

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

O.A. No. 3 OF 2015

Between:

Cavellosim Villagers Forum

... Applicant

AND

Village Panchayat of Cavellosim & Ors

... Respondents

**OBJECTIONS TO THE JOINT INSPECTION FILED ON BEHALF OF RESPONDENT
NO. 4 AND 5**

It is most respectfully submitted:

1. That the Applicant filed the present O.A. aggrieved by a project allegedly undertaken by the 5th Respondent in Sy. No.109/2 at Village Cavellosim.

2. That on 17.03.2017 GCZMA made a submission before the Hon'ble NGT that a team of Experts, headed by Dr. Antonio Mascarenhas was constituted to undertake study and recommend the method of restoration and estimate of cost. By an Order dated 17.3.2020 the Hon'ble NGT granted an additional time of two weeks to GCZMA submit the Expert Committee Report, failing which the Hon'ble NGT directed GCZMA to pay costs of Rs. 10,000/-.

3. That initially the costs for restoration by the Expert Committee/ Goa State Biodiversity Board was estimated at Rs. 2,57,280/- but thereafter the amount was increased

to Rs. 6,92,000/-. The 4th Respondent filed an RTI application before GSSB and GCZMA questioning the rationale behind the increase in the amount. However, no reply was given either by GSBB or GCZMA.

4. That by an Order dated 10.11.2017 the Hon'ble NGT directed the 4th and 5th Respondents to deposit Rs. 6,92,000/- towards restoration. Accordingly the 4th Respondent deposited Rs. 6,92,000/- and a compliance report has been filed before the Hon'ble NGT. Hence nothing survives in the matter and it was therefore prayed that the Hon'ble NGT close / dispose of the case.

5. That on the last date of hearing, 5.10.2020 the learned counsel for GCZMA, made a submission before the Hon'ble NGT, on instructions from GCZMA, that an amount of approximately Rs. 20,00,000/- shall be required for restoration.

6. That subsequently 4th and 5th Respondent received a communication via an email dated 13.10.2020 from GSSB that there would be an urgent inspection taken up on 14.09.2020 and the 4th and 5th Respondents were directed to be present through their representatives.

7. That the representative of the 4th Respondent submitted a letter to both GSBB and GCZMA opposing the proposed joint inspection. It was brought to the notice of GCZMA and GSBB, through their letter dated 13.10.2020 (copy of the letter is being filed for the kind reference of this Hon'ble Tribunal), that GSSB/GCZMA's action in conducting an inspection for ascertaining costs for restoration after a lapse of almost three since the date on which

the entire amount for restoration (i.e. Rs.6,92,000/-) has already been paid is apart from being unreasonable high handed, arbitrary, unwarranted is in complete violation of principles of natural justice. Moreover it is surprising that GCZMA arrived at an approximate figure of Rs.20,00,000/- for restoration and the same was submitted by GCZMA through its learned Counsel on last date of hearing 5.10.2020 without conducting an inspection or without there being an Expert Committee Report recommending the increase in compensation amount.

8. That the representative of 4th Respondent was directed to be present at the site by GSBB/GCZMA again on 14.10.2020 and the representative was present but he expressed his serious reservations and objections about the manner in which both GCZMA/GSSB were arbitrarily conducting themselves with respect to the inspection (copy of the letter is being filed for the kind reference of this Hon'ble Tribunal) .

It is most respectfully submitted that this Hon'ble NGT may be pleased to close/dispose O.A. No. 3/2015 in view of the entire amount being paid for restoration by the 4th Respondent pursuant to the Order of the Hon'ble NGT dated 11.11.2017.

Place: Pune

Date: 17/10/2020



Advocate for Resp no 4

SREE SAI CHAMPIONS FAMILY TRUST

BY HAND AND EMAIL

To: _____ Date: 13/10/2020
 Dr Pradip M. Sammakdam
 Member Secretary
 GSBB (GOA STATE BIODIVERSITY BOARD)
 Department of Science, Technology & Environment
 1/20, Lingar Street, Nalada, Bardez, Goa-403011

Sir/Madam,

Sub: Reply to your email dated 13.10.2020 and attached letter therein dated 12.10.2020, regarding an urgent joint site inspection on 14/10/2020 at 3.30 pm at Sy No. 1092, Cavelossim Village of M/s Sree Sai Champions Family Trust to assess status of sand dunes restoration.

Ref: Application No. 52015 before the Hon'ble NGT, Western Zonal Jurisdiction.

1. This is a reply to your email dated 13.10.2020 and attached letter therein dated 12.10.2020, regarding an urgent joint site inspection on 14/10/2020 at 3.30 pm at Sy No. 1092, Cavelossim Village of M/s Sree Sai Champions Family Trust to assess status of sand dunes restoration.

2. At the outset, an Application No. 52015 was filed by Cavelossim Villagers Forum against Village Panchayat of Cavelossim and Four Others.

3. On 17.03.2017 the Hon'ble NGT made the following Order: "Learned counsel on behalf of GCZMA submits that the team of Experts to undertake study and recommend the method of restoration and estimate of cost has been constituted and the team will undertake study and report within a month from the date 16.03.2017."

4. Accordingly, the State Biodiversity Board ("GSBB") prepared a report of costs for restoration and forwarded the said report of the cost to the Member Secretary, Goa Coastal Zone Management Authority ("GCZMA") vide reference No. 7/17/2017-18/GSBB/GCZMA/020/24¹ attaching a statement of costs for an amount of Rs. 2,57,283/- for restoration. Thereafter, GSBB issued a statement of revised costs of restoration which was increased from Rs. 2,57,283/- to Rs. 5,92,000/-. We sought for information from GCZMA and GSBB through an RTI application and the rationale behind the increase in amount for restoration and whether Respondents 4 and 5 were

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SREE SAI CHAMPIONS FAMILY TRUST

over as a way to make a working trust to be present on the 10th of inspection however we did not have a reply to the RT query

5 Be that as it may when the case came up for hearing on 10/11/2017 the Hon'ble NGT directed Respondents No. 4 and 5 to deposit an amount of Rs 6,92,000/- for restoration. Accordingly as per the said Order of the Hon'ble NGT, the Respondent No.4 deposited the entire amount of Rs. 6,92,000/- with GCZMA and a compliance reports that effect was filed before Hon'ble NGT

6 On the last date of hearing i.e. on 5/10/2020, our lawyers informed us that Ms. Rumira Gupta (learned advocate appearing for GCZMA) orally submitted her instructions from GCZMA that costs for restoration have been increased to approximately an amount of Rs. 20,00,000/- and our lawyers objected to the arbitrary increase in amount. We are surprised that restoration amount has been arbitrarily increased without considering any suspension or without there being an Expert Committee Report recommending enhancement of compensation.

7 We most respectfully submit that the action of GSBB in calling for an inspection by giving a notice of just over 24 hrs and that too after a lapse of a most three years from the date on which we deposited the entire amount as directed by the Hon'ble NGT for restoration is highhanded, arbitrary, unreasonable and is a violation of principles of natural justice. We shall bring the highhanded, arbitrary and unreasonable action of GSBB to the kind attention of the Hon'ble NGT on the next date of hearing that is on 19/10/2020.

Thanking you

Yours faithfully

For M/s Sree Sai Champions Family Trust


(Karthick N)
Authorized Signatory




The Member Secretary
Coastal Zone Management Authority
Co. Department of Public Health
& Environmental Conservation
1st Floor, Pankaj B. Sanyal Upstaging Building
Pankaj Nagar, Puliyahy Gok. 4th

Copy To: The Member Secretary, Coa Coastal Zone Management Authority

with all relevant notices asking them to be present on the date(s) of inspection. However, we did not receive any response from the RTI users.

5. Be it noted as it may, when the case came up for hearing on 10/11/2017 the Hon'ble NGT directed Respondents No. 4 and 5 to deposit an amount of Rs.6,92,000/- for restoration. Accordingly, as per the said Order of the Hon'ble NGT, the Respondent No.4 deposited the entire amount of Rs. 6,92,000/- with GCZMA and a compliance report which is attached with this letter to the Hon'ble NGT.

6. On the last date of hearing i.e. on 6/10/2020, our lawyers informed us that Ms. Ruchita Gupta learned advocate appearing for GCZMA orally submitted an instructions from GCZMA that costs for restoration have been increased to approximately an amount of Rs. 7,110,000/- and has already deposited to the authority a sum of Rs. 20,00,000/- and that a substantial amount has been set apart, released without conducting a cost estimate. It is noted that only an Expert Committee Report recommending enhancement of compensation.

7. We most respectfully submit that the action of Golshi in doing for an inspection by paying a fee of just over 24 hrs and that too after a lapse of almost three years from the date on which we deposited the entire amount as directed by the Hon'ble NGT for restoration, is highhanded, arbitrary, unreasonable and is in violation of principles of natural justice. We shall bring the highhanded, arbitrary and unreasonable action of GSRB to the kind attention of the Hon'ble NGT on the next date of hearing that is on 12/11/2020.

Thanking you,

Yours faithfully,

For M/s. Gopal Lal Goyal and Co., Chartered Accountants

(Karthick Ni)

Authorized Signatory



Copy To: The Member, Secretary, Godavari Zone Management Authority

