

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**WESTERN ZONE BENCH AT PUNE**

Misc. Application No. 10/2024 (WZ)

**IN**

Execution Application No. 5/2023

**IN**

Appeal No. 16/2022

**IN THE MATTER OF:**

Mr. Suvarn Rajaram Bandekar                      ... **Applicant**

*Versus*

Goa Coastal Zone  
Management Authority & Ors.                      ... **Respondents**

**OBJECTIONS ON BEHALF OF RESPONDENT NO. 7 TO**

**THE AFFIDAVIT ALONG WITH REPORT FILED BY**

**THE GCZMA**

**FILED ON:**

**PLACE:** Panaji, Goa



**ADVOCATES FOR RESPONDENT NO. 7**

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**PLACE:** Panaji, Goa



**ADVOCATE FOR THE  
RESPONDENT NO. 7**

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**... Respondents**

**OBJECTIONS ON BEHALF OF**  
**RESPONDENT NO. 7 TO THE**  
**AFFIDAVIT ALONG WITH**  
**REPORT FILED BY THE GOA**

**COASTAL ZONE MANAGEMENT**

**AUTHORITY**

**MAY IT PLEASE THIS HON'BLE TRIBUNAL:**

I, Maria Audry Fernandes, aged about 49 years, daughter of Armando Cardozo, Indian Citizen, residing at S-5, Kurtarkar Vihar, Aquem Alto, Margao, South Goa, Goa, presently residing at 3 Third Avenue, B297EX, Selly Park, Birmingham, United Kingdom, the Respondent No. 7 hereinabove, do hereby solemnly affirm as under:

1. I state that I have read and understood the contents of the Affidavit in Reply dated 15.03.2025 filed by the Goa Coastal Zone Management Authority, arrayed as Respondent No. 1 herein and I am filing the present Affidavit raising objections thereto.
2. I state that I am arrayed as Respondent No. 7 herein. I state that, albeit not dealing with the parawise averments and contentions of the Applicant, I am filing this Affidavit to the limited extent of setting out the case of the Respondent No. 7, opposing the ~~Affdivait in Reply and the Report enclosed therewith. I crave~~

leave of this Hon'ble Tribunal to file a detailed/additional Affidavit at a later date, if so directed or advised.

3. I deny and dispute each and every allegation, statement, contention and inference contained in the affidavit dated 15.03.2025 and the inspection report dated 20.12.2024 filed on behalf of Respondent No. 1, Goa Coastal Zone Management Authority (hereinafter referred to as "GCZMA"), except to the extent specifically admitted herein.
4. I adopt and reaffirm the contents of my Affidavit in Reply dated 15.10.2024, already filed in these proceedings. The same may be read as part and parcel of the present objections as if reproduced verbatim for the sake of brevity.
5. At the very outset, it is crucial to submit that the inspection report relied upon by GCZMA is ex-facie erroneous, false, and biased, as it omits consideration of the most crucial and determinative material, i.e., satellite imagery reports of 1991 and 1993, which were duly furnished to GCZMA and were brought on record by this Respondent in its Reply. Despite bringing these documents on record, the GCZMA has failed to either deny or admit any of the allegations or documents and

completely ignored these crucial and relevant material. It is clear that the GCZMA has failed to considered crucial and relevant material and therefore, the Report suffers from complete non application of mind and cannot be sustained. Additionally, the inspection was carried out in the absence of this Respondent. The GCZMA did not even issue any notice to this Respodnent.

6. These satellite images clearly demonstrate the existence of 7 structures on the property bearing Survey No. 16/7, Sernabatim Village, as of the year 1991, i.e., prior to the coming into force of the CRZ Notification of 1991.
7. Despite being in possession of this material evidence, GCZMA has failed to acknowledge or evaluate the implications of the satellite imagery, amounting to deliberate suppression and an act of grave procedural impropriety. The omission is fatal to the report's credibility and renders the proposed "restoration" unwarranted.
8. The so-called "restoration" proposed in the affidavit and report, involving an expenditure of ₹9,57,000/- for removing plinths, pipes, stacked stones, and introducing new vegetation,

is premised on an incorrect factual foundation, namely, that the land was unoccupied and devoid of structures prior to 1991. This is demonstrably false in view of the documents issued to this Respondent by the GCZMA itself.

9. Further, the inclusion of structures such as plinths and septic tanks in the report does not by itself indicate illegality or post-1991 construction. The entire premise of restoration assumes illegality without even dealing with the documents placed on record by this Respondent, and is thus not sustainable in law. In fact, this Respondent took a specific plea in its Reply stating that the GCZMA misrepresented and set up a false case before this Hon'ble Tribunal and the Hon'ble Supreme Court. However, the GCZMA has neither responded to this allegation nor acknowledged it which implies clear admission on the fact of the GCZMA.
10. Without prejudice to the aforesaid, the proposed removal of vegetation and construction debris ignores the ecological and environmental impact of disturbing an area that is already undergoing natural regeneration. The flora cited in the report

includes species naturally found in coastal areas and consistent with earlier land use.

**11.**I submit that the actions of GCZMA and the Applicant have caused grave prejudice to this Respondent, as the legally existing structures were demolished on the erroneous assumption that they post-dated the CRZ Notification. Though the GCZMA was fully aware of the true position, i.e., the structures were existing prior to the CRZ Notification of 1991, wilfully and deliberately suppressed the same in connivance with the Applicant. The continuing efforts to “restore” the land are an extension of the same miscarriage of justice. This GCZMA ought to be held accountable for complete false and misrepresentation in view of the pleadings before this Hon’ble Tribunal.

**12.**The Tribunal is respectfully urged to disregard the report dated 20.12.2024 and the compliance affidavit of GCZMA dated 15.03.2025. The restoration plan is unviable, unjust, and contrary to the evidence now available on record.

**13.**I further state that the allegation that there are structures debris and plinth are denied. In fact, the GCZMA filed an Affidavit

dated 30.12.2023 which is recorded in the Order dated 16.02.2024 in Execution Application No. 5/2023 in Appeal No. 16/2022 specifically stating that entire structures have been demolished and the same is verified by the representative of the respondent no. 1 along with PWD (PHE), PWD (Electrical), PWD (Roads), Secretary V.P., Colva Police Personnel of Colva Police Station and Joint Mamltard V Salcete. Going by the express submission and affidavit of the GCZMA itself in the aforesaid Order, it is clear that the GCZMA submitted that all the structures in the property were demolished. The stand taken by the GCZMA in Affidavit and Report now is in stark contradiction. In these circumstances, the Report placed on record now is factually erroneous and contrary to statements made by the GCZMA and Orders of this Hon'ble Tribunal itself.

14.I state that I reserve my right to initiate appropriate legal proceedings against GCZMA for the suppression of vital documents and seek damages for the irreparable harm caused to this Respondent. I reiterate that no action towards restoration should be undertaken unless and until the authenticity and

implications of the 1991 and 1993 satellite imagery are duly adjudicated by this Hon'ble Tribunal.

15. I state that the whatever has been stated in paragraph nos. 1 to 14 hereinabove is true to my knowledge and belief and also based on legal submissions which I believe to be true and correct.

*Junenez @ Cardozo Maria Odey Fernandes is also know as Maria Odey Cardozo*

**Place:** Panaji, Goa

**Date:** 10/04/2025

**RESPONDENT NO. 7**

ATTESTED

*Muhammad Ibrahim Shah*  
**Muhammad Ibrahim Shah**  
 Commissioner For Oath /  
 Licensed Conveyancer



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