

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION No. 70 of 2022

IN THE MATTER OF:

CHANDAN SURYAKANT KHORJUVEKAR

...APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT

AUTHORITY & OTHERS

...RESPONDENTS

INDEX

Next Date: 27.02.2023

S.No.	PARTICULARS	PAGE NO.
1.	REJOINDER OF APPLICANT TO REPLY OF RESPONDENT NO. 4 (M/s Lucky Realtech Pvt. Ltd.) WITH AFFIDAVIT	1 - 21
2.	<u>ANNEXURE – R4/1:</u> True and correct copies of colour photographs dated July-August, 2022 of the construction using concrete and other violations by Respondent No. 4.	22 - 25
3.	<u>ANNEXURE – R4/2:</u> True and correct copy of the Company Master Data of Respondent No. 4	26
4.	<u>ANNEXURE – R4/3:</u> True and correct colour copy of the Sheet No. 214 of the Draft CZMP map of Goa showing the said site.	27
5.	<u>ANNEXURE – R4/4:</u> True and correct copy of the relevant extracts of the 241st GCZMA meeting held on 22.12.2020	28 - 31
	Proof of Service via email	32

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REJOINDER OF APPLICANT TO REPLY DATED 17.11.2022 OF
RESPONDENT NO. 4 (M/s LUCKY REALTECH PVT. LTD.)

MOST RESPECTFULLY SHOWETH:

1. That the present Rejoinder of the Applicant is filed to the affidavit-in-reply of the Respondent No. 4 i.e. M/s Lucky Realtech Pvt. Ltd. dated 17.11.2022 (hereafter 'reply of R4' for short). At the outset the facts and averments in the said reply of R4 which are inconsistent with the pleadings in the present Original Application are denied. It is also stated that rejoinder is not being filed for each and every statement and averment made in the reply of R4 and nothing may be deemed to be admitted unless the same is specifically admitted herein, but should be treated as though the same has been set out seriatim and denied and disputed specifically.

PRELIMINARY SUBMISSIONS W.R.T. RESPONDENT NO. 4:

2. That the following preliminary submissions with respect to the illegal construction carried out by the Respondent No. 4 and after perusal of reply of R4 are submitted for kind consideration of this Hon'ble Tribunal to facilitate adjudication of the present Original Application:

2.1 RESPONDENT NO. 4 HAS ADMITTED TO USE OF
CONCRETE IN ITS CONSTRUCTION: Use of concrete in all

the structures has been admitted to by the Respondent No. 4 in their reply affidavit dated 17.11.2022 at paragraph no. 26 wherein it is stated that,

"26. ...I state that the Respondent No. 4 has merely coated the plinth with 7cm of Plain Concrete Cement so as to ensure the safety of the persons visiting the property... I further state that the Respondent No. 4 has not used any PCC on the soil, whilst it has merely coated the plinth of wood with the PCC (7cm) so as to ensure the stability of the structure, ...Furthermore, the wood plinth is given a coating of PCC so as to ensure that the wood does not decay on account of the fungus and moisture. ..."

2.2 GCZMA INSPECTION FOUND PLINTHS OF LATERITE MASONRY WITH THIN LAYER (7CM THICK) OF PLAIN CONCRETE CEMENT: GCZMA site inspection report dated 30.08.2022 at paragraph no. 10 has found with respect to Respondent No. 4 that, "The plinths are of laterite masonry with thin layer (about 7cm th.) PCC (at plinth level)." This observation in the site inspection report further substantiates the allegation of use of concrete which is supported by photographs of Respondent No. 4 site dated July-August 2022 which show that each structure has laterite masonry PCC at plinth level. True and correct copies of colour photographs dated July-August, 2022 already brought on record on 16.11.2022 as ANNEXURE – R1/2 (Pg. 284 to 287) in Rejoinder to GCZMA reply showing (a) use of concrete at plinth level (b) Ground plus one floor structure (c) RCC compound wall (d) storm water drain etc. violations by the Respondent No. 4 are hereto marked and reannexed as ANNEXURE – R4/1 for convenience of

reference/perusal of this Hon'ble Tribunal. These pictures were filed on 16.11.2022 and till date have not been contradicted and responded to by Respondent No. 4.

