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**IN THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
APPEAL NO.54 OF 2022**

IN MATTER

CAVELOSSIM VILLAGERS FORUM .APPELLANT

VS

THE STATE OF GOA & OTHERS ..RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF
OF THE RESPONDENT NO.4**

PAPER BOOK

**ABHAY ANIL ANTURKAR
ADV FOR THE RESPONDENT**

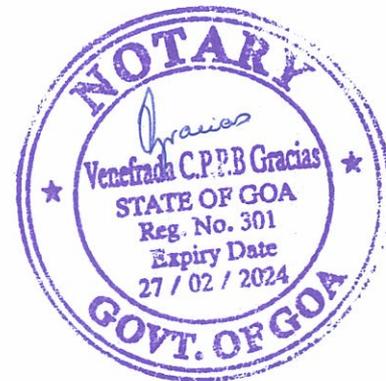
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IN THE NATIONAL GREEN TRIBUNAL,
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APPEAL NO. 54 OF 2022



IN THE MATTER OF:

CAVELOSSIM VILLAGERS FORUM

...APPELLANT

VERSUS

THE STATE OF GOA & OTHERS

...RESPONDENTS

COUNTER – AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 4

GOA COASTAL ZONE MANAGEMENT AUTHORITY

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

1. I am the Member Secretary of the Respondent No. 4 GCZMA and am authorised to affirm the present counter-affidavit on its behalf. I have examined the relevant records available in my office in respect of the order dated 12.09.2022 passed by the answering Respondent and challenged before this Hon'ble Tribunal in the above-captioned Appeal and am affirming the present Counter - Affidavit based on the same. Nothing in the present Counter – Affidavit may be deemed to be an admission of any of the contents of the memorandum of the above-captioned Appeal. Nothing in the memorandum of the above-captioned Appeal may be deemed to have been admitted for mere want of specific denial.
2. The Appellant had filed Application No. 61/2014 (WZ) *inter alia* against the answering Respondent and the Respondent No. 6, M/s Shree Balaji Concepts [hereinafter "**Project Proponent**"] seeking directions to the Project Proponent to forthwith stop the construction activities undertaken by it at Village Cavellossim, Taluka Salcete, District South Goa. The aforesaid Application was disposed off by the Principal Bench of this Hon'ble Tribunal by its judgment and order dated 24.04.2019. While disposing off the aforesaid Application, the Principal Bench observed as under:

"23. Since the matter has been pending for the last about five years,

having regard to the need for expeditious disposal based on correct and latest factual position, we consider it appropriate to direct furnishing of a joint report by representatives of the MoEF&CC, GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa. The GCZMA will be the nodal agency for coordination and compliance. Such factual report dealing with the issue may be furnished within three months by email at ngt.filling@gmail.com. A copy of the order be sent each to the MoEF&CC, GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa by email.

24. It will be open to the parties to furnish their respective versions to the GCZMA. It will also be open to the joint Committee to carry out inspection to ascertain status and assess the damage to the environment, if any, and suggest remedial measures.”

3. The Inspection Committee constituted by this Hon'ble Tribunal *vide* its order dated 24.04.2019 in Application No. 61/2014 (WZ) carried out an inspection of Survey Nos. 90/1, 90/5, 90/6-E, 91/1, 91/4, 91/3, 91/5, and 91/6 of Village Cavelossim, Salcete – Goa on 31.05.2019. The representatives of the Appellant and the Project Proponent remained present for the said inspection. The said Inspection Committee submitted its report to this Hon'ble Tribunal. Recommendation 3(xii) of the said Report read as under:

“xii) This may be deliberated in the Authority meeting for a decision.”

This Hon'ble Tribunal *vide* its order dated 01.10.2019 directed the answering Respondent to look into the matter in terms of Recommendation 3(xii) of the aforesaid Report. The answering Respondent was directed to issue notice to the parties and fix a date for consideration of the matter.

A true copy of the Report of the Inspection Committee is annexed and is marked as ANNEXURE R – 1 [PAGE NO. 11 TO PAGE NO. 16]. A true copy of the Order dated 01.10.2019 passed by the Hon'ble National Green Tribunal is annexed and is marked as ANNEXURE R – 2 [PAGE NO. 17 TO PAGE NO. 21].

4. The matter was placed in the 233rd GCZMA Meeting dated 29.10.2020. The answering Respondent heard the Complainant i.e. the Appellant herein and the

Project Proponent and directed the officials of the Water Resources Department and Expert Member (GCZMA) to inspect the site to check the salinity of water and tidal influence in all water bodies and nullah which has been diverted by tracing their older alignments. The aforesaid officers were directed to submit their report to the answering Respondent.

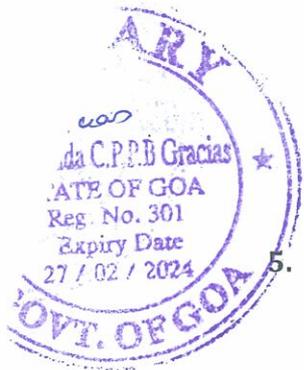
A true copy of the minutes of the the 233rd GCZMA Meeting dated 29.10.2020 is annexed and is marked as ANNEXURE R – 3 [PAGE NO. 22 TO PAGE NO. 24].

5. The matter was hearing during the 236th GCZMA meeting dated 12.11.2020. The Project Proponent filed written submissions along with the report of the inspection and other related documents. The Appellant alleged diversion of nalla and intrusion of saline water. The Project Proponent denied all the allegations and insisted that there is no change at the site since the inspection dated 31.05.2019 conducted by the Joint Committee appointed by the Hon'ble NGT. Thus, a notice dated 11.12.2020 for site inspection 14.01.2021 was issued. The Site Inspection was conducted by the Expert Member of the GCZMA and the Executive Engineer of the WRD in the presence of the representatives of the parties. In the course of the inspection the Appellant alleged that the nearest water body (approximately 12 meters) from the building had saline water content and therefore the NDZ line should be drawn from the edge of the pond. It was ultimately concluded that the approved plan was as per the prevailing NDZ line. Any new demarcation of the NDZ line could be undertaken only after the new CZMP plan is finalized and notified.

A true copy of the GCZMA Expert Member's Report of the Site Inspection conducted on 14.01.2021 is annexed and is marked as ANNEXURE R – 4 [PAGE NO. 25 TO PAGE NO. 27].

6. The Executive Engineer (II) and Canal Officer (South Goa) issued a letter dated 17.02.2021 to the answering Respondent in respect of the site inspection held on 14.01.2021. By the aforesaid letter, the Executive Engineer reported as under:

- "(1) As noticed on the site, there exists 2 nallahs that drain monsoon water from low lying lands bearing survey No. 89 & 88 to river Sal, by traversing through survey No. 90 & 91.
- (2) It is noticed that, there exists a water body (Pond) admeasuring about 450 sq.m, which has been already buried



by M/s Shree Balaji Concepts. The permission was granted by WRD to do the same with the condition of creating a new water body adjoining to the original one as a replacement and also create additional area of water bodies as per the approved plan annexed to the N.O.C. However, the new water bodies have not yet been created on the site.

- (3) Another nallah, flowing along survey No. 88/39 and 88/46 towards Sal River joining an existing saline water body admeasuring around 1350 sq.m, has been slightly realigned but its width and slope has been altered from the original one, which is likely to hamper the drainage of the storm water flow into the Sal River during monsoon.
- (4) At present, no additional construction has been carried out on the said site since the date of last joint inspection held on 31/05/2019 and also no work has been in progress on the site.
- (5) The onus of obtaining permission from GCZMA for any modification in the hydraulics of the water bodies in the CRZ part of the above area rests with M/s Shree Balaji Concepts as per the condition No. 4 laid down in the N.O.C. issued by this Authority”

A true copy of the letter dated 17.02.2021 issued by the Executive Engineer (II) & Canal Officer (South Goa) is annexed and is marked as **ANNEXURE R - 5 [PAGE NO. 28 TO PAGE NO. 29]**.

7. The matter was thereafter taken up by the answering Respondent in its 307th meeting dated 02.06.2022 wherein the answering Respondent The Answering Respondent after hearing both the parties at length decided to carry fresh inspection on 10.06.2022 from 1100 hours onwards through Expert Members in presence of both the parties.

