CRZ in the Quelossim village, Cortalim, Mormugao, Goa. Copy of the said letter dated 27/05/2018 from Smt. Alina Saldanha, is enclosed herewith as Annexure 'A' colly.

AND WHEREAS, the matter was placed for discussion and deliberation in the 202<sup>nd</sup> GCZMA meeting held on 29/05/2019 wherein it was decided as follows: "The Authority after pursuing the letter/representation along with documents submitted by Smt. Alina Saldanha Hon'ble member of Legislative Assembly, Cortalim Constituency decided to issue a show cause notice cum stop work order to M/s Movaj Enterprises Pvt Ltd."

AND WHEREAS, upon close perusal of the said letter dated 27/05/2019 from Smt. Alina Saldanha (MLA of Cortalim Constituency) and decision taken in the 202<sup>nd</sup> GCZMA meeting held on 29/05/2019 the following alleged illegal construction resulting violation of CRZ Notification 2011 is noticed:

Sr.no.	Name of the Party/alleged violator	Survey No. / Village	Type of Construction	Distance from HTL
1.	M/s Movaj Enterprises Pvt Ltd	Sy. No. 170/0, 171/0 and 171/1 of Quelossim village, Cortalim, Mormugao, Goa	Developmental activities	Within CRZ area

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

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

AND WHEREAS, the said matter was taken up during 202<sup>nd</sup> GCZMA meeting held on 29/05/2019 wherein the Authority after detailed discussion and deliberation decided to issue Show Cause Notice cum Stop Work Order to M/s Movaj Enterprises Pvt Ltd.

NOW THEREFORE, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the GCZMA vide Order S.O. 3324 (E) dated 26/10/2016 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, hereby directs you to STOP WORK with immediate effect and SHOW CAUSE as to why a direction to demolish the structures and to restore the land to its original condition should not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

FURTHER TAKE NOTE THAT, you are required to file your reply supported by affidavit and construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 1<sup>st</sup> Floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto, Porvorim, Bardez- Goa on or before 28/06/2019. Please take note that if you fail to submit your reply along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out its activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

Encl: As above.

  
(Ravi Jha, IAS)  
Member Secretary (GCZMA)

G1F

To,  
M/s Movaj Enterprises Pvt Ltd, Mishell , near Old Goa Police Out post, Ribandar,  
Goa 403006.

Copy to:

1. The Collector & District Magistrate (~~South~~), Office of the Collector (~~South~~), Collectorate Building, ~~Margao~~-Goa... *for information and necessary action.*
2. The Dy. Collector & S.D.O of Mormugao, Vasco - Goa..... *who is required to enforce these directions and ensure that no work is carried out at site, other than in accordance with law.*
3. The Secretary, Village Panchayat of Quelossim, Cortalim, Mormugao - Goa.....*who is required to enforce these directions and ensure that no work is carried out at site and also initiate action under the Goa Panchayat Raj Act, 1994 and to report the compliance to the GCZMA.*
4. Smt. Alina Saldanha, Hon'ble Member of Legislative Assembly, Cortalim Constituency, Upasnagar, Velsao-Pale, Goa 403712 ..... *for information.*

22 May 2020.

**SITE INSPECTION REPORT**

Regarding applications by Movaj Enterprises Pvt Ltd dated 14.02.2020 and 18.02.2020 for NOC for construction of road across the bunds, repair of bunds and sluice gate etc., and complaint dated 27.05.2019 by Smt Alina Saldanha Hon'ble MLA, Cortalim Constituency.

As per request of Member Secretary GCZMA vide site inspection notice no. GCZMA/N/ILLE-COMPL/16-17/67/83 dated 20.05.2020 and as per decision taken at 223<sup>rd</sup> meeting, we inspected the property bearing Sry nos. 170/0 and 171/1 of village Quelossim, Taluka Mormugao today i.e. 22<sup>nd</sup> May 2020. We were accompanied by S/Shri Devendra Gaonkar and Sanford Dias, both FS, DSLR. Inspection commenced at about 11.40am.

The applicant/property owner was represented by Arch Viraj Dessai. Smt Alina Saldanha, Hon'ble MLA Cortalim, was present alongwith representatives of VP Quelossim (list attached).

Arch. Viraj Dessai was unable to explain the proposal for road construction or bund repairs etc. to us or even to identify the location of said bunds. He could not assist us in any manner to appreciate the applicant's proposal. He stated that applicant Shri Agarwal was unable to come to Goa due to travel restrictions, and admitted that he had not been briefed about any proposal.

Hence, we decided to defer the site inspection on matter of request for NOC by Movaj Enterprises Pvt Ltd to another date.