2.3 GCZMA APPROVAL PROVIDES ONLY WOODEN / NATURAL / BIODEGRADABLE MATERIAL TO BE USED – NO CEMENT/CONCRETE TO BE USED – STRUCTURES SHOULD BE ONE METER ABOVE GROUND ON STILTS OF WOODEN POLES: GCZMA Revised permission/approval dated 09.06.2021 specifically mandates, inter alia, that structures should be made of wooden material and/ or natural/ biodegradable material only with no cement / concrete used for flooring. Furthermore, it provides that no structure of permanent nature should be erected/constructed. As per the approval, structures should be one meter above the ground on stilts of wooden poles wherever possible and ground clearance should not be more than 1.5 m. These conditions, amongst others, have been blatantly violated by R4 which is supported by pictures submitted by Applicant as ANNEXURE-R4/1 and paragraph no. 10 of the GCZMA Inspection report dated 30.08.2022. In addition, the Respondent No. 4 has carried out concrete flooring in all the structures (cottages/huts etc.), constructed RCC compound wall, ground plus one floor structures, digging and laying pipes, grouting, etc.

2.4 43 COTTAGES, 1 RESTAURANT, 1 WELLNESS CENTRE AND 1 CONFERENCE HALL as per the approved plan which has been given NOC and annexed as per ANNEXURE-R1 of the

additional affidavit of GCZMA dated 05.01.2023. However, as per the minutes of the 241st GCZMA meeting held on 22.12.2020 50 cottages, 1 Wellness centre, 1 reception and 2 shacks admeasuring a total area of 1944 sq. mts. was approved. In contrast, the GCZMA site inspection report dated 30.08.2022 at paragraph no. 9 in the table states that the approved structures for Respondent No. 4 are 20 Cottage blocks, 1 restaurant and 1 reception block. True and correct copies of the relevant extracts of the minutes of the 241st meeting of GCZMA are annexed as ANNEXURE-A2 at page nos. 29 to 31 of the O.A. The Respondent No. 4 has in their reply stated cryptically that they have decided to construct less number of structures than approved but have not clarified the number of these structures.

PARAWISE REJOINDER:

3. Rejoinder to para 1: The contents of this paragraph are denied as being false and baseless. It is pertinent to note that the Respondent No. 4 is a Non-govt. private company limited by shares registered with the Registrar of Companies – Delhi bearing CIN as U70109DL2014PTC274686. A true and correct copy of the Company Master Data of Respondent No. 4 downloaded from the website of Ministry of Corporate Affairs, Government of India is hereto marked and annexed as ANNEXUE – R4/2. It is submitted that Lalit Arora who has sworn the affidavit as a Director of Respondent No. 4 company has not filed any Resolution of the Directors of Respondent No. 4 company authorizing him to represent the company in the present proceedings

and to engage legal counsel. Moreover, the seal of the Respondent No. 4 company is also not affixed above / over the signature of Mr. Lalit Arora to show that he is signing the reply affidavit on behalf of the Respondent No. 4 company. Hence, on this count alone the Reply affidavit dated 17.11.2022 deserves to be struck off from the record for want of proper authorization/representation and non-filing of copy of Board Resolution. It is submitted that the order dated 20.10.2022 passed by this Hon'ble Tribunal states that,

"...9. As regards respondent No. 4 – Project Proponent, the applicant is convinced that as per the Joint Committee report, there is no violation found to have been done by respondent no. 4, hence no interim order may be passed. ..."

