



BEFORE THE NATIONAL GREEN TRIBUNAL (WESTERN ZONE) AT PUNE, MAHARASHTRA.

APPEAL NO. 437/2025

COLVA CIVIC AND CONSUMER ]  
FORUM AND ORS.

]APPELLANTS

V/S

THE GOA COASTAL ZONE  
MANAGEMENT ZONE AND ORS.

]RESPONDENTS

PRELIMINARY REPLY ON BEHALF OF RESPONDENT  
NO. 4 (GOAN HOTELS & REALTY PVT. LTD.) OPPOSING

ADMISSION OF APPEAL

MAY IT PLEASE YOUR LORDSHIPS.

The Respondent no. 4 most respectfully states and submits as under:-

1. This Respondent states that the present reply has been filed limited to opposing the admission of Appeal filed by the Appellant challenging the Impugned





Direction dated 14-15/7/2025, whereby the GCZMA has been pleased to drop the proceedings initiated on the complaint filed by the Appellant, amongst other complaints. This Respondent reserves right and craves leave of this Hon'ble Tribunal to file detail reply in the event this Hon'ble Tribunal is pleased to admit the Appeal. Nothing may be deemed to have been admitted for want of specific denials.

2. At the very outset, the Appeal deserves to be dismissed for suppression of material facts and document, which facts and document are very crucial and very important to adjudicate the issue at hand. The Appellant, although have attached the NOC dated 23/9/20221 issued by the Respondent no. 1, GCZMA, but have failed to attach the approved plan alongwith the NOC dated 23/9/2021. The plan attached to the





NOC dated 23/9/2021 is not an independent document and the same is required to be read in consonance with the said NOC.

Copy of the NOC dated 23/9/2021 alongwith the approved plan is hereto annexed and marked as **“ANNEXURE- R4-A”**.

3. The Appellant has deliberately and so as to misguide this Hon'ble Tribunal has failed to attach the said plan alongwith the said NOC to the Appeal. Further, this plan was taken into consideration by the GCZMA at the time of passing Impugned order dated 14-15/7/2025.
4. This Respondent states that this act of suppression clearly demonstrates that the Appellants intends to mislead this Hon'ble Tribunal by withholding and





concealing a crucial document for this Hon'ble Tribunal's consideration.

5. This Respondent states that the plan will clearly show the nature of the Retaining wall and also the manner in which the same is being constructed by this Respondent. a perusal of the plan will clearly falsify the entire case set out by the Appellants that the retaining wall (RCC Seawall) is being constructed entirely of concrete. The plan will show that the retaining wall is constructed by using rubble and plum concrete material for a length of 514.92 meters. The plan clearly proves that the retaining wall is being constructed scientifically and within the CRZ norms/parameters.

*[Handwritten signature]*



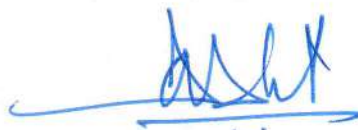


6. The Appellant is therefore guilty of *Suppressio Veri* and *Suggestio Falsi*, and for this reason alone the Appeal deserves to be dismissed with exemplary cost.
  
7. This Respondent states that, after receipt of the present reply the Appellant would certainly plead inadvertence and make excuses for not bringing the said plan on record. In law, inadvertence i.e. honest mistake, could be a ground to bring the said plan on record, but a plain reading of the entire Appeal memo will show that there is not even a single pleading in respect of the plan nor there is any ground raised that the approved plan is contrary to the CRZ Regulations, 2011. In absence of any pleadings so also grounds in respect of the said plan, the question of inadvertence does not arise and this Hon'ble Tribunal will certainly not come to aid of such litigants who are involved in



deliberate suppression of facts and material. This Respondent therefore object to any effort by the Appellant to bring the said plan on record by any means and/or by citing pointless excuses. This Respondent, infact, prays before this Hon'ble Tribunal to serious note of the same.