Turning to Hon'ble MLA's complaint, Smt Saldanha informed us about her complaint dated 27.05.2019 regarding CRZ violations by M/s Movaj Enterprises in the properties under Sry nos. 170/0 and 171/1 of village Quelossim. She brought to our notice that our predecessors had conducted a site inspection on 21.06.2019 pursuant to her complaint and submitted their report. But no action had been taken by the Authority in the matter till date. She handed over a copy of the site inspection report to us, that we took on record. The same is attached to this report. Inter alia, the report contains conclusions and recommendations that point to gross violations of CRZ regulations, indiscriminate cutting of mangroves, and call for urgent action including opening of sluice gates to restore and maintain natural conditions, removal of mud filling etc.

Upon inspecting the site and noting the violations pointed out to us by Hon'ble MLA and VP representatives and perusing the complaint of Hon'ble MLA and site inspection report of our learned predecessors, we are of the opinion that *prima facie* there appear to be gross infringements of CRZ Regulations committed in the properties. The recommendations made in the report do not appear to have been complied.

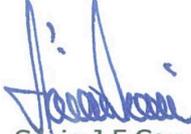
However, we feel it would be prudent to request DSLR to conduct a detailed survey of Sry nos. 170/0 and 171/1 to ascertain and document the present position and extent of violations after comparing with the survey plan. Thereafter the Authority could take an appropriate decision on the complaint after hearing the parties. Disposal of this long pending matter may be expedited.

Inspection concluded at about 12.45pm.

Submitted.

  
Flaviano J Miranda 22/5/2020

  
Mahesh K Patil

  
Savio J F Correia 22/5/20

## Annexure R 4



**GOVERNMENT OF GOA**  
**DIRECTORATE OF SETTLEMENT AND LAND RECORDS,**  
**PANAJI – GOA.**

Phone: (0832) – 2422036, 2422453 Fax: 2234360 Email: [dir-land.goa@nic.in](mailto:dir-land.goa@nic.in)

No.19/DSLRL/Resurvey Cell/CRZ-River /41/12 /1047 Dated: 29-03-2022.

To  
 The Member Secretary  
 Goa Coastal Zone Management Authority,  
 4<sup>th</sup> Floor, Dempo Towers, Patta Panaji-Goa.

Member Secretary  
 G. C. Z. M. A.  
 Inward No. 117  
 Date: 08/04/2022

Adv. Basal  
 18/4

**Sub:** Urgent inspection /mapping of property bearing S.No. 170/0 and 171/1 of Village Quelossim of Mormugao Taluka.

Sir,

With reference to your letter No.GCZMA/S/ILLE-COMPL/20-21/55/2070 dated 22/02/2022, please find enclosed herewith 2 sets of site plan prepared as desired by the GCZMA Expert Member pursuant to the site inspection conducted on 01/03/2022 in respect of S. No. 170/0 and 171/1 of Village Quelossim of Mormugao Taluka along with the photo copy of the proceedings of the site inspection for further necessary action.

Yours faithfully,

*Anisha Matondkar*

(Anisha Matondkar)  
 Asst. Survey & Settlement Officer  
 Panaji –Goa.

**Encl:** As above.

GOVERNMENT OF GOA  
DIRECTORATE OF SETTLEMENT & LAND RECORDS,  
PANAJI-GOA

PROCEEDINGS OF SITE INSPECTION

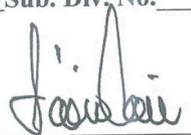
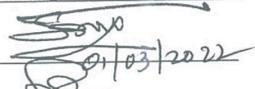
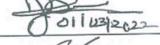
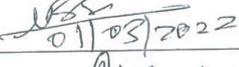
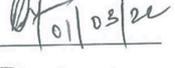
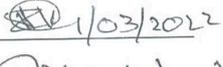
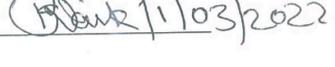
FILE NO:- 19/DSL/Resurvey Cell/ CRZ River 14/12  
DATE: 01/03/2022

SUB:

REF:- GCZMA/S/ILCE - COMPL/20-21/55/2070 dated 22/02/2022

Village : Quebssim Taluka: Mormugao Survey: 170/0 and 171/1 Sub. Div. No. \_\_\_\_\_

Parties / Officers Present:-

1. SAHIO J.F. CORREIA (CHA. GCZMA) 
2. Sateesh Kumar G. Patil F.S. o/o GCZMA 
3. Devendra Gaonkar F.S. o/o GCZMA. 
- 4) B. Allershna Sunkalkar F.S. GCZMA 
- 5) Rajesh D. Hamalkar, F.S. DSLR, Panaji 
- 6) Pravin Kurthkar, F.S. DSLR, Panaji 
- 7) Kiran Naik security 

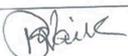
Parties Absent:-

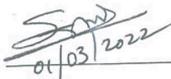
Brief description of proceedings:-

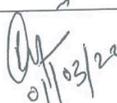
The properties were inspected. A part on the north-western side is found to be inaccessible <sup>due to</sup> dense mangroves, vegetation and water-logging. On eastern side, the land is accessible upto about 600 meters from main gate. Sy no. 170 (northern part) and 171 (entire survey number) is not accessible due to dense mangroves, vegetation and riverine area. The accessible area of Sy. no. 170 may be mapped by DSLR.