A true copy of the minutes of the 307th Meeting dated 02.06.2022 is annexed and is marked as **ANNEXURE R - 6 [PAGE NO. 30 TO PAGE NO. 32]**.

8. The Expert Members viz. the Engineer and Field Surveyor of the answering Respondent conducted the site inspection on 29.06.2022 and submitted its



report to the answering Respondent. The following was observed during the inspection:

1. *It was observed during the site inspection that there are two nallas present on site which originates towards Northern side of the property from survey no 88/39 and 89 till the Southern side which joins the river Sal. There is attached sluice gate which is not maintained*
2. *The proposed water body shown in the submitted plan near existing old house in survey no. 91/7 which falls in CRZ III is not present on the site.*
3. *No construction work was going on during time of site inspection.*
4. *As per the site inspection report submitted by WRD dated 17/02/2021 the water body (pond) which does not falls in CRZ area was already buried by M/s Balaji Concept with the permission granted by WRD department with condition of crating new water body in adjoining area which is not yet implemented by M/s Balaji Concept.*
5. *There exists one more water body (pond) at South Eastern side of the property which falls in survey no 91/8 which comes under NDZ of river Sal.*
6. *The Respondent has provided the NOC and permission with approved plan from WRD department for alteration of water bodies and nallas in the property.*

Conclusion and Recommendation

1. *The plan which is approved by WRD as per the same some part falls under CRZ which requires the permission of this Authority.*
2. *Authority may deliberate and decide"*

A true copy of the report of the Site Inspection conducted on 29.06.2022 is annexed and is marked as ANNEXURE R - 7 [PAGE NO. 33 TO PAGE NO. 34].

9. The matter was thereafter taken up by the answering Respondent in its 317th Meeting dated 28.07.2022. The Appellant objected to the aforesaid site inspection report as he was not present for the same. The answering Respondent




took into consideration that the report of the Joint Committee constituted by this Hon'ble Tribunal to present the correct and factual position at loco vis-à-vis the property of the Project Proponent recorded that no construction has been done by the Project Proponent within the riverine NDZ area. Furthermore, the answering Respondent also took into consideration the report of the Expert Member (GCZMA) pursuant to the inspection dated 29.06.2022 wherein it has been observed that Sy. No. 91/1, 91/6, and 91/5 (part) fall partly in CRZ III and partly outside the CRZ area. Sy. No. 90/6 falls within the NDZ are of river Sal. The inspection report further recorded that there was no construction work during the site inspection, and that the major construction work approved viz. villas are beyond the NDZ of Sal river. The Project Proponent has obtained the necessary permissions from the Town and Country Planning Department, Village Panchayat of Cavelossim, and the Water Resources Department. Thus, considering all the inspection reports it was observed by the answering Respondent that any activity including filling of water, creation of water body and nallah etc. would mandate N.O.C/permission under the CRZ Notification 2011. Since at present the Project Proponent has not carried out any construction/activity at site within the CRZ area, the answering Respondent decided to close the proceedings against the Project Proponent.

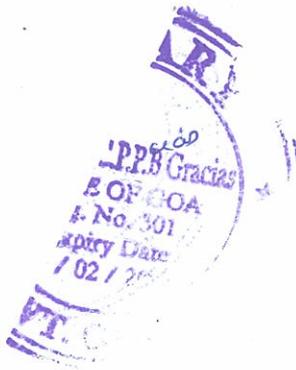
A true copy of the minutes of 317th Meeting dated 28.07.2022 2020 is annexed and is marked as **ANNEXURE R – 8 [PAGE NO. 35 TO PAGE NO. 39]**.

- 10.** In view of the aforesaid, the answering Respondent passed the order dated 12.09.2022 discharging the Project Proponent in terms of the 317th meeting held on 28.07.2022.
- 11.** In view of the submissions made hereinbefore, the answering Respondent refrains from submitting a para – wise response to the narration of facts vide para 1 to para 33 of the memorandum of the above-captioned Appeal. Nothing in the same may be deemed to have been admitted for mere want of specific denial.

PARA-WISE RESPONSE TO GROUNDS

- 12.** The contents of the grounds raised by the Appellant are categorically denied

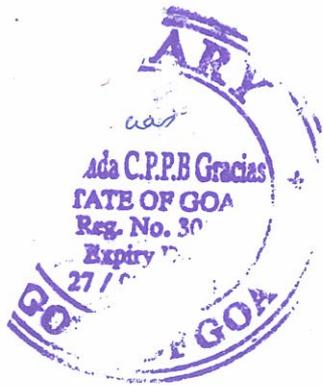


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- a. The contents of ground (a) are denied. There has been no inaction on the part of the answering Respondent. The Report of the Inspection Committee constituted by this Hon'ble Tribunal *vide* its order dated 24.04.2019 in Application No. 61/2014 (WZ) and the report of the Site Inspection conducted by the Expert Member make it abundantly clear that the Project Proponent has not carried out any construction/development in the CRZ area.
- b. The contents of ground (b) are denied. The reports submitted to the answering Respondent by the Inspection Committee constituted by this Hon'ble Tribunal *vide* its order dated 24.04.2019 in Application No. 61/2014 (WZ) and the Expert Member (GCZMA) make it clear that presently the Project Proponent has not carried out any activity/construction activity at site within the CRZ area. Thus, at present no approval is required to be obtained from the answering Respondent. However, in the event any development is to take place within the CRZ area, the Project Proponent will be statutorily bound to take the necessary permission from the answering Respondent.
- c. The contents of ground (c) are denied. It is submitted that in so far as the Project Proponent is concerned, no violation of the provisions of the CRZ Regulation 2011 has been brought to the answering Respondent's notice.
- d. The contents of ground (d) are denied. The Appellant has not brought any material to the notice of the answering Respondent in support of the contention raised *vide* ground (d).
- e. The contents of ground (e) are denied. The report dated 31.05.2019 submitted by the Inspection Committee constituted by this Hon'ble Tribunal *vide* its order dated 24.04.2019 in Application No. 61/2014 (WZ) categorically and the report of the Expert Member (GCZMA) have not pointed out any construction within the NDZ. In the event the Project Proponent intends to carry out any construction within the CRZ III, the permission of the answering Respondent would be required. In the event any construction is carried out in contravention of the CRZ Regulations, the answering Respondent would take necessary action in accordance



with law. However, at the moment, no such illegal construction has been brought to the notice of the answering Respondent.

- f. The contents of ground (f) are denied. The report dated 31.05.2019 submitted by the Inspection Committee constituted by this Hon'ble Tribunal *vide* its order dated 24.04.2019 in Application No. 61/2014 (WZ) categorically and the report of the Expert Member (GCZMA) have not pointed out any construction within the NDZ. In the event the Project Proponent intends to carry out any construction/development within the CRZ III, the permission of the answering Respondent would be required. In the event any construction is carried out in contravention of the CRZ Regulations, the answering Respondent would take necessary action in accordance with law. However, at the moment, no such illegal construction has been brought to the notice of the answering Respondent.
- g. The contents of ground (g) are denied. The Project Proponents appears to have buried the existing water body (pond) admeasuring 450 sq.m. in terms of the permission granted by the WRD. In any event no violation of the CRZ Notification was noticed by the inspection committee.
- h. The contents of ground (h) are denied. Clause 8(i)(III)(A) *inter alia* provides an area upto 100 mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone". The Appellants have not brought any material on record before the answering Respondent or before this Hon'ble Tribunal to establish that the water bodies/nallas in survey nos. 90/1, 5, 6, 6E, 91/1, 3, 4, 5, 6, 7, 8, 10 are in fact tidal influenced water bodies. Assuming without admitting that the waterbodies/nallas in the said survey number are influenced by tidal action, the NDZ in terms of the aforesaid clause will be less than 100 mtrs along such water bodies.
- i. The contents of ground (i) are denied. In so far as the Site Inspection Report dated 11.02.2021 is concerned, the same does not in any manner suggest that there has been any violation of the CRZ Regulation 2011. In so far as the report of the GCZMA dated 24.06.2014 is concerned, it is submitted. That all of the report if read in conjunction by taking into



consideration primarily the report of Expert Committee as constituted by the principal Bench of this Court they are in sync with each other.

- j. The contents of ground (j) are denied. The answering Respondent has considered the relevant material including the report dated 31.05.2019 submitted by the Inspection Committee constituted by this Hon'ble Tribunal *vide* its order dated 24.04.2019 in Application No. 61/2014 (WZ) and the report of the Expert Member (GCZMA) while passing the order dated 12.09.2022. The purported construction and filling of the water bodies and drainage in Survey Nos. 90/1, 90/5, 90/6, 90/6E, 91/1, 91/3, 91/4, 91/5, 91/6, 91/7, 91/8, 91/9, and 91/10. The report dated 31.05.2019 categorically records that the filling of the water body in Sy. No. 91/1 towards north and diversion of nallah is in accordance with the NOC dated 23.05.2014 issued by the WRD. It further records that the diversion/damage in Nalah in Sy. No. 91/1 is also in accordance with the NOC of the 23.05.2014. The Report also records that the construction done by the Respondent is only after getting the CRZ/NDZ line demarcated/delineated by DSLR, Panaji. On inspection the Joint Committee also noticed that there is no tidal influence beyond sluice gate and the NDZ due to the present of water body in South Eastern side does not become applicable. Any proposed modification which would be within the NDZ would require the permission of the answering Respondent. However, at present, there is no construction/development whatsoever in the NDZ/CRZ.

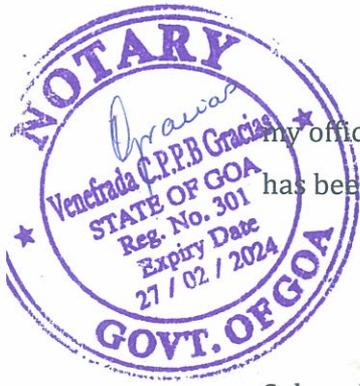
13. The contents of para 34 are a matter of record and warrant no further response.

14. In view of the aforesaid, it is most humbly submitted that the above-captioned Appeal filed by the Appellant above-named deserves to be dismissed.


DEPONENT

VERIFICATION

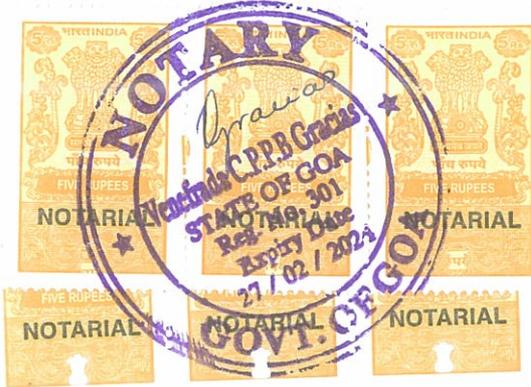
I, the deponent above-named do solemnly affirm that all that is stated in this Affidavit is true to the best of my knowledge and belief, which is based on the records available in



my office in respect of the issue involved in the above-captioned Appeal. Nothing false has been stated herein.

[Signature]
DEPONENT 4/1/24

Solemnly affirmed this day of 4th January 2024 at Panaji, Goa.



Solemnly affirmed before me
Shri Johnson B. Fernandes
Who is identified before me by

_____ At Panjim - Goa

Sr. No. 05/01/2024

Date. 05/01/2024

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

Report of Site Inspection Pertaining to Sy. Nos. 90/1, 90/5, 90/6-E, 91/1, 91/4, 91/3, 91/5 and 91/6 of Village Cavelossim, Salcete-Goa.

1. Background

An application bearing No. 61/2014 was filed by the Cavelossim Villagers Forum in Hon'ble NGT against M/s Balaji Concepts, Margao, Goa for undertaking illegal construction activities adversely affecting the natural water bodies/nallahs/channels/paddy fields, etc.

In the said application, the Hon'ble NGT vide order dated 24/04/2019 directed as follows;

"Since the matter has been pending for the last about five years, having regard to the need for expeditious disposal based on the correct and latest factual position, we consider it appropriate to direct furnishing of a joint report by the representatives of MoEF & CC, GCZMA, GSPCB and WRD. The GCZMA will be the nodal agency for co-ordination and compliance. Such factual report dealing with the issue may be furnished within three months by e-mail at ngt.filing@gmail.com. A copy of the order be sent to each to the MoEF & CC, GCZMA, GSPCB and WRD, State of Goa by e-mail.

It will be open to the parties to furnish their respective versions to the GCZMA. It will also be open to the Joint Committee to carry out inspection to ascertain status and assess the damage to the environment, if any, and suggest remedial measures".

In view of this a Joint Site inspection was fixed to see the site, verify its CRZ zoning, the construction done at site and the violations, if any.

2. Inspection and Observation

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out on 31.05.2019 jointly by the following:

1. Dr. Prabhakar Shirodkar, Expert Member of GCZMA,
2. Dr. S. Prabhu, Scientist 'C', MoEFCC, Regional Office, Bangalore.
3. Mr. Sebastiao Barretto, the Engineering Asst. from GSPCB
4. Mr. Ashley Pereira the Engineering Asst. from GSPCB
5. Mr. Ajay Kudchadkar, Technical Assistant of Water Resource Department (WRD), Margao
6. Mr. Yeshwant Bicholkar - a DSLR representative from GCZMA

From the **respondent's** side, Mr. R. P. Naik - Estate Manager was present along with his Engineer Mr. Prasad Bhom and two other Advocates, Mr. Sanjay Malkarnekar and Mr. Nitin Sawant, whereas from the **Complainant's** side, Mr. Irish Passanha - President of Cavelossim Villagers Forum was present along with his associate. The details of site inspection are as follows;

- i) The site is a large plot of land having various Sy. Nos. 90/1, 90/5, 90/6-E, 91/1, 91/4, 91/3, 91/5 and 91/6 of Cavelossim Village. The plot is starting from the northern bank of Sal River and extends further towards the north and the east.
- ii) As seen at site, there are agricultural fields lying towards the northern and eastern boundary of the plot, whereas, to the southern boundary of the plot is the Sal River. Towards the western side there is a tar road and other residential houses /dwellings of the settlement area.
- iii) There also exists a rectangular water body towards S-E side of the plot which is having an old sluice at its mouth located at the bank of Sal River. This sluice gate is not maintained properly, so there is a riverine flow into the water body. There are Mangrove trees grown all over the edge of this water body. The Complainant told that the said water body was an old Pond used earlier for fishing, wherein the riverine water used to be taken inside by opening the sluice gate.
- iv) The width of the Sal River is more than 100 m and so the riverine No Development Zone (NDZ) applicable to the plot is a maximum of 100 m from the northern bank of the river towards the landward side in the north.
- v) The respondent got the delineation of Coastal Regulation Zone (CRZ)/NDZ line done through DSLR Panaji (DSLR letter, dated 07/08/2012 submitted). Thereafter, the Conversion Sanad was obtained by the respondent from the Collector, South Goa, Margao, dated 22/07/2009 for conversion of land from agricultural to residential and another Sanad, dated 03/10/2010 for further conversion from residential to commercial.
- vi) Initially, the Technical Clearance was granted by Town and Country Planning (TCP) dated 17/05/2010 for construction of a hotel project at site beyond NDZ (i.e outside CRZ area) with a compound wall to the plot. Later on, the respondent

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submitted a revised plan which included the development of existing Nullah, relocation of pond, etc within the plot for which the Technical Clearance was also granted by TCP, vide order, dated 07/12/2016.

- vii) As per the first Technical Clearance dated 17/05/2010, the TCP suggested no filling to be done of low lying area without prior permission from TCP.
- viii) It also mentioned that the proposed development should not affect the existing drainage pattern and the fields within the surrounding area and that all existing Nullahs and water bodies should be protected.
- ix) So, the Construction License originally issued by the Village Panchayat of Cavelossim, dated 18/06/2010 for the earlier plan was subsequently re-issued, dated 21/06/2016 for the revised plan.
- x) The NOC issued by the V. P. of Cavelossim also mentioned not to touch the existing water bodies at site. Not to do filling of low lying areas without proper permission from TCP and also instructed to protect the water bodies and to preserve the existing drainage pattern within the property.
- xi) Thereafter, the respondent started the construction of hotel project with 35 cottages of which 28 have been constructed at site beyond the riverine NDZ area.
- xii) There are two Nallahs about 1.5 - 2.0 m width passing through the respondent's property and joining the Sal River along its northern bank.
- xiii) Though there is no construction done by the respondent within the riverine NDZ area of the plot, the contention of the Complainant is that the respondent has made an inside road by doing filling of red murrum of more than 2 ft high, which is falling in Sy. Nos. 90/6E, 91/7, 8, 1 and 5 in NDZ area. The said road is starting from the main tar road and going straight towards the eastern end of the plot. The Complainant also says that the filling is also done for the Panchayat Approach Road in Sy. No. 90/6.
- xiv) The other contention of the Complainant is that due to the presence of a water body at the S-E corner of the plot in Sy. No. 91/8 which is influenced by Sal River water due to the non-maintenance of the sluice gate along the river bank, an NDZ equivalent to the width of the water body is applicable.

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- xv) The width of the said water body as measured by the DSLR representative at site is 48 m and the length of the water body is 23 m.
- xvi) The buildings constructed by the respondent in Sy. No. 91/4, beyond the NDZ line of Sal River and opposite the water body as can be seen in construction plan are 12m away from the edge of the water body. In all there are five buildings constructed by the respondent opposite the tidally influenced water body.
- xvii) The respondent says that they were trying to restore the old collapsed sluice gate located at the mouth of the water body along the bank of Sal River long back, but abandoned it due to the ongoing Court case.
- xviii) The Complainant also told that in Sy. No. 91/1, the respondent has filled up the existing water body of 450 sq. m. area and has constructed 5 buildings on it. Besides this, the existing Nullah towards the western side of the plot, which was draining the water from land to the Sal River has been diverted. Presently, this Nullah is bringing in saline riverine water during the high tide and it is drained into the adjoining agricultural field in Sy. No. 89.
- xix) Moreover, the revised construction plan of the applicant for a proposed resort beyond 100 m of the NDZ of Sal River has been approved by TCP. This approved revised plan also shows a proposed modification to the existing water body in S-E direction, creation of another water body in Sy. Nos. 91/7 and 91/1 and the construction of three more sluice gates and other modifications, all of which are falling within the NDZ of Sal River, and all are permitted by WRD.

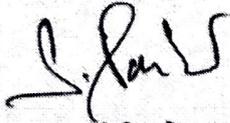
3. Conclusion and Recommendation

- i) As seen during the site inspection, out of the approved 35 villas, only 28 villas have been constructed at site beyond the NDZ of Sal River but are not yet finished.
- ii) While granting Technical Clearance for the project, the TCP as well as the V. P. of Cavelossim laid certain conditions such as not to touch the existing water bodies at site but to protect the water bodies, preserve the existing drainage pattern within the property and not to do the filling of the low lying areas.

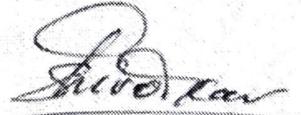
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9/1/c
- iii) Whereas, it is seen from the Sy. Map shown by the Complainant that the respondent has done the filling of the water body in Sy. No. 91/1 towards north and constructed five buildings at site and also did the diversion of Nullah, which however is done as per the NOC issued by WRD, dated 23/05/2014.
- iv) The diversion of the drainage Nullah in Sy. No. 91/1 though is done as per NOC from WRD it is affecting the agricultural field in Sy. No. 89. However, all this is done outside the CRZ/NDZ area as per revised plan and is a matter to be dealt by other forum.
- v) Secondly, as per the Complainant, the land filling done by the respondent in low lying riverine NDZ area of Sy. No. 90/6 for making Panchayat Approach Road and also for making an Internal Road falling in Sy. Nos. 90/6E, 91/7, 8, 5 and 1 cannot be ascertained at site presently.
- vi) Besides this, there is no debris seen of any kind within the NDZ area of river.
- vii) Thirdly, the construction done by the respondent is only after getting the CRZ/NDZ line demarcated/delineated by DSLR, Panaji. So, if any other NDZ becomes applicable, if at all, due to the presence of water body in the S-E side having an old sluice gate at its mouth should have been pointed out by DSLR.
- viii) As per CRZ Regulation no new construction is permissible within the riverine NDZ area except, repair and renovation or re-construction on the plinth of the old structure existing prior to 1991, without increasing the plinth area and with proper permission from GCZMA.
- ix) Whereas, beyond the sluice gate there is no tidal influence, so the NDZ due to the presence of water body in S-E side does not become applicable.
- x) Moreover, the plan approved by TCP indicating a proposed modification to the said water body in the S-E direction; Creation of one more water body in Sy. No. 91/7; Construction of three more sluice gates and some other modifications as suggested in the revised construction plan to the water ways/drainage system at site though are permitted by WRD, all are falling within the NDZ of Sal River for which the permission from GCZMA is highly necessary.

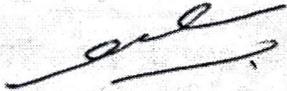
- xi) Carrying out these modifications/changes as per the plan approved by TCP without obtaining the permission from GCZMA will lead to violation of CRZ Regulation.
- xii) This may be deliberated in the Authority meeting for a decision.



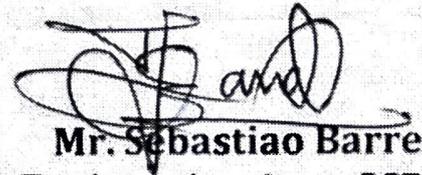
(Dr. S. Prabhu)
Scientist 'C', MoEFCC, Regional
Office Bangalore



(Dr. Prabhakar Shirodkar)
Expert Member of GCZMA



Mr. Ajay Kudchadka
Technical Assistant
Water Resource Department
Margao



Mr. Sebastiao Barretto
Engineering Asst, GSPCB

Item No. 06

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 61/2014 (WZ)
(M.A. No. 24/2015 & I.A. No. 24/2019)

Cavelossim Villagers Forum

Applicant(s)

Versus

Village Panchayat of Cavelossim

Respondent(s)

Date of hearing: 01.10.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. N.DA Costa Frias, Advocate

For Respondent (s): Ms. Ruchira Gupta, Advocate with Mr. Anurag Sharma, Advocate for Respondent No 5
Mr. Krishnan Venugopal, Senior Advocate along with Mr. Ninad Laud, Mr. Nitin Sawant, Mr. Kaushik Mishra, Mr. Shivshankar Swaminathan and Mr. Ivo D'Costa, Advocates for Respondent No. 8.

ORDER

1. This application is filed by the applicant alleging construction of building at Khandi-Bandoi, Cavelossim, Salcete, Goa, by M/s Balaji concepts, the Respondent No. 8 by filling up water bodies with mud in violation of the law. It is contended that the illegal construction is being undertaken on plots bearing Survey No. 91/1, 91/5, 91/6, and 91/8 in Village Cavelossim. As a consequence, the River Sal has been polluted and nallahs, fishing ponds, natural water

channels and paddy fields have been completely destroyed. The construction falls within 100 mtrs of the River Sal and a 10 mtrs approach road has been constructed without obtaining CRZ Clearance. In its reply, the Respondent No. 8 has denied all material allegations and has contended that all necessary clearances have been obtained and that the proposed construction do not fall within the prohibited NDZ Area.

2. The case was first instituted on 23.05.2014 and various orders have been passed from time to time and was last heard by the NGT, Western Zone Bench at Pune on 03.03.2017 before it was transferred to the NGT, Principal Bench at New Delhi where it was first placed on 22.02.2019. On 24.04.2019 it was noted that 80 % of the project was stated to have been completed and, since much time had lapsed during the intervening period, it was felt necessary to seek a report on the present status of the project and the latest factual position. A Committee was thus constituted comprising of MoEF & CC, GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa for the purpose.
3. The Report as directed has been furnished by the Committee and placed before us today. The conclusion and recommendations of the Committee is reads as follows:-

“3. Conclusion and Recommendation

- i) *As seen during the site inspection, out of the approved 35 villas' only 28 villas have been constructed at site beyond the NDZ of Sal river but are not yet finished.*

- ii) While granting Technical Clearance for the project' the TCP as well as the V P of Cavelossim laid certain conditions such as not to touch the existing water bodies at site but to protect the water bodies' preserve the existing drainage pattern within the property and not to do the filling of the low lying areas.
- iii) Whereas, it is seen from the Sy. Map shown by the Complainant that the respondent has done the filling of the water body in Sy. No. 91/1 towards north and constructed five buildings at site and also did the diversion of Nullah, which however is done as per the NoC issued by WRD, dated 23 /05 /2074.
- iv) The diversion of the drainage Nullah in Sy. No. 91/1 though is done as per NOC from WRD it is affecting the agricultural field in Sy. No.89. However, all this is done outside the CRZ/NDZ area as per revised plan and is a matter to be dealt by other forum.
- v) Secondly, as per the Complainant, the land filling done by the respondent in low lying riverine NDZ area of Sy. No. 90/6 for making Panchayat Approach Road and also for making an Internal Road falling in Sy. Nos. 90/68, 91/7, 8, 5 and 1 cannot be ascertained at site presently.
- vi) Besides this, there is no debris seen of any kind within the N DZ area of river.
- vii) Thirdly, the construction done by the respondent is only after getting the CRZ/NDZ line demarcated/delineated by DSLR, Panaji. So, if any other NDZ becomes applicable, if at all, due to the presence of water body in the S-E side having an old sluice gate at its mouth should have been pointed out by DSLR.
- viii) As per CRZ Regulation no new construction is permissible within the riverine NDZ area except, repair and renovation or re-construction on the plinth of the old structure existing prior to 1991, without increasing the plinth area and with proper permission from GCZMA.
- ix) Whereas, beyond the sluice gate there is no tidal influence, so the NDZ due to the presence of water body in S-E side does not become applicable.

- x) *Moreover, the plan approved by TCP indicating a proposed modification to the said water body in the S-E direction; Creation of one more water body in Sy. No.91/7; Construction of three more sluice gates and some other modifications as suggested in the revised construction plan to the water ways/drainage system at site though are permitted by WRD, all are falling within the NDZ of Sal River for which the permission from GCZMA is highly necessary.*
- x) *Carrying out these modifications/changes as per the plan approved by TCP without obtaining the permission from GCZMA will lead to violation of CRZ Regulation.*
- xii) *This may be deliberated in the Authority meeting for a decision.*

4. As would be apparent from the above, out of the approved 35 villas, 28 have been constructed beyond the NDZ areas of River Sal and is yet to be completed. The rest of the activities appear to be within the applicable norms except that certain modifications have been made to the project as would be apparent from the observations in recommendation 3 (x). It has been observed that such modifications/changes approved by Town and Country Planning (TCP) without obtaining permission from GCZMA would lead to violation of CRZ Rules and, finally in recommendation 3 (xii), it has been recommended that this issue requires to be deliberated by the authority for taking appropriate decision.

5. We, therefore, direct that the matter shall be looked into by the Goa Coastal Zone Management Authority (GCZMA) in terms of the Recommendation 3 (xii) on the aspects pointed out in the report. The GCZMA shall issue notice upon the parties and fix a date for consideration of the matter. The parties shall be at liberty to place

their respective views and file additional documents, if so advised in the matter.

6. The GCZMA shall dispose of the matter in accordance with law expeditiously within three months from hence.
7. With the above directions, the Original Application stands disposed off along with the related M.A. and I.A.
8. No order as to costs.

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

1st October, 2019
O.A. No. 61/2014 (WZ)
hb



MINUTES OF THE 233rd MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 29/10/2020 at 03.30 PM. IN THE CONFERENCE HALL, 2ND FLOOR, CONFERENCE HALL, SECRETARIAT, PORVORIM – GOA.

The 233rd Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 29/10/2020 at 03.30 p.m. in the conference hall, Second floor, Secretariat, Porvorim – Goa.

The following members were present for the meeting on 29/10/2020:

1. Secretary (Environment) / Chairman (GCZMA).
2. Representative on behalf of Principal Chief Conservator of Forests, Department of Forest, Panaji-Goa.
3. Representative on behalf of Director, Directorate of Tourism, Panaji-Goa.
4. Representative on behalf of Chief Engineer, (WRD), Alto-Porvorim.
5. Shri. Savio Joaquim Filipe Correia, Expert Member (GCZMA).
6. Shri. Sujeet Kumar Dongre, Expert Member (GCZMA)
7. Shri. Mahesh Patil, Expert Member (GCZMA)
8. Member Secretary (GCZMA).

Item No. 1

Case No. 1.1

To decide on a Complaint for Illegal Construction Carried out by Mrs. Gorette Fernandes - the Proprietor of Infantaria Bakery in Sy. No. 199/10 of Calangute Village, Bardez-Goa.

Background

The Office of GCZMA received an application letter dated 18/04/2019 from Mrs. Judyline D'Souza of Calangute with regard to the illegal construction carried out by Mrs. Gorette Fernandes - the proprietor of Infantaria Bakery in Sy. No. 199/10 of Calangute Village, Goa. So, a site inspection was fixed to see the site, verify the illegal construction of structure/s done at site and the documents.

Inspection and Observation

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Eng. Audhoot Bhonsule on 25/07/2019 along with Mr. Mandar Phadte and Mr. Rupesh Shirgaonkar of DSLR, Panaji. At site, the complainant Mrs. Judyline D'Souza was present along with her accomplice Mr. Vishal Lobo who showed the site and explained about the illegal construction done at site. From the respondent's side, the members present were Mrs. Maria Gorette Lobo e Fernandes along with her representative Mr. Joel Fernandes. The details of site inspection are as follows;

- i) The site is lying towards the west of Calangute-Baga main tar road in Calangute.
- ii) The plot is a rectangular one, starting from the main road in the east and extending straight towards west.

has approached the Hon'ble High Court and Hon'ble National Green Tribunal wherein the Hon'ble Courts have in some matters stayed the Order and in some matters have set aside the Orders passed by the GCZMA with directives to hear the parties and reconsider the case and pass respective orders in terms of law.

In this regard, the GCZMA has now fixed a personal hearing for the below mentioned matters on the date and time specified in the chart below:

NORTH GOA

Sr. No.	Names of Parties	Date of hearing At 3.30 pm	Village
1.	Yab Yum Beach Resort1) through its owner Ramesh Shetgaonkar/ LakhanKharbe 7507369520	15/10/2020	Mandrem
2.	Rococo Restaurant /Rocollo Restaurant	15/10/2020	Mandrem

DECISION: Both the Respondents are not present . The Authority decided to issue notice of hearing to the parties and fixed the same for hearing on 12/11/2020 at 3,30p.m.

Case No 1.19

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

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

The said application came for hearing on 24/04/2019 before the Hon'ble National Green Tribunal. The Hon'ble National Green Tribunal has vide order dated 24/04/2019 directed as follows : *"Since the matter has been pending for the last about five years, having regard to the need for expeditious disposal based on correct and latest factual position, we consider it appropriate to direct furnishing of a joint report by representatives of the MoEF&CC, GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa. The GCZMA will be the nodal agency for*

coordination and compliance. Such factual report dealing with the issue may be furnished within three months by email at ngt.filing@gmail.com. A copy of the order be sent each to the MoEF&CC; GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa by email.

24. It will be open to the parties to furnish their respective versions to the GCZMA. It will also be open to the joint Committee to carry out inspection to ascertain status and assess the damage to the environment, if any, and suggest remedial measures".

interms of said order dated 24/04/2019, the joint committee conducted the inspection and furnished and placed before the Hon'ble National Green Tribunal .

the Hon'ble National Green Tribunal has vide order dated 01/10/2019 has directed to as follows "We, therefore, direct that the matter shall be looked into by the Goa Coastal Zone Management Authority (GCZMA) in terms of the Recommendation 3 (xii) on the aspects pointed out in the report. The GCZMA shall issue notice upon the parties and fix a date for consideration of the matter. The parties shall be at liberty to place their respective views and file additional documents, if so advised in the matter. The GCZMA shall dispose of the matter in accordance with law expeditiously within three months from hence".

Decision: Due to over sight the said proceedings have been listed today which was otherwise fixed for hearing on 12/11/2020 at 3.30p.m. The Complainant and Respondent to take note of this date and time and appear to advance final arguments.

Case No 1.20

To decide on PIL /WP No.202/2020 filed by Goa Foundation before Honble High Court of Bombay at Goa.

Background: The GCZMA is in receipt of PIL /WP copy fled by Goa Foundation bearing no.LD-VC-CW-202/2020 whereby the petitioner seeks to be heard on 2 aspects i.e.

- 1) Whether the amendment carried out to the CRZ Notification 2011 from 1st May 2020 limiting the HTL upto the bunds is contrary to the objectives and provisions of CRZ Notification 2011.
- 2) Whether the continuance of impugned Amendment in Notification will lead to destruction of the khazan system and should therefore be quashed and set aside. **The HTL shall be restricted up to the line long along the bund or the sluice gate and in such a case , area under mangroves arising due to saline water ingress beyond the bund or sluice gate . Such areas under mangroves shall be protected and shall not be diverted for any developmental activities.**

Joint site inspection of M/S Balaji Concepts Cavellossim ANNEXURE-R4

Joint inspection was carried out Pursuant to the site inspection notice number GCZMA/NGT matter/ Appl-No.61/2014/19-20/03/1285 dated 11/12/2020

The inspection started at 11.0 a,m in the presence of following officials

1. Mr. Mahesh Patil- Expert member GCZMA
2. Mr. Ankush Gaonkar-Executive Engineer ERD
3. Mr. Iris Pasanha- Representative of Cavallossim Civic Forum
4. Advocate Sanjay Malkarnekar- Representing M/S Balaji Concepts
5. Mr. Sanjay Alberto, representing M/S, Radha Timblo
6. Mr. Devendra Gaonkar, field Surveyor, GCZMA

Background

1. An application bearing the No.61/2014 was filed by the cavallossim Villagers Forum in Honble NGT against M/S, Balaji Concepts, Margao Goa for undertaking illegal construction activities adversely affecting natural water bodies/ nallhas/ channels/ paddy fields .etc.

In the said application, the Hon" ble NGT wvide order dated 24/04/2019 directed as Follows

" Since the matter has been pending for the last about five years, having regard to the need for expeditious disposal based on the correct and latest factual position, we consider it appropriate to direct furnishing of a joint report by the representatives of the MOEF & CC, GCZMA, GSPCB and WRD. The GCZMA will be the nodal agency s For co- ordination and compliance . Such factual report dealing with the issues may be furnished within three months by e mail at ngt.filing@gmail.com . Acopy of the order be sent to each to thr MOEF & CC, GCZMMA, GSPCB and WRD, state of Goa by email.

It will be open to the parties to furnish respective versions to the GCZMA. It will also be open to the joint committee to carry out inspection to as certain status and assess the damage to the environment, if any, and suggest remedial measures " .

2. The joint inspection was carried out 31/05/2019 by the representatives of above mentioned Government Department. The report was submitted to the Honble NGT

3. Honble NGT, vide it order dated 01/10/2019 disposed the matter with following direction

"We therefore, direct that the matter shall be looked into by the Goa Coastal Management Authority (GCZMA) in terms of the Recommendation of 3 (XII) on the aspects pointed out in the report. The GCZMA shall issue notice upon the parties and fix a date for consideration of the matter. The parties


19/2/2021

shall be at liberty to place their respective views and file additional documents, if so advised in the matter .

The GCZMA shall dispose of the matter in accordance with law expeditiously within three months from hence."

With the above direction the original Application stands disposed off along with the related M.A. and I. A.

3. GCZMA issued notice vide notice number GCZMA/NGT Matter/ Appll.no61/2014/19-20/3/817, dated 21/10/2020. Subsequent notice was issued on 26/10/2020

4. The matter was heard during the 236th meeting of the GCZMA held on 12/11/ 2020. Respondent filed written submission along with the report of the site inspection and other related documents. Complaint alleged of nalla diversion and intrusion of saline water. Respondent denied all the allegations and insisted that there is no change at the site, since last inspection held on 31/05/2019 by the joint committee appointed by Honble NGT . Also stated that the modifications / changes in water body/ nalla were in consonance with permission granted by WRD. It was decided to have site inspection along with WRD and GCZMA.

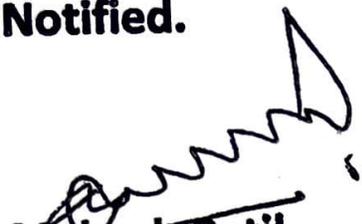
5. Accordingly Notice was issued for the joint site inspection vide notice no. GCZMA/NGT Matter/ Appll.no61/2014/19-20/03/1285 dated 11/12/2020, for site inspection on 14/01/2021 at 10.30. a.m

5. Site inspection was conducted in the presence of above mentioned officials/ representatives

Observation

1. There were no changes at the site, since last report submitted by the joint committee dated 31/05/2019.
2. WRD officials confirmed the grant of NOC for the modification and execution as per the approved the plan. Complainant alleged that the developer has not followed the approved water diversion plan and it causes the flooding in the Monsoon
3. Complainant alleged, the nearest water body (approximately 12 meters) from the building has saline water content. Therefore NDZ line should be drawn from edge of this pond

- 1. Water Resources Department will submit the report on compliance of the diversion plan approved and conditions laid there in. It will also submit the report on overall drainage and water management of the plot**
- 2. The approved plan was as per the prevailing NDZ line, and new CZMP plan is in draft stage. Demarcation of NDZ line could be undertaken only after the new CZMP plan is finalized and Notified.**



Mahesh Patil

Expert Member –GCZMA

490 ANNEXURE-R5

Member Secretary
G. C. Z. M. A.
Inward No. 3494
Date: 27/02/21

No. WRD/WDII/Adm/F.84/⁵²⁷/20-21
Office of the Executive Engineer,
Works Division II,
Water Resources Department,
Minor Irrigation Complex,
Aquem-Baixo, Rawanfond,
Salcete Goa.

Dated: - 17 /02/2021

To,
The Member Secretary,
Goa Coastal Zone Management Authority (GCZMA),
4th floor, Dempo Towar,
Patto, Panaji
Goa 403001.

Sub.: Submission of the report in respect of site inspection held on 14/01/2021 regarding M/s Shree Balaji Concepts- Margao - reg.

Sir,

With respect to the notice dated 11/12/2020 regarding application bearing No.61/2014 filed by Cavellosim Villagers Forum in National Green Tribunal (NGT) against M/s Shree Balaji Concepts- Margao for carrying out illegal construction activities adversely affecting the natural water bodies/nallah/channels/paddy fields, Hon'ble NGT has directed GCZMA to dispose of the matter in accordance with the law expediently. According to the directives, a joint site inspection was held on 14/01/2021 at 10.30 am by GCZMA officials, WRD officials, along with undersigned, member of Cavellosim Villagers Forum and representative of M/s Shree Balaji Concepts.

In this regard it is to mention here that, the undersigned in the capacity of Canal Officer (South) had issued N.O.C. to M/s Shree Balaji Concepts vide letter No. WRD/WDII/Adm/E.14/201/2014-15 dated 23/05/2014 for modification in the hydraulics of the existing water bodies/storm water drains as per the approved drawings.

As regard to the above site inspection, it is reported as follows:-

- (1) As noticed on the site, there exists 2 nallahs that drain monsoon water from low lying lands bearing survey No. 89 & 88 to river Sal, by traversing through survey No. 90 & 91.
- (2) It is noticed that, there exists a water body (Pond) admeasuring about 450 sq.m, which has been already buried by M/s Shree Balaji Concepts. The permission was granted by WRD to do the same with the condition of creating a new water body adjoining to the original one as a replacement and also create additional

491
area of water bodies as per the approved plan annexed to the N.O.C. However, the new water bodies have not yet been created on the site.

- (3) Another nallah, flowing along survey No. 88/39 and 88/46 towards Sal River, joining an existing saline water body admeasuring around 1350 sq.m, has been slightly realigned but its width and slope has been altered from the original one, which is likely to hamper the drainage of the storm water flow into the Sal River during monsoon.
- (4) At present, no additional construction has been carried out on the said site since the date of last joint inspection held on 31/05/2019 and also no work has been in progress on the site.
- (5) The onus of obtaining permission from GCZMA for any modification in hydraulics of the water bodies in the CRZ part of the above area rests with M/s. Shree Balaji Concepts as per the condition No.4 laid down in the N.O.C. issued by this Authority..

Yours faithfully,



(Ankush Gaunker)
Executive Engineer (II)
&
Canal Officer (South Goa)

Copy submitted to:

- 1) The Chief Engineer, WRD, Sinchai Bhavan, Porvorim, Goa.
- 2) The Superintending Engineer, Circle – I, WRD, Sinchai Bhavan, Porvorim, Goa.

Copy To:

- 1) Assistant Engineer, S.D. I, W.D. II, WRD Rawanfond Salcete Goa.

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

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

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

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

Case No 1.1

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

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

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

MoEF&CC, GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa by email.

24. It will be open to the parties to furnish their respective versions to the GCZMA. It will also be open to the joint Committee to carry out inspection to ascertain status and assess the damage to the environment, if any, and suggest remedial measures”.

In terms of said order dated 24/04/2019, the joint committee conducted the inspection and furnished and placed before the Hon’ble National Green Tribunal .

The Hon’ble National Green Tribunal has vide order dated 01/10/2019 has directed to as follows *“We, therefore, direct that the matter shall be looked into by the Goa Coastal Zone Management Authority (GCZMA) in terms of the Recommendation 3 (xii) on the aspects pointed out in the report. The GCZMA shall issue notice upon the parties and fix a date for consideration of the matter. The parties shall be at liberty to place their respective views and file additional documents, if so advised in the matter. The GCZMA shall dispose of the matter in accordance with law expeditiously within three months from hence”.*

During 233rd GCZMA meeting held on 29/10/2020 the matter fixed for hearing on 12/11/2020 at 3.30p.m. The Complainant and Respondent to take note of this date and time and appear to advance final arguments. Complainant Iris Prasanna appeared on behalf of Cavellossim Villagers Forum. Adv. P Morais appeared on behalf of Respondent. Complaint and Respondent filed written documents before Authority which were taken on record. The Complainant informed that the Respondent had diverted the existing nullah which is denied by the Respondent. Respondent stated that alleged construction is beyond NDZ and that they had obtained required permission to do development in the area. The Authority heard both the parties and the matter is adjourned to 10/12/2020 @ 3.30 pm with a direction to officials from the WRD and Expert member (GCZMA) to inspect the site to check the salinity of water and tidal influence of all water bodies and nullah which have been diverted by tracing their older alignments and submit the report on or before the next date of hearing.

The matter was heard in 239th GCZMA meeting held on 10/12/2020 and 249th GCZMA meeting held on 18/02/2021. In the 254th GCZMA meeting held 18/03/2021 wherein it was decided that *“Items as per Agenda from Case No.1.1 to 1.18 could not be taken up for discussion today as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.18 stands adjourned and fixed for hearing as per the date and time given to the respondent and complainant in respective matters.”*

The matter was placed in the 264th GCZMA meeting held on 06/07/2021. The matter was heard and the matter was posted on 22/07/2021 at 3.30 pm.

Now the Authority has decided to issue fresh notices to both the parties.

Proceeding: Advocate B. Pacheco present for the Complainant present, Ld. Advocate for the Respondent present. The Advocate for the Respondent submitted that the construction is beyond CRZ and has valid permissions. The water bodies are been constructed as approved by WRD . he further informed that there is no intention of the Respondent to do any further construction or divert water body without the approval of this Authority. He further pointed out that he has filed application.

The Advocate for the Complainant submitted that the Respondent has dumped mud in the water bodies by destroying the same.

The Expert Member and WRD officials had inspected the site and given report and same is available in file. The report speaks about the destruction of the water bodies and requested to pass appropriate order for restoration.

Decision: The Authority after hearing both the parties at length decided to carry fresh inspection on 10/6/2022 from 11.00am onwards through Expert Members in presence of both the parties and further posted the matter on 16/06/2022 at 3.00pm for receipt of report of Expert Member and for further discussion.

Case No. 1.2

To decide on the complaint filed by Mr Rajesh V. Dabholkar and MrAdvino Fernandes Members of Reis Magos Panchayat Supervisory Committee against M/s Silver Spoon Restaurant and bar through Mr Benedict D'Souza.

Background: A complaint letter dated 28/05/2019 from Mr Rajesh V. Dabholkar and MrAdvino Fernandes Members of Reis Magos Panchayat Supervisory Committee was inwards in the Office of the GCZMA on 28/05/2019; pertaining to the illegal structures built by M/s Silver Spoon Restaurant and bar through Mr Benedict D'Souza, in CRZ area bearing Sy. No. 78/1 of Village Reis Magos.

A Show Cause Notice was issued to the Respondent M/s Silver Spoon Restaurant and bar through Mr Benedict D'Souza thereby directing the party to appear before the Authority and file reply along with supporting documents.

Adv. HD Naik appeared for Complainant. Adv V Pilankar appeared physically for Respondent and filed his Vakalatnama. Respondent sought 30 days time to file reply.

Report of Site Inspection for Destruction of water bodies/nallas/channels by Balaji Concept in survey no 90/1, 90/5, 90/6, 91/1, 91/4, 91/3, 91/5, 91/6 and 91/7 of Village Cavellosim , Salcete Taluka.

ANNEXURE-R7

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Background

The Office of GCZMA received complaint from Cavellosim Villagers Forum stating destruction of water bodies/nallas/channels by Balaji Concept. The site was inspected by GCZMA Engineer Miss.Bhargavi Kelkar and Field Surveyor Miss.Siddhi Morajkar on 29/06/2022. Earlier site was inspected two times by Expert Member GCZMA as per the direction from Hon'ble NGT.

Inspection and Observation

Upon the instruction from Member Secretary GCZMA the site was inspected by GCZMA officials. During the time of inspection advocate of Respondent Mr. Nitin Sawant and Mr.Sanjay Malkarnekar was present .Complainant was not present during the time of inspection.The sy.nos 91/1,91/6 and 91/5partly falls in CRZ III and partly outside CRZ III whereas Survey no 90/6 falls in CRZ III NDZ of river Sal.

The details of site inspection are as follows:

1. It was observed during site inspection that there are two nallas present on site which originates towards Northern side of the property from survey no 88/39 and 89 till the Southern side which joins the river Sal.There is attached sluice gate which is not maintained
2. The proposed water body shown in the submitted plan near existing old house in survey no 91/7 which falls in CRZ III is not present on site.
3. No construction work was going on during time of site inspection.
4. As per the site inspection report submitted by WRD dated 17/02/2021 the water body(pond) which does not falls in CRZ area was already buried by M/s Balaji Concept with the permission granted by WRD department.with condition of crating new water body in adjoining area which is not yet implemented by M/s Balaji Concept.
5. There exists one more water body (pond) at South Eastern side of the property which falls in survey no 91/8,which comes under NDZ of river Sal.
6. The Respondent has provided the NOC and permission with approved plan from WRD department for alteration of water bodies and nallas in the property.

Conclusion and Recommendation

1. The plan which is approved by WRD as per the same some part falls under CRZ which requires the permission of this Authority.
2. Authority may deliberate and decide.



Miss. Bhargavi Kelkar
(Engineer)



Miss. Siddhi Morajkar
(Field Surveyor)

MINUTES OF THE 317th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 28/07/2022 at 03.00 PM IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.

The 317th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 28/07/2022 at 3.30 p.m.in the Conference Hall, Fourth Floor, Dempo Tower, Patto-Panaji-Goa.

The following members were present for the meeting on 28/07/2022.

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Chief Conservator of Forest
- Representative on behalf of Director, Department of Tourism
- Representative on behalf of Directorate of Panchayats.
- Representative on behalf of Department of WRD, Panaji Goa.
- ShriSujeetDongre, Expert Member (GCZMA)
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri Shrirang V Jambhale, Expert Member (GCZMA).
- Member Secretary (GCZMA).

Case No. 1.1

To decide on complaint Mr.HanumantMauzo and Mrs. Laxmi H Mauzo regarding Illegal construction of a structure by digging pits for foundation in the property bearing survey no 172/9 of Calangute Village Bardez Goa carried out by Mr. Bento J. S. Dias

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as ‘the GCZMA’ in short) had received a complaint letter dated 20/01/2021 from Mr.HanumantMauzo and Mrs. Laxmi H Mauzo and Mr.JanardanPai Anglo resident of NavelimMargaoGoa, and was inwards in the office of on the 20/01/2021, with respect to Illegal construction of a structure by digging pits for foundation in the property bearing survey no 172/9 of Calangute Village Bardez Goa carried out by Mr. Bento J. S. Dias and Santan M Dias, both resident of Madda Vaddo, Calangute, Bardez Goa within 200 mts from HTL.

Accordingly show cause notice cum personal hearing notice has been issued to the alleged violator.

Ld. Adv for the Complainant present and so also Ld. Adv for the Respondent present. Ld. Adv for the Respondent filed the reply.

cancelled due to monsoon Legislative Assembly session and the said matter is postponed to 28/07/2022.

Proceeding: Complainant absent, Ld. Advocate Noronha for the Respondent present. The Site Inspection report is on file. As per the Site inspection report the structure falls beyond the HTL/CRZ

Decision: The Authority perused the records and noted that the property in issue falls outside the CRZ limits and decided to drop the proceedings and discharge the Respondent from the Show Cause Notice bearing no GCZMA/N/ILLE-COMPL/20-21/123/2069 dated 10/03/2021.

Case No 1.4

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

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

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

24. It will be open to the parties to furnish their respective versions to the GCZMA. It will also be open to the joint Committee to carry out inspection to ascertain status and assess the damage to the environment, if any, and suggest remedial measures".

In terms of said order dated 24/04/2019, the joint committee conducted the inspection and furnished and placed before the Hon'ble National Green Tribunal.

The Hon'ble National Green Tribunal has vide order dated 01/10/2019 has directed to as follows *"We, therefore, direct that the matter shall be looked into by the Goa Coastal Zone Management Authority (GCZMA) in terms of the Recommendation 3 (xii) on the aspects pointed out in the report. The GCZMA shall issue notice upon the parties and fix a date for consideration of the matter. The parties shall be at liberty to place their respective views and file additional documents, if so advised in the matter. The GCZMA shall dispose of the matter in accordance with law expeditiously within three months from hence"*.

During 233rd GCZMA meeting held on 29/10/2020 the matter fixed for hearing on 12/11/2020 at 3.30p.m. The Complainant and Respondent to take note of this date and time and appear to advance final arguments. Complainant Iris Prasanna appeared on behalf of Cavellrossim Villagers Forum. Adv. P Morais appeared on behalf of Respondent. Complaint and Respondent filed written documents before Authority which were taken on record. The Complainant informed that the Respondent had diverted the existing nullah which is denied by the Respondent. Respondent stated that alleged construction is beyond NDZ and that they had obtained required permission to do development in the area. The Authority heard both the parties and the matter is adjourned to 10/12/2020 @ 3.30 pm with a direction to officials from the WRD and Expert member (GCZMA) to inspect the site to check the salinity of water and tidal influence of all water bodies and nullah which have been diverted by tracing their older alignments and submit the report on or before the next date of hearing.

The matter was heard in 239th GCZMA meeting held on 10/12/2020 and 249th GCZMA meeting held on 18/02/2021. In the 254th GCZMA meeting held 18/03/2021 wherein it was decided that *"Items as per Agenda from Case No.1.1 to 1.18 could not be taken up for discussion today as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.18 stands adjourned and fixed for hearing as per the date and time given to the respondent and complainant in respective matters."*

The matter was placed in the 264th GCZMA meeting held on 06/07/2021. The matter was heard and the matter was posted on 22/07/2021 at 3.30 pm.

Now the Authority has decided to issue fresh notices to both the parties.

During 307th Meeting held on 2/6/2022 the proceeding and decision as follows: Advocate B. Pacheco present for the Complainant present, Ld. Advocate for the Respondent present. The Advocate for the Respondent submitted that the construction is beyond CRZ and has valid permissions. The water bodies are been constructed as approved by WRD. he further informed that there is no intention of the Respondent to do any

further construction or divert water body without the approval of this Authority. He further pointed out that he has filed application.

The Advocate for the Complainant submitted that the Respondent has dumped mud in the water bodies by destroying the same.

The Expert Member and WRD officials had inspected the site and given report and same is available in file. The report speaks about the destruction of the water bodies and requested to pass appropriate order for restoration.

Decision: The Authority after hearing both the parties at length decided to carry fresh inspection on 10/6/2022 from 11.00am onwards through Expert Members in presence of both the parties and further posted the matter on 16/06/2022 at 3.00pm for receipt of report of Expert Member and for further discussion.

During 310th GCZMA meeting held on 16/06/2022 Both the Advocates present and submitted that site inspection has not been carried out.

As site inspection is not carried out the Authority adjourned the matter and posted on 30/06/2022 at 3.30pm. On 30/06/2022 the meeting is cancelled and posted on 07/07/2022 at 3.30 pm.

During 315th GCZMA meeting held on 07/07/2022, the Authority directed both the parties to collect the Site Inspection report from the Authority office and file their objections if any which will be decided by the Authority. The Authority adjourned the hearing and posted the matter on 14/07/2022 at 3.30 p. m.

Proceedings Advocate B. Pacheco present for the Complainant present, Ld. Advocate Morias present for the Respondent. Adv for the Complainant stated that he objects to the Site Inspection report as he was not present for the same at the time of Site Inspection. The Complainant stated that the water body is diverted by shifting the same to another location. The Adv for complainant stated that the WRD cannot grant permission to shift the water bodies. Further, he stated that the 2nd site inspection report states that the Respondent has filled the water body falling outside CRZ with permission of WRD. The Adv for the Respondent states that there are two water bodies in the property one lies in the NDZ and another falls outside NDZ. The Adv for the Respondent states that he has not filled the water bodies and that he would obtain the required permissions before starting the work from the CRZ. He further stated that the respondent had not carried out any construction within NDZ and the constructions which are carried out with the approval of authority are falling beyond NDZ.

Decision: The Authority noted the present matter is before it pursuant to order dated 24/04./2019 passed by the Hon'ble Tribunal in Original Application no.61/2014.

The said order constituted a Joint Committee who was required to present correct and factual position at loco vis-à-vis the property of the Respondent. The said Committee has submitted the report dated 31/05/2019. The Authority perused the said report and noted that no construction has been done by the Respondent within the riverine NDZ area by the Respondent. Further the Joint Committee gave certain recommendation in said report.

The said joint report of Joint Committee was placed before the Hon'ble National Green Tribunal. The Hon'ble Tribunal was pleased to dispose of the Original Application no.61/2014 vide order dated 01/10/2019 and interalia directed to deliberate upon issues raised report of the Joint Committee.

The Authority after hearing the parties in the 236th meeting held on 12/11/2020 was pleased to order joint site inspection along with Department of Water Resources. The report submitted by Expert Member GCZMA also noted no changes at site subject matter property.

Further after hearing the matter, the Authority further called for report in the matter. The officials of GCZMA conducted a site inspection on 29/06/2022 and submitted a report. The said report of the officials of GCZMA have observed that Syno.91/1, 91/6 and 91/5 (partly) (village Cavelossim) falls in CRZ III and partly outside CRZ area. The Syno.90/6 (village Cavelossim) falls within NDZ area of River Sal. The said site inspection has revealed that there is no construction work during site inspection.

The Authority noted that major construction work approved ie. Villas are beyond the No Development Zone of Sal river. The Authority noted that the Respondent has obtained necessary permissions from Town and Country Planning Department, Village Panchayat of Cavelossim and Water Resources Department.

The Authority after considering the all inspection report observed that the any activity including filling of water, creation of water body and nallah etc would mandate N.O.C/ permission under CRZ Notification 2011.

The Authority observed that presently the Respondent has not carried out any activity/ construction activity at site within CRZ area. The mandate of prior N.O.C/ permission from Authority has to be scrupulously followed by Respondent M/s Shree Balaji Concepts for carrying out any activity within CRZ Area. The Authority considering the above accordingly decided to close the proceedings before it.

Case No.1.5

To decide on a complaint letter from M/s Ashwin Holdings Pvt Ltd., through its authorized representative Mr. Ramesh Kumar Singh, r/o 6/194, KhobraVaddo, Calangute, Bardez Goa; with regards to illegal construction and extension to the illegal house;in the property bearing survey no 208/1, at KhobraVaddo, Calanguteby Mr. Celestino D'Souza.

Background: the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 18/04/2022 from M/s Ashwin Holdings Pvt Ltd., through its authorized representative Mr. Ramesh Kumar