8. Apart from the aforesaid objection, this Respondent states that another aspect which requires attention is the fact that, under the guise of challenging the Impugned Order dated 14-15/7/2025, the Appellant are primarily seeking to challenge the NOC dated 23/9/2021, which challenge is barred by law of limitation. This Respondent states that the NOC dated 23/9/2021 is an appealable under Section 16 of the National Green Tribunal Act, 2010 (NGT Act). Having not challenged the same, today (after almost 4 years),



any challenge to the said NOC dated 23/9/2021 is barred under the NGT Act. This Respondent craves leave to reproduced prayer clause (b) and (d), which read as under:-

(b) *Declare the construction of the RCC seawall/retaining wall by Respondent no. 4 at Bambolim beach (Survey no. 12/1, 12/8, 12/9 and 99/2) is illegal, unauthorised and in violation of the Coastal Zone Notification, 2011 (and 2019) as well as condition of the GCZMA NOC dated 23/9/2021.*

(d) *Direct Respondent no. 1 (GCZMA) to forth with revoke/cancel the NOC/permission dated 23/9/2021 granted to Respondent no. 4 for the retaining wall, in view of the blatant misrepresentation and violation of conditions.*





*Respondent no. 1 should be ordered to officially record the revocation so as to leave no confusion about the status of the project (this would aid in any future enforcement)."*

9. In so far as violation of alleged condition of NOC dated 23/9/2021, it is stated that a plain reading of the complaint dated 22/4/2025 (page 192, Annexure 18) and 3/6/2025 (page 207, Annexure-19), would reveal that the same does not in any manner, even hint at, violation of any condition as laid down in the NOC dated 23/9/2021 and/or construction being done in violation of the approved plan attached with the NOC dated 23/9/2021. Hence, this clearly shows that there was no challenge thrown to the NOC dated 23/9/2021 and the approved plan attached thereto in the said Complaints. That being the case, the Appellant today





cannot, for the first time vide the present Appeal, plead violation of conditions. It is submitted that any attempt to blend the challenge to the said NOC dated 23/9/2021 and alleged violation of condition whilst challenging Impugned Directions in the present Appeal is impermissible and such attempt on behalf of the Appellant requires to be discouraged and consequently the Appeal requires to be rejected.

10. In view of the aforesaid, it is therefore submitted that the Appellant has failed to make out any ground for admission of the Appeal and the same be dismissed with exemplary cost.

Place:- Pune- Maharashtra

Date:- 6/9/2025



  
(Respondent no. 4)



**VERIFICATION**


I, Satish Krishna Bhat, son of Krishna Vishwesavar Bhat, aged 47 years, married, Indian National, having office at Aldeia de Goa, Bambolim, Goa, authorized representative for the Respondent no. 4 herein, do hereby solemnly verify and state that the contents of paragraph 1 to 10 are true to own knowledge and/or based on documents in the records of the Appellant and/or legal submissions based on legal advice which I believe to be true and correct.

Solemnly Verified at Panaji Goa , on this 6<sup>th</sup> day of September 2025.

  
SATISH BHAT



SOLEMNLY AFFIRMED AND VERIFIED  
BEFORE / ME BY Satish Bhat  
WHO IS IDENTIFIED BEFORE / ME  
BY Arun Wadkar  
WHOM I KNOW  
SERIAL No. 1242 DATED 08/09/2025

  
ARUN WADKAR  
NOTARY AT TISWADI TALUKA  
STATE OF GOA-INDIA  
REG. No. 382/14  
DATED 19/9/2014





**AFFIDAVIT**

I, Satish Krishna Bhat, son of Krishna Vishwesavar Bhat, aged 47 years, married, Indian National, having office at Aldeia de Goa, Bambolim, Goa, authorized representative for the Respondent no. 4 herein, do hereby on solemn affirmation state that the contents of paragraph 1 to 10 are true to own knowledge and/or based on documents in the records of the Appellant and/or legal submissions based on legal advice which I believe to be true and correct

Solemnly affirmed at Panaji - Goa on this 6<sup>th</sup> day of September 2025.