Hence, this Hon'ble Tribunal was dealing with granting interim relief (stay any further construction – para 9 of the OA) when the observation that there is no violation found was recorded. It is vehemently denied that Applicant was convinced after perusal of the Inspection Report that no violations were done by Respondent No. 4. In this regard, the Rejoinder dated 16.11.2022 of Applicant to the Reply of GCZMA including its inspection report may be read in response and its contents are reiterated.

4. Rejoinder to para 2: The contents of this paragraph are denied completely and for brevity specific denial is not made.
5. Rejoinder to para 3: The contents of this paragraph are denied completely as being baseless and vague. In fact, it is the Respondent No. 4 who is guilty of *suppresio very and suggestion falsi* by not bringing on record a single photograph of its constructed cottages, restaurant, wellness centre, conference hall, boundary walls etc. or its approved

site-plan, survey plan and other documents to counter the allegation of construction of permanent structures in blatant violation of the GCZMA approval and the CRZ Notification, 2011.

6. Rejoinder to para 4: The contents of this paragraph are denied completely as being false and wrong understanding of the O.A. by the Respondent No. 4.

7. Rejoinder to para 5 to 16 titled 'Preliminary Objections': The contents of these paragraphs are denied in toto and specifically by the Applicant as the same are wrong interpretation of the legal principles and settled law and at best the preliminary objections are a ploy of the Respondent No. 4 to deflect and divert the main issues and violations from being adjudicated by this Hon'ble Tribunal. For the sake of brevity a combined response to paras 5 to 16 is being given herein.

(a) It is clarified that there is no challenge to the GCZMA approval dated 09.06.2021 by the Applicant in the present Original Application and the approvals are in compliance of the CRZ Notification, 2011 and the 'Beach Carrying Capacity Report' which prescribe that no permanent structure is to be raised.

(b) In response to the contention of vagueness of the allegations, the suppression of material facts, making of omnibus allegations not substantiated by any evidence, malafide intentions to harass etc. it is submitted that Applicant has placed on record various photographs of structures constructed showing violations, google earth

images, CZMP map of the site substantiating violations in the pleadings which is enough to shift burden of proof on the Respondent No. 4 violator as per the settled law regarding reversal of burden of proof in Environmental matters.

- (c) In response to the preliminary objection about locus of the Application who is living in a different taluka it is submitted that the same is an argument without substance as per settled law that any person interested in the subject matter is permitted as per section 18(2)(e) of the NGT Act, 2010 to approach this Hon'ble Tribunal.
- (d) In response to the preliminary objection of said site not being a turtle nesting site as two adjoining properties are being proposed to be used by the Govt. of Goa for as per Annexure 5 of the Beach Carrying Capacity Report (11th row entry of table titled 'Proposed Infrastructure Developments along the coastline in Goa' starting at internal page no. 100 of the report), it is submitted that firstly, the said developments are not final but proposed to be carried out as per law and as mentioned in the report 'subject to permissions from individual land owners' secondly, the survey nos. where development is proposed are large in size spreading over CRZ-III area (200-500m from HTL) and even beyond where such development activity is permissible. A true and correct colour copy of the Sheet No. 214 of the Draft CZMP map of the said site is hereto marked and annexed as ANNEXURE – R4/3. The Applicant had

annexed the relevant extract showing survey no. 211/2A in the CZMP map sheet no. 214 as ANNEXURE-A1 (colly) (refer page no. 28) in the O.A.

- (e) In response to the preliminary objection of present O.A. being barred by limitation it is submitted that it is settled law that each violation (construction activity was shown to be ongoing on date of filing of O.A. which was confirmed in the GCZMA inspection report at para 8) of any of the conditions of the GCZMA approval dated 09.06.2021 by the Respondent No. 4 is a complete and recurring cause of action (as pleaded in paragraph no. 7 of the O.A.) and the limitation from each subsequent independent violation. Hence, as construction activity which was in violation of the GCZMA approval was ongoing at the time of filing of the O.A. and as per the statement made in para 24 of the reply dated 17.11.2022 of Respondent No. 4 that construction is 'almost complete' meaning it is still ongoing, the present O.A. is filed well within limitation.
- (f) In response to the preliminary objection that there are no pleadings on the nature of the property nor its topography which it is alleged has an elevation of about 4m from the Ashvem beach and hence the property in question is not in any turtle nesting site / turtle breeding area, reliance is placed firstly on "Annex 9: Statistics of turtle nesting site of Morjim, Agonda, Galgibag and Mandrem" of the Beach Carrying Capacity Report (internal page no. 124 of the report) wherein data of sea turtle nesting for Mandrem is