Signatures:

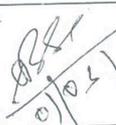


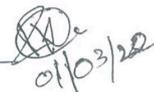






28

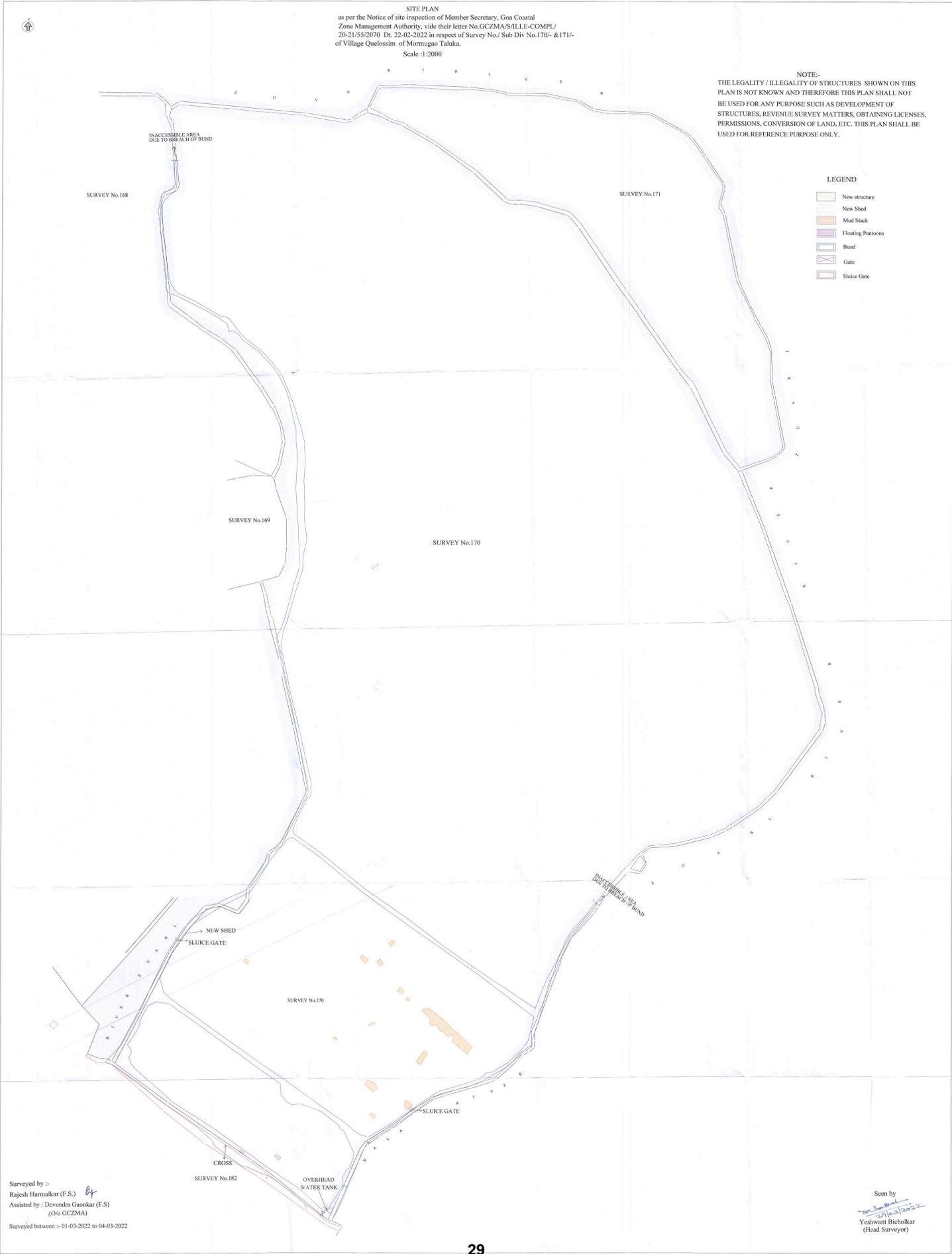




SITE PLAN  
as per the Notice of site inspection of Member Secretary, Goa Coastal  
Zone Management Authority, vide their letter No.GCZMA/SITILE-COMPL/  
20-21/55/2070 Dt. 22-02-2022 in respect of Survey No./ Sub Div. No.170/- &171/-  
of Village Quelessim of Mormugao Taluka.  
Scale :1:2000

NOTE:-  
THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS  
PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT  
BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF  
STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENCES,  
PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE  
USED FOR REFERENCE PURPOSE ONLY.

- LEGEND
-  New structure
  -  New Shed
  -  Mud Stack
  -  Floating Pantoons
  -  Band
  -  Gate
  -  Sluice Gate



Surveyed by :-  
Rajesh Harmalkar (F.S.) *[Signature]*  
Assisted by :- Devendra Gaonkar (F.S.)  
(O/o GCZMA)  
Surveyed between :- 01-03-2022 to 04-03-2022

Seen by  
*[Signature]*  
Yeshwant Bicholkar  
(Head Surveyor)

## Annexure R 5

**Report\* of Site Inspection carried out to submit current status of the site in question before Hon'ble NGT in O.A. No. 130/2017(WZ) and also to file report as to how much destruction of Khazan land and mangroves done by M/s Movaj Enterprises Pvt. Ltd.**

**Background**

Hon'ble NGT in O.A. No. 130/2017(WZ) Lopinho Xavier Vide order dated 16/05/2023 directed to constitute joint committee of Goa Coastal Zone Management Authority (GCZMA) and Goa State Biodiversity Board (GSBB) of which GCZMA shall be the nodal agency and committee shall visit the site in question and submit current status of the site i.e. Survey No. 170/0 and 171/1 of village Quelossim South Goa District to prepare report of the current status of site as to how destruction of Khazan land and mangroves done by M/s Movaj Enterprises Pvt. Ltd. So accordingly a site inspection was fixed to see and observe the said site.

**Inspection and Observation**

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out on 19/01/2024 by Mrs. Radha Rao (Expert Member, GCZMA), Mr. Nehal Devidas (Engineer, GCZMA), Miss. Siddhi Morajkar (Field Surveyor, GCZMA), Mrs. Reshma Kerkar (Scientific and Admin officer, GSBB) and Mr. Rajesh Harmalkar (Field Surveyor, DSLR). At the time of inspection Mr Alaudin Nadaf (Representative of Respondent) and Mr. Lopinho Xavier (Complainant) was present.

The details of site inspection are as follows;

- As per CZMP 2011, the Survey No. 170/0 and Survey No. 171/1 is fully indicated as MangroveS, Mangrove Buffer, Khazan land and partly CRZ III (River NDZ).
- At the time of inspection, Survey No. 170/0 was fully covered with water surrounded by bunds along its boundary and some mud dumps were observed inside the water.
- Few floating pontoon lying on the bunds and 2 pontoons into the water were observed, out of which 1 pontoon was carrying mini dredger on top.
- On site 3 nos. of sluice gates were observed out of which only 1 was operational and other 2 sluice gates on the south eastern side of the property were closed.
- In Survey. No. 170/0 most part of the water is stagnant as the free flow of water was stopped.
- Survey No. 171/1 could not be accessed as large number of mangrove is grown, thus blocking the access.
- Approx. 1 km of mangroves in length is cut along the north western side as compared to mangroves indicated in CZMP 2011. Whereas, at some places new mangrove growth was also observed.
- The overall size of the bund is varying from approx. 3 mts to 6 mts with width at some places ranging approx. 10 mts.
- As observed, at many locations land filling is done into the water and along the bunds.

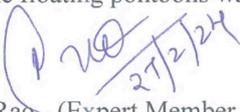
*(Handwritten initials)*

*(Handwritten signature)*

*(Handwritten signature)*

**Conclusion and Recommendation**

- As per CZMP 2011 the Survey No. 170/0 and Survey No. 171/1 is fully shown as Mangroves, Mangrove Buffer, Khazan land and partly CRZ III (River NDZ).
- Survey No. 170/0 is fully covered with stagnant water and Survey No 171/1 is not accessible.
- Few floating pontoons are observed on the bund and 2 pontoons were floating into water.
- One of the floating pontoons was carrying mini dredger.

  
Mrs. Radha Rao - (Expert Member, GCZMA)

Mr. Nehal Devidas - (Engineer, GCZMA)

Ms. Siddhi Morajkar - (F.S., GCZMA)

Mr. Rajesh Harmalkar - (F.S., DSLR, Panaji)

\* This site inspection report is to be read in correspondence with the site inspection report submitted by GSBB.

Annexure



*Pro*

*[Handwritten signatures]*



*Handwritten signature in blue ink.*

*Handwritten signature in blue ink.*

*Handwritten signature in blue ink.*

204



204

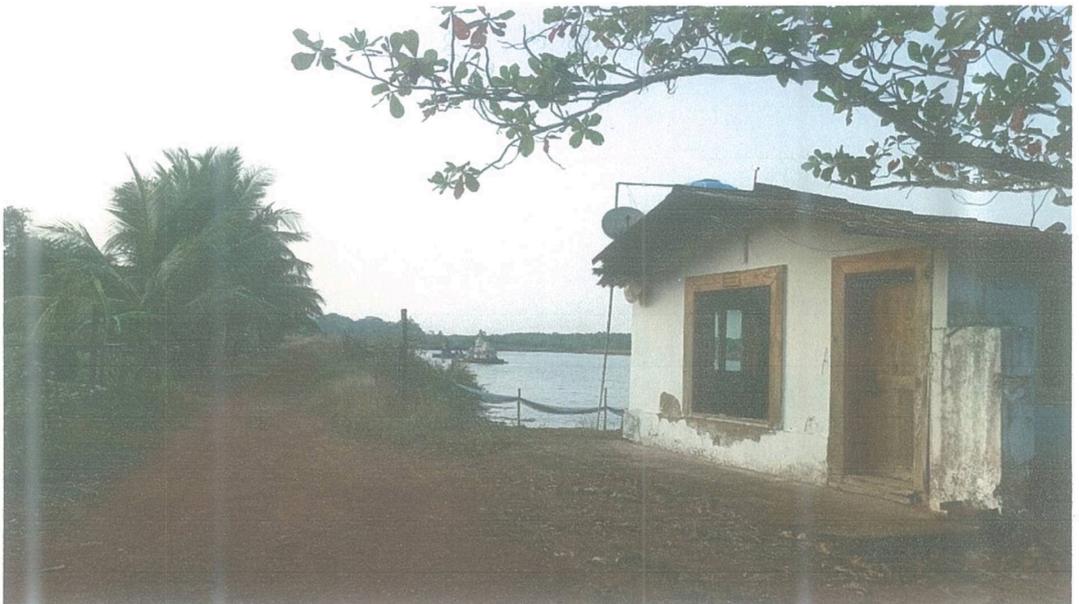
*[Handwritten signature]*

*[Handwritten signature]*



Pro

35



*Pro*

*[Signature]*

ATMANIRBHAR BHARAT  
SWAYAMPURNA GOA



ATMANIRBHAR BHARAT  
SWAYAMPURNA GOA

Member Secretary

G. C. Z. M. A.

Inward No. 6298

Date: 28/02/2024

Link this to  
the respective file  
Complete the report  
and forward submission

GOA STATE BIODIVERSITY BOARD

Ground floor, Goa State Pollution Control Board building,

Opp. Saligao Seminary, Saligao, Bardez, Goa – 403511.

Website: [www.gsbb.goa.gov.in](http://www.gsbb.goa.gov.in) E-mail: [goanbiodiversity@gmail.com](mailto:goanbiodiversity@gmail.com); [goa-gsbb@gov.in](mailto:goa-gsbb@gov.in)

No. 7-1-2023/GSBB/Legal/ 948

Dated: 23.02.2024

To,

The Member Secretary,  
Goa Coastal Zone Management Authority,  
Patto, Panaji, Goa.

h  
A. S. S. S. S.

**Sub: Report of joint site inspection held on 19.01.2024, in the property bearing Sy.No 170/0 and 171/1 of Quelossim Village, Mormugao Goa, of the members of the committee constituted in compliance to Hon'ble NGT in O.A. No.130/2017(WZ) Lopinho Xavier matter vide order dated 16.05.2023.**

Sir,

With reference to the joint site inspection held on 19/01/2024, in the property bearing Sy.No 170/0 and 171/1 of Quelossim Village, Mormugao Goa, of the members of the committee constituted in compliance to Hon'ble NGT in O.A. No.130/2017(WZ) Lopinho Xavier matter vide order dated 16.05.2023, the following observations GIVING the present status at the Sy.No 170/0 and 171/1 of Quelossim Village may be kindly noted.

The following members were present for the joint site inspection: Smt. Reshma Kerkar, Scientific & Administrative Officer, GSBB; Mrs Radha Rao, Member of GCZMA, Mr. Nehal Devidas, Engg. GCZMA, Ms. Siddhi Morajkar, FS, GCZMA, Mr. Rajesh Harmalkar, FS, DSLR, Shri. Lopinho Xavier, Complainant & Shri. Alaudin Nadaf, representative of the respondent Ms. Movaj. During the present site inspection the following observations may be placed on record:

Page 1 of 5

जीववैविध्यरक्षास्यात्जनानां भाविभूतये

ध्यानसेसंवर्धनजैव-विविधताका  
उज्वलभवितव्यहोगाअगलीपीढीका

जतनायेनसांबाळजैव-विविधतायेचो  
परजळीतफुडारफुडलेपिळगेचो

काळजीपूर्वकजतनजैव-विविधतेचं  
उज्वलभवितव्यपुढच्यापिढीचं

Careful Conservation of Biodiversity  
Bright Future for Prosperity!

1. Few floating pontoons were observed stacked on the bunds. Two such pontoons were in the water, one of these pontoon had a mini dredger on top and the other had a temple model. (Refer photos given in photo plate).

2. Most of the area of Sy No. 170/0 was having stagnant water due to closure of the sluice gates. Also large areas of the water body were covered with algal blooms and also having foul smell.