*Satish*

DEPONENT



SOLEMNLY AFFIRMED AND VERIFIED BEFORE / ME BY *Satish K. Bhat* WHO IS IDENTIFIED BEFORE / ME BY *Arun Wadkar* WHOM I KNOW SERIAL No. *1243* DATED *8/09/2025*

*Arun Wadkar*  
**ARUN WADKAR**  
NOTARY AT TISWADI TALUKA  
STATE OF GOA-INDIA  
REG. No. 382/14  
DATED 19/9/2014

## GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department Environment (Govt. of Goa)

4<sup>th</sup> floor, Dempo Tower, Patto Plaza,

Panaji Goa-403 001

Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/21-22/20 / 967

Date: 22/09/2021

To,  
B.K. Satish,  
Goan Hotels & Realty Private Limited,  
Regd Office: DB House,  
Gen. A.K. Vaidya Marg,  
Goregaon (East), Mumbai.

Sub: NOC for construction of wall to stop the soil erosion along the bank of river Zuari in Sy.No.12/1 and 99/2 of Bambolim Village, Tiswadi taluka, Goa.

Ref.:- Your application no.NIL dated 31/05/2021.

Sir,

With reference to your application on the above mentioned subject, it is hereby conveyed that the Goa Coastal Zone Management Authority (GCZMA) has examined your aforementioned proposal in the 271<sup>st</sup> GCZMA Meeting held on 21/09/2021 in accordance with the provisions of Para 8 & 4 of the CRZ Notification 2011, as amended. As such the Authority after detailed discussion and due deliberation decided to approve the construction of wall to stop the soil erosion along the bank of river Zuari in Sy.No.12/1 and 99/2 of Bambolim Village, Tiswadi taluka, Goa. (as per enclosed plan), further subject to the confirmation with local building bye laws.

This permission is further subject to compliance of the following conditions:

1. All the provisions of the CRZ Notification, 2011 as amended should be strictly complied with. In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the GCZMA.
2. This NOC/ Approval is issued without prejudice to any other permission as required under the law including that of ownership, court case etc. As such, prior to the commencement of the aforementioned 'Retaining Wall, work, it will be incumbent upon the applicant to obtain permission for any other authority as required under the law including from the local authority, Town and Country Planning Department, Revenue Authority etc.
3. Traditional access/easement shall not be blocked.
4. The applicant/occupier should ensure that no waste is discharged into the nearest water body from the proposed construction activities.
5. This permission/NOC shall be valid for the period of 5 years from the date of issue.

6. This permission is liable to be revoked, if it is found, at any stage, that the application contained false information/wrong plans/ calculations/ documents/ misleading or false information, etc. or account of violation of aforementioned conditions.

*Yours faithfully,*



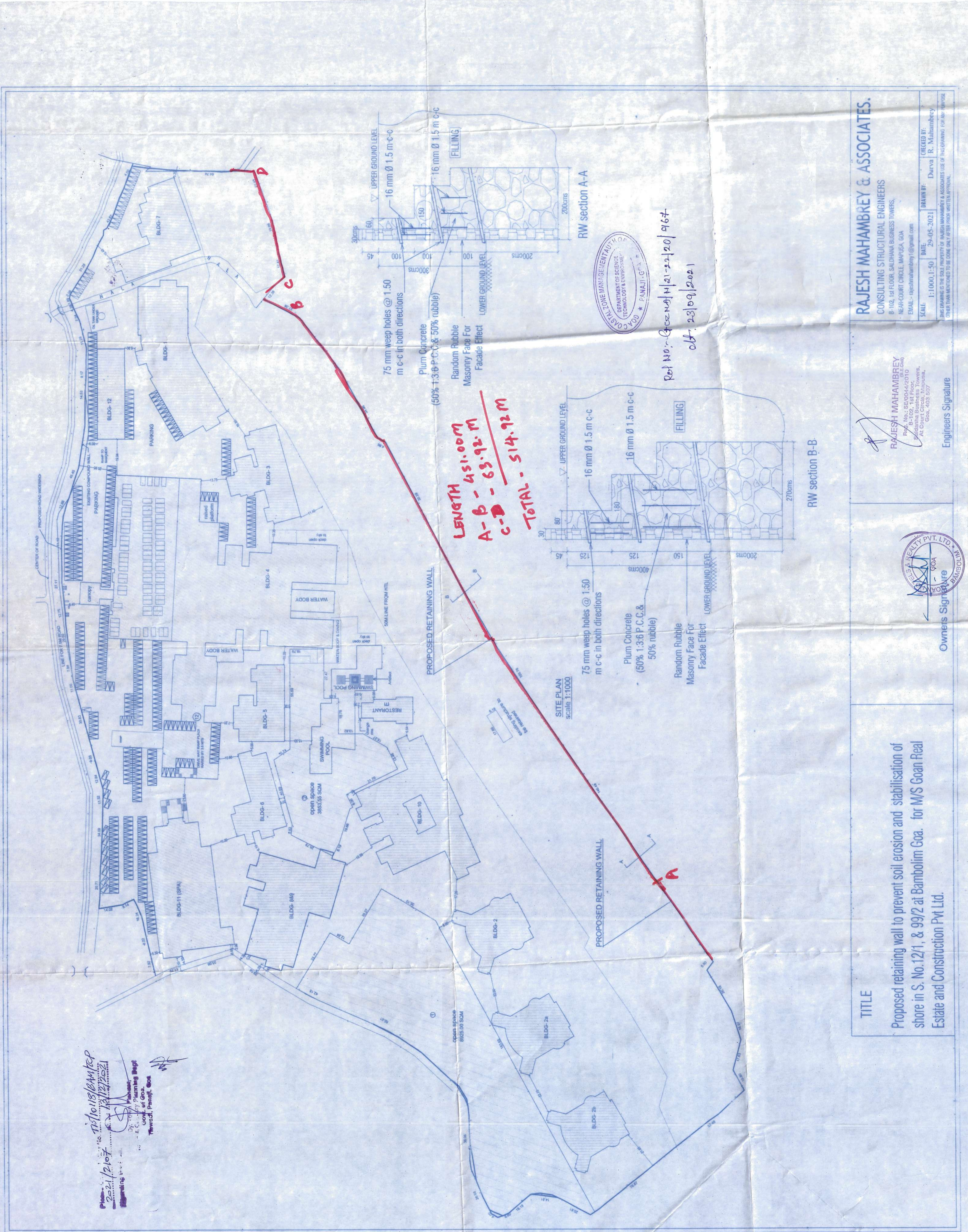
(Dasharath M. Redkar)

Member Secretary (GCZMA)

Encl: As above

Copy to:

1. P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information.
2. The Chief Town Planner, Town & Country Planning Department, Patto, Panaji-Goa.....for information and necessary action.
3. The Deputy Collector & S.D.O. (Tiswadi), Panaji -Goa.....for information and necessary action.
4. The Secretary, Village Panchayat Curca-Bambolim, Tiswadi, Goa. ....for information and necessary action.



Plot No. 21/2107  
 Planning Dept.  
 Govt. of Goa  
 Threadd, Panaji, Goa



Plot No. 21/2107/167  
 dt. 23/09/2021

**RAJESH MAHAMBREY & ASSOCIATES.**  
 CONSULTING STRUCTURAL ENGINEERS  
 B-102, 1st FLOOR, SALDHANA BUSINESS TOWERS,  
 NEAR-COURT CIRCLE, MAPLEA, GOA  
 EMAIL - rajmahambrey@gmail.com  
 SCALE: 1:1000, 1:50  
 DATE: 29-05-2021  
 DRAWN BY: Durvel R. Mahambrey  
 CHECKED BY: Durvel R. Mahambrey  
THIS DRAWING IS THE SOLE PROPERTY OF RAJESH MAHAMBREY & ASSOCIATES USE OF THIS DRAWING FOR ANY PURPOSE OTHER THAN MENTIONED TO BE DONE ONLY AFTER PRIOR WRITTEN APPROVAL.

**RAJESH MAHAMBREY**  
 PWA No.: SE/0044/2010  
 3rd Floor,  
 Saldaña Business Towers,  
 Court Circle, Maplea,  
 Goa, 408 507  
 Engineers Signature



**TITLE**  
 Proposed retaining wall to prevent soil erosion and stabilisation of shore in S. No. 12/1, & 99/2 at Bambolim Goa. for M/S Goan Real Estate and Construction Pvt Ltd.

Owners Signature