given for the years 2011-12, 2012-13, 2013-14. Secondly, reliance is placed on Table No. 24 of the Beach Carrying Capacity Report (at internal page no. 63) which recommends "No additional shacks, huts / Tents / cottages should be considered as this is a designated turtle nesting site" in column 'O' for Mandrem/Ashvem at internal page no. 67 of the report. Thirdly, the Applicant has made prayer 'C' which is a direction to the Goa Forest Department to demarcate the 'No-Take Zone' of Mandrem Beach providing Survey Nos. Fourthly, the Beach Carrying Capacity Report at Table 17 at sr.no. 27 acknowledges that out of the total Beach Area of 2,47,751.2 sq.m. for the 'Mandrem HL to Arambol HL' beach an area of 1,74,308.3 sq.m. is the Net Ecologically Sensitive Area (ESA) wherein one of the criteria for ESA is Turtle Nesting Site (TNS).

- (g) In response to the preliminary objection of fabrication of Beach Carrying Capacity Report it is submitted that the same is an inadvertent typing error with no intention to fabricate or misrepresent otherwise the Beach Carrying Capacity Report would not have been annexed as ANNEXURE-A4 in the same paragraph by the Applicant.

8. Rejoinder to Paras 17: The contents of this paragraph is denied completely by the Applicant being baseless and not supported by documents. The sale deed dated 06.10.2020 has not been brought on record for reasons best known to the Respondent No. 4 although the ownership documents must have been filed along with the Application

for seeking GCZMA as is the requirement as per Chapter 5.3 of the Beach Carrying Capacity Report. It is pertinent to mention that the GCZMA approval for the property of Respondent No. 4 was given earlier to one Mr. Satyam Thakral by GCZMA letter dated 03.11.2020 which was subsequently approved for Respondent No. 4 during the 241st GCZMA meeting held on 22.12.2020. A true and correct copy of the relevant extracts of the 241st GCZMA meeting held on 22.12.2020 is hereto marked and annexed as ANNEXURE – R4/4.

9. Rejoinder to Para 18: The contents of this para are denied as not being supported by any documents and the Respondent No. 4 be put to strict proof as per the reversal of burden of proof in Environmental Law.
10. Rejoinder to Para 19: The contents of this para are denied completely as being false and without any basis. In response it is submitted that all the conditions pertaining to temporary nature of construction in the GCZMA approval dated 09.06.2021 and the Beach Carrying Capacity Report have been blatantly violated by the Respondent No. 4 as substantiated by photographs submitted by Applicant and also by the GCZMA site inspection report as pointed out earlier in this rejoinder.
11. Rejoinder to para 20: The contents of this para is denied as being false. It is submitted that the Respondent No. 4 has carried out construction of a permanent nature in complete violation of the condition no. 7 of the NOC dated 13.07.2021 granted by the Village Panchayat Mandrem which states that,

"7. The temporary 1 Shacks, 43 Cottages/Huts, 1 Reception and 2 Conference Huts shall be erected out of nature eco-friendly

material like bamboo/ wooden poles with attached palm leaves/ attached bamboo mat flooring and no tin plastic sheets be used. No permanent construction materials nor iron structures or iron sections of any nature shall be allowed to be used. The floor at the maximum can be wooden planks, no cement/Kadappa floor shall be allowed."

12. Rejoinder to para 21: The contents of this para are denied completely as being false statements not substantiated by any documentary / photographic evidence. It is submitted that the Respondent No. