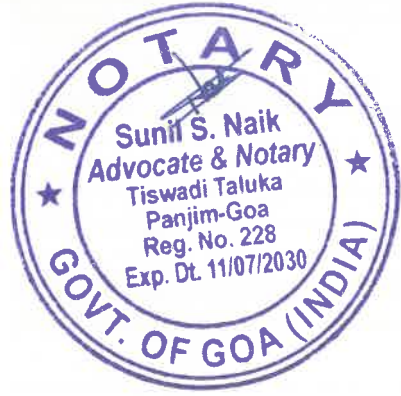


BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) PUNE.



ORIGINAL APPLICATION NO. 126 OF 2025

In the matter of:

Green Space (NGO)

Through its President Mr Praveen D' Lima Applicant

AND

The State of Goa and Others. Respondents

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REJOINDER AFFIDAVIT

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Place: Pune, Maharashtra.

Date: 06/09/2026


Applicant



455.

IN THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 126/2025

IN THE MATTER OF:

GREEN SPACE(NGO)

REPRESENTED BY PRAVEEN D LIMA ... APPLICANT

VERSUS

STATE OF GOA AND OTHER ...RESPONDENTS



REJOINDER AFFIDAVIT ON BEHALF OF THE
APPLICANT

The Applicant Mr. Praveen D'Lima is the Authorised representative of the Non-Governmental Organization/Society by the name of "GREEN SPACE" duly registered in the office of the registrar North and Inspector General of Societies, Panjim, Tiswadi, Goa under the Societies Registration Act,1860 (Central Act 21 of 1860) Bearing Registration Number 173/2021 having its office at Neurekar Chambers, Office No.12/115/9, M. G. Road

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Panjim, Tiswadi, Goa. The Applicant in the present Original Application, do hereby solemnly affirm and state on oath as under:

1. I am the Applicant in the present Original Application and am fully conversant with the facts and circumstances of the case and am competent to swear this Rejoinder Affidavit. I have read the contents of the Reply Affidavit filed by Respondent No. 2 (GCZMA) and deny all adverse allegations, contentions, and submissions contained therein, save and except those that are matters of record or are specifically admitted herein. The contents of this Rejoinder Affidavit are based on true and correct facts.

2. The contents in the paragraphs 3 and 4 of the reply are denied as repetitive and already addressed in the Original Application in para no.14, 15 and 16, No new facts or rebuttal have been provided, and hence the same require no further reply.



3. The Applicant submits that the reply filed by Respondent No.2 (GCZMA) in para no.5 reflects clear inclination towards the Respondent Nos.7 and 8. Respondent No. 2, being the authority entrusted with enforcement of CRZ regulations, has suppressed material facts recorded in the preliminary inspection dated 30/04/2025. The Respondent has failed to acknowledge the existence of a substantial pond adjoining the Baga River, as noted in the inspection report, stating repairs carried out using lateritic stone masonry with cement mortar (*Photographs and the drone footage reveals that the Respondent No. 7 and 8 have constructed lateritic wall disconnecting the flow of water to the pond from the Baga river and have reduced the actual size of the existing pond by filling debris and covering with soil*). It is further submitted that the said pond is tidally influenced and originally had a direct hydrological connection with the river, which has been obstructed and reduced in size by land filling undertaken by the project proponent. The Respondent has also failed to consider that NDZ limits ought to be determined based on the combined width of the pond and the river. Additionally, amalgamation



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of survey numbers within NDZ is impermissible, and the structures in question are found to be encroaching across survey boundaries. These facts are also dealt in the main OA in Para No. 9 under sub-Para a, b, c P& d (*Annexed copy of photographs showing the filling of the land and the extension of land created by the project proponent and marked as "Exhibit-A"*)

4. The Applicant submits that Respondent No. 2(GCZMA) has remained inconspicuously silent on the Hazard Line traversing the subject property, which covers approximately 80% of the total area. This omission is material and has a direct bearing on the determination of the No Development Zone (NDZ) applicable to the said property. The Hazard Line, being a scientifically demarcated indicator of vulnerability to coastal hazards, is a crucial factor that ought to have been duly considered while assessing the permissibility of any development. The failure of the GCZMA to address this aspect reflects non-application of mind and suppression of a vital consideration, thereby



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vitiating the decision-making process. (*Annexed the copy of the CZMP 2011 Plan and marked as "Exhibit-B"*)

5. The Applicant submits that the contents of paragraphs 6 and 7 of the Reply Affidavit have already been specifically dealt with in paragraphs 18 and 19 of the present Original Application. The same are therefore not reiterated herein for the sake of brevity and require no further reply.

6. The Applicant submits that the contents of paragraphs 8 and 9 of the Reply Affidavit, have already been specifically dealt with in paragraphs 5, 6 and 7 of I.A. No. 143/2026. The same are therefore not reiterated herein for the sake of brevity, as they require no further reply.

7. The Applicant submits that the contents of paragraph 10 have already been specifically dealt with in paragraph 4 of I.A. No. 143/2026 and are therefore not reiterated herein for the sake of brevity, as the same require no further reply.



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8. The contents of paragraph 11 are emphatically denied as being wholly misconceived, untenable and an attempt to mislead this Hon'ble Tribunal. The Respondent's contention of alleged duplication and parallel invocation of remedies is a bald assertion devoid of merit and is raised only to evade scrutiny of its own inaction.

It is submitted that although a complaint dated 13.03.2025 was filed before the Respondent Authority, no effective, reasoned or time-bound adjudication has been carried out till date. Mere pendency of proceedings before a statutory authority, without any meaningful progress or outcome, cannot operate as a bar to the jurisdiction of this Hon'ble Tribunal.

Significantly, the Applicant had also filed an Interim Application dated 17.07.2025 before the GCZMA specifically seeking a stop-work order against the ongoing illegal activities resulting in environmental degradation. Despite the urgency and gravity of the situation, the Respondent Authority has failed and neglected to consider or decide the said application. This continued inaction, in



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the face of ongoing environmental harm, reflects a clear abdication of statutory duty.

It is a settled principle of law that the rule against parallel proceedings is not absolute and can be invoked where the statutory authority has failed to act effectively or where urgent environmental protection is warranted. The jurisdiction of this Hon'ble Tribunal under the National Green Tribunal Act is both preventive and remedial in nature and is intended to step in where regulatory authorities fail to discharge their obligations.

In the present case, the Respondent's failure to act, coupled with the continuing environmental damage, leaves the Applicant with no efficacious alternative remedy. The present Application is therefore maintainable, necessary and filed in bona fide discharge of environmental obligations, and does not amount to abuse of process. The objections raised in this regard are liable to be rejected with costs. (*Annexed copy of the Interim Application dated 17/07/2025 filed before the Respondent No.2 GCZMA seeking "Stop Work Order" and marked as ("EXHIBIT-C")*)



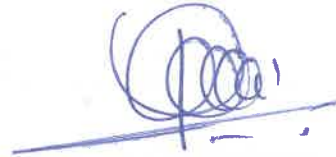
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9. I state that the contents of paragraphs 1 to 8 are true and correct to my knowledge and based on the records and documents available with me. I further state that nothing material has been concealed therefrom.

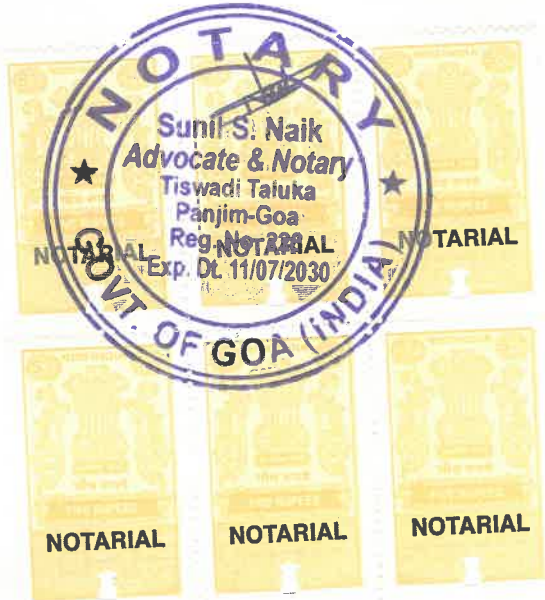
Solemnly Affirm on Oath

Place: Panjim, Goa

Date: 06/04/2026



DEPONENT



I hereby attest the signature of
Mr. Praveen D'hima
who appeared and signed before me
and in presence of identifying
witnesses Pan Card No.
AICPD 8750 A
who are known to me
Reg. No.: 681/2026
Date: 06/04/2026

~~06/04/2026~~

Sunil S. Naik
Advocate & Notary
Tiswadi Taluka
Panjim-Goa 403 001
Reg. No. 228

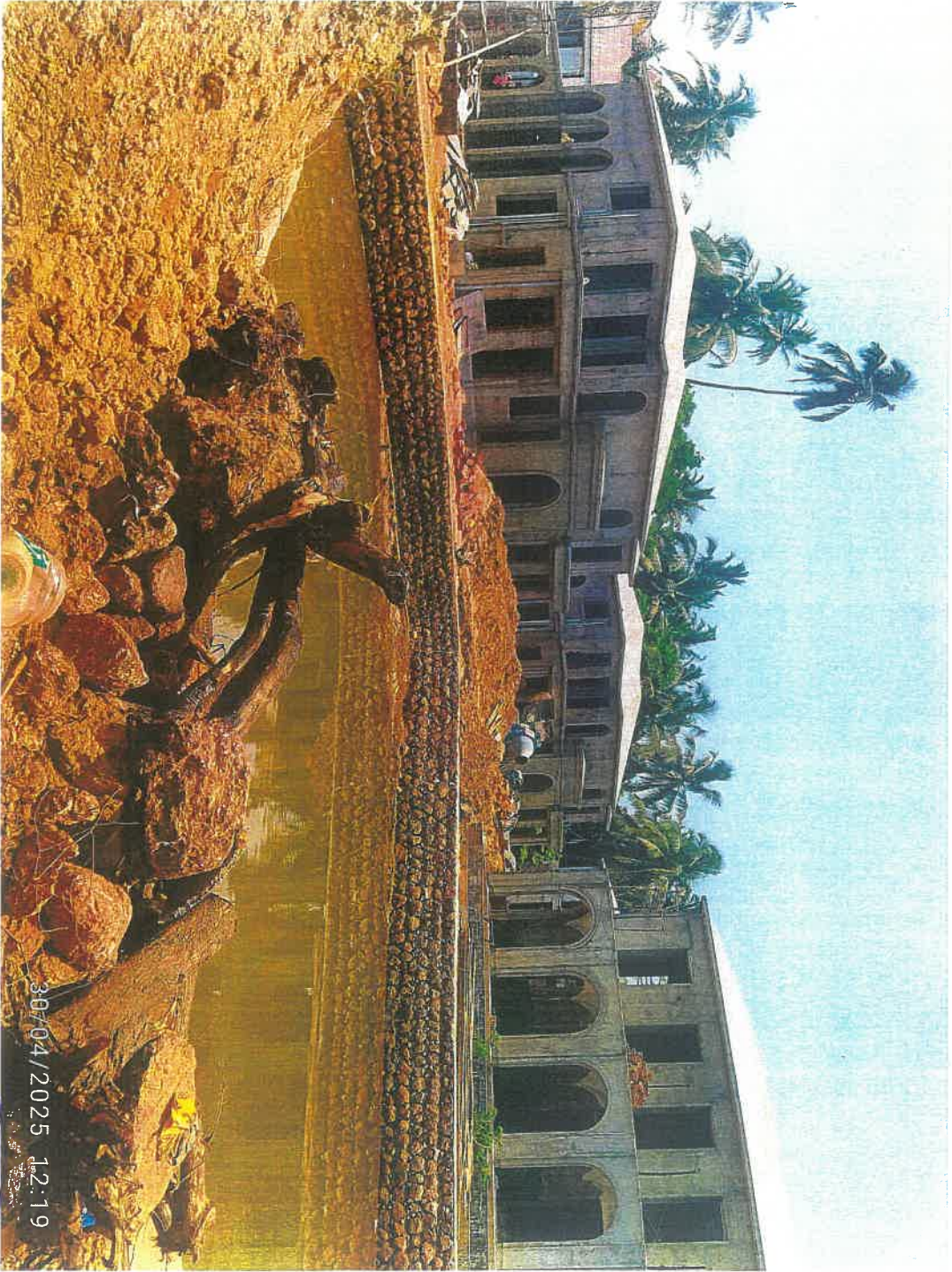


EXHIBIT-'A' 463.



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EXHIBIT-'e'

**Before the Goa Coastal Zone Management
Authority**

APPLICATION FOR INTERIM ORDERS :

In Show Cause Notice bearing Reference No. GCZMA/N/ILLE-COMPL/24-25/134/886 dated 02/06/2025 issued under section 5 of The Environment (Protection) ACT, 1986, Read with Rule 4 OF The Environment (Protection) Rules,1986.

Praveen DLima
GREEN SPACE (NGO)

Petitioner

1. Riviera Constructions Pvt Ltd.
2. Ermelinda Graca Costa
3. Joao Nolasco Moniz
4. Atmaram Ankush Kandolkar
5. Sameer Sibal
6. Kathy Nadine De Braganca

Respondents



(Above are the name of the occupants as per Form I&XIV)

To,
**THE HON'BLE CHAIRMAN AND HIS COMPANION
MEMBERS OF THE GOA COASTAL MANAGEMENT
AUTHORITY.**

**HUMBLE APPLICATION SUBMITTED
BY THE APPLICANT ABOVE NAMED.**

Praveen DLima
17/07/2025
O/o Member Secretary
Goa Coastal Zone Management Authority

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The Petitioner herein filed a complaint against the following respondents on 13/03/2025 for illegal construction in property bearing Sy.No.175/1,175/3,175/4,175/5,175/5-A,175/6,175/6-A,175/9,175/10,175/11,175/12 and 175/13 Village Arpora,Taluka Bardez-Goa. (Annexed copy of the complaint dated 13/03/2025 and marked as Annexure 'A')

The GCZMA had issued a Site Inspection Notice, Bearing No. GCZMA/N/ILLE-COMPL/24-25/134/4364 dated 28/03/2025 against my complaint filed against the following Sy.No.175/1,175/3,175/4,175/5,175/5A,175/6,175/6A,175/9,175/10,175/11,175/12 and 175/13 Village Arpora,Taluka Bardez-Goa. (Annexed copy of the site inspection Notice dated 28/03/2025 and marked as Annexure 'B')

The Site Inspection team inspected the property on 30/04/2025 and observed that the following survey numbers fall in CRZ III-A of NDZ of the Baga river were huge concrete villas and swimming pools are built and also have destroyed the natural pond which is present in the property.

The Site Inspection Team in its report also mentioned that the survey numbers differed at site from the survey numbers which were mentioned in the complaint and the corrections were mentioned in the Inspection Report. (Annexed copy of the site inspection report dated 30/04/2025 and marked as Annexure 'B').

Thereafter the petitioner had filed a correction application dated 09/06/2025 inwarded 10/06/2025 with regard to the survey numbers filed in the complaint dated 13/03/2025.(Annexed copy of the correction application dated 09/06/2025 and marked as Annexure 'C').



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The Petitioner states that there is no prior approval from the GCZMA for the construction carried out by the respondents neither the GCZMA can grant permission for the concrete construction in the CRZ III A of NDZ area of Baga river of village Arpora-Goa, so these structures cannot be regularised, so it has to only go on demolition.

The Petitioner states that after perusing the complaint and the inspection report the GCZMA was convinced to issue a show cause notice bearing reference No. GCZMA/N/ILLE-COMPL/24-25/134/886 dated 02/06/2025 to the following Respondents. (Annexed copy of the Show Cause Notice dated 02/06/2025 and marked as Annexure 'B').

The Petitioner states that it is clear case of violation of the CRZ rules and regulations, neither the GCZMA has given any kind of NOC to the Respondent to carry out concrete construction in the mentioned survey numbers. It is pertinent to note that the delays caused in the present matter is the threat to the environment by the passing time and moment.

In the light of the above facts and circumstances, it is prayed that this Hon,ble court pass an order to stop the illegal construction in the following Sy.Nos.175/1,175/3,175/4,175/5,175/5A,175/6,175/6A,175/9,175/10,175/11,175/12 and 175/13 of Village Arpora,Taluka Bardez-Goa during the pendency of the present proceedings in the interest of Justice.

17/07/2025

Panjim-Goa


Petitioner