3. There is no access to Sy No. 171/1 as thick growth of mangroves is blocking the access.

4. Out of the three nos of sluice gates observed, one was operational and two sluice gates on the south eastern side of the property were closed. (Refer photo in attached Photoplate)

5. As compared to the previous site inspection it was found that destruction of more mangroves was visible along approximately 1 km of the bund in the north western side of the property. This is evident from the clear view available of the adjoining creek and beyond.

6. The overall size of the bund is varying from approximately 6m to 3m and at some places approximately 10m wide.

7. On the north-western side, near the operational sluice gate, the water body had ongoing fishing activity evident from the fishing nets placed there in. (Refer photo in photo plate).

8. The entrance gate was found to be locked which was opened by the representative of the property owner to allow the team access to the property. Closing of the gate denies access to the traditional pathway to the river, mangroves and adjoining creek to the locals.

Page 2 of 5

जीववैविध्यरक्षास्यात्जनानां भाविभूतये

ध्यानसेसंवर्धनजैव-विविधताका  
उज्वलभवितव्यहोगाअगलीपीढीका

जतनायेनसांबाळजैव-विविधतायेचो  
परजळीतफुडारफुडलेपिळगेचो

काळजीपूर्वकजतनजैव-विविधतेचं  
उज्वलभवितव्यपुढच्यापिढीचं

Careful Conservation of Biodiversity  
Bright Future for Prosperity!

9. Further it is requested to GCZMA to avail area statements from DSLR of mangroves and khazans destroyed and accordingly assess the extent of destruction caused to the same by Ms. Movaj. Accordingly, the restoration plan for the destroyed khazan lands can be prepared for restoration and reclaimed area and mangrove replantation be taken up.

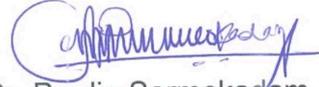
Prepared by:



Mrs. Reshma Kerkar,  
Scientific & Administrative Officer, GSBB



Approved by:



Dr. Pradip Sarmokadam  
Member Secretary, GSBB

Page 3 of 5

जीववैविध्यरक्षास्यात्जनानां भाविभूतये

ध्यानसेसंवर्धनजैव-विविधताका  
उज्वलभवितव्यहोगाअगलीपीढीका

जतनायेनसांबाळजैव-विविधतायेचो  
परजळीतफुडारफुडलेपिळगेचो

काळजीपूर्वकजतनजैव-विविधतेचं  
उज्वलभवितव्यपुढच्यापिढीचं

Careful Conservation of Biodiversity  
Bright Future for Prosperity!

PHOTO PLATE

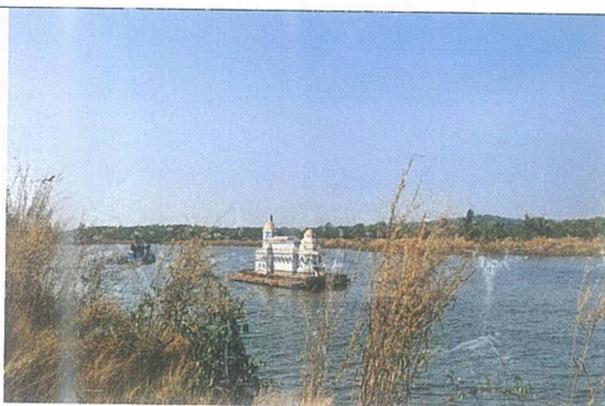
Some of the important images captured at the site during the joint site inspection held on 19.01.2024, at Survey no. 170/0 and 171/1 of Quellossim, Cortalim, Goa



Floating pontoons stacked at the site on the bund



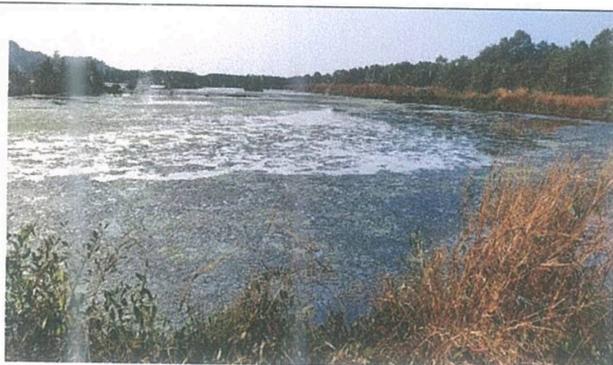
Floating pontoons stacked at the site on the bund



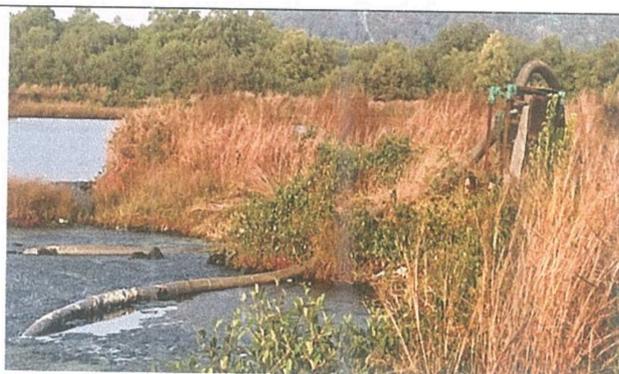
Floating pontoons with mini dredger & Temple model within the water body



Fishing nets placed within the water body at the site



Stagnant algal bloom covered ponds



Evidence of mechanism for pumping out water from the ponds



Completely closed sluice gate.



Closed sluice gate.



Mangrove patch at the site as observed on  
17.02.2017



Mangrove patch at the site as observed on  
19.01.2024

**MOVAJ ENTERPRISES PRIVATE LIMITED**

Registered Office: 3, Queens Garden Residency Club Pune - 411001

Link *and* *to* *Member Secretary*  
*rel* *G.C.Z.M.A.*  
*6420*  
*05/03/2024*  
*sl3*

Date : 01/03/2024

To,

**THE MEMBER SECRETARY,  
 GOA COASTAL ZONE MANAGEMENT AUTHORITY,  
 Address : C/o. Department of Environment,  
 (Government of Goa),  
 Address : 04<sup>th</sup> Floor, Dempo Tower, Patta Plaza,  
 Panaji, Goa 403001.**

**Subject : Request application for conducting a fresh site inspection  
 in the presence of the landowner.**

Respected Sir,

We are the landowners and occupiers of Survey No. 170/0 and  
 171/0 of village Quelossim, District South Goa.

We got information that you conducted a site inspection of our  
 property on 19/01/2024. The first notice dated 10/01/2024 for site  
 inspection was served on 15/01/2024, on the day when site inspection  
 was proposed. Hence, we immediately requested you to serve notice  
 with a reasonable time, which you again kept immediately on  
 19/01/2024, for which notice dated 18/01/2024 was served. As our  
 office is based in Pune, we were not able to attend the said site  
 inspection conducted on 19/01/2024. Said site inspection was  
 conducted without giving a notice with reasonable time and conducted  
 in our absence.

The complaints received by you are based on incomplete and  
 false knowledge, which led you to conduct the wrong survey. There are  
 various baseless issues conveyed to you, which are not related to our  
 property and the information provided to you is misleading and  
 misleading.

# MOVAJ ENTERPRISES PRIVATE LIMITED

213

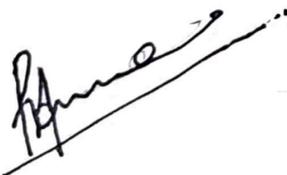
Registered Office: 3, Queens Garden Residency Club Pune - 411001

On various occasions, we have already kept on your record, that a Gas Pipe Line was laid in our property from the northern side by GAIL India Limited, and while conducting their work, they damaged the mangroves and without our knowledge or consent, arbitrarily widened and damaged the Bunds for their heavy vehicle movement. We have not conducted any such things, and for the wrongs of GAIL India Limited, we are facing unnecessary trouble. These true facts are not conveyed to you by the complainant, which leads you to the wrong conclusions. In addition to this, the adjacent land from the northern side, which is not owned by us, is also shown to be our land, and damages caused at other properties are also tried to be imposed on our property. Hence, a clear survey in our presence is required, to conclude your correct site inspection.

Hence to get a clear conclusion and factual record, we request you to conduct a fresh survey in our presence, by serving upon us a notice of reasonable period, not less than 15 days, and a copy of the site inspection notice may also be served upon the GAIL India Limited too, in whose presence the correct facts will come on record.

We, therefore, hereby request your Authority to kindly consider the same favourably and do the needful. We are ready to cooperate for a proper site inspection.

Thanking you,



**RAMKUMAR AGRAWAL,**  
Director,  
**MOVAJ ENTERPRISES PRIVATE LIMITED**



**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Environment and Climate Change (Govt. of Goa)

4<sup>th</sup> floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref.No.GCZMA/NGT MATTER/OA no 130/2017/23-24/15/4543

Dated: 15/03/2024

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

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

**AND WHEREAS**, an Original Application No.130/2017 was filed Lopinho Xavier before the Hon'ble Tribunal *inter alia* seeking a direction to the project proponent, viz. Respondent No.5, to take steps to undo the damage done to the Khazan system in Survey Nos. 170/0 and 171/1 of village Quelossim and rehabilitate the Khazan and bring it to its original status, under the supervision of the answering Respondent and the Respondent No.3 Goa State Biodiversity Board.

**AND WHEREAS**, the Hon'ble Tribunal vide order dated 16/05/2023 directed the GCZMA Goa State Biodiversity Board to constitute a joint committee and inspect the Subject Property. In compliance with these Hon'ble Tribunal's directions, a joint committee comprising of the members of the GCZMA, GSBB, and the Directorate of Settlement and Land Records inspected the subject property on 19.01.2024. Original Applicant and a representative of the Project Proponent were present during the site inspection.

**AND WHEREAS**, a report of the joint committee indicates the following observations and findings:- *As per CZMP 2011 the Survey No. 170/0 and Survey No. 171/1 is fully shown as Mangroves, Mangrove Buffer, Khazan land and partly CRZ III (River NDZ). Survey No. 170/0 is fully covered with stagnant water and Survey No. 171/1 is not accessible. Few floating pontoons are observed on the bund and 2 pontoons were floating into water. One of the floating pontoons was carrying mini dredger."*

**AND WHEREAS**, the Goa State Biodiversity Board, Saligao (GSBB) further submitted a report dated 23.02.2024 to the GCZMA in respect of the joint committee's site inspection held on 19.01.2024. The report indicated, inter alia, the following observations: "1. Few floating pontoons were observed stacked on the bunds. Two such

pontoons were in the water, one of these pontoon had a mini dredger on top and the other had a temple model. (Refer photos given in photo plate).2. Most of the area of Sy No. 170/0 was having stagnant water due to closure of the sluice gates. Also large areas of the water body were covered with algal blooms and also having foul smell.3. There is no access to Sy No. 171/1 as thick growth of mangroves is blocking the access.4. Out of the three nos of sluice gates observes, one was operational and two sluice gates on the south eastern side of the property were closed. (Refer photo in attached Photoplate).5. As compared to the previous site inspection it was found that destruction of more mangroves was visible along approximately 1 km of the bund in the north western side of the property. This is evident from the clear view available of the adjoining creek and beyond. 6. The overall size of the bund is varying from approximately 6 m to 3 m and at some places approximately 10 m wide. 7. On the north-western side, near the operational sluice gate, the water body had ongoing fishing activity evident from the fishing nets placed there in. (Refer photo in photo plate). 8. The entrance gate was found to be locked which was opened by the representative of the property owner to allow the team access to the property. Closing of the gate denies access to the traditional pathway to the river, mangroves and adjoining creek to the locals. 9. Further it is requested to GCZMA to avail area statements from DSLR of mangroves and khazans destroyed and accordingly assess the extent of destruction caused to the same by M/s. Movaj. Accordingly, the restoration and reclaimed area and mangrove replantation be taken up.”

**AND WHEREAS** upon close perusal of the said joint committee’s site inspection held on 19.01.2024 and report dated 23.02.2024 the following alleged illegal construction resulting violation of CRZ Notification 2011 is noticed:

Sr.no.	Name of the Party/alleged violator	Survey No/GPS reading / Village	Type of Construction/ Development activities	Distance from HTL
1.	M/s Movaj Enterprises Pvt Ltd	Survey no.170/0, and 171/1 of Village Quelossim Mormugao Taluka	Erection of two pontoons into the water, Land filing / Land reclamation, Closure of two sluice gates on the southern side of the property,  Destruction of mangroves along bund approximately 1km along the North western side	Within CRZ area

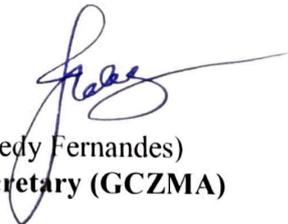
A copy of the joint committee's site inspection held on 19.01.2024 and report dated 23.02.2024 is enclosed herewith and marked as **Annexure A**.

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

**AND WHEREAS** the alleged construction / development activities appear to be without any prior approval of GCZMA as required under CRZ Notification, 2011.

**NOW THEREFORE** in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with powers vested with the GCZMA vide Order S.O. 6071 (E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, hereby directs you to **SHOW CAUSE** as to why a direction to remove the structures and to restore the land to its original condition should not be issued against you. Further show cause as to why environmental compensation should not imposed for environmental damage.

**FURTHER TAKE NOTE THAT**, you are required to file your reply along with compliance report and construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 4th Floor, Dempo Towers Patto, Panaji- Goa by appearing on **02/04/2024 at 3.30pm**. Please take note that if you fail to submit your reply/appear along with the required documents and in the event if you fail to remain present than, the GCZMA will come to the conclusion that you have no justification to carry out activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc and levying of environmental damage.

  
(Johnson Bedy Fernandes)  
**Member Secretary (GCZMA)**

To,

**Movaj Enterprises Private Limited, registere office:3, Queens Garden Residency Club, Pune- 411001.**

**Copy to:**

1. **The Collector & District Magistrate (South), Office of the Collector (South), Mathany Saldana Administrative Complex, Margao-Goa...** *for information and necessary action.*
2. **The Dy. Collector and S.D.O of Mormugao, Office of the Dy. Collector and S.D.O of Mormugao, Vasco-Goa...** *for information and necessary action.*
3. **The Secretary, Village Panchayat of Quelossim, Goa...** *for information and necessary action.*
4. **Mr.Lopinho Xavier, HNo.289, Uddo, Quelossim, South-Goa, Goa...** *for information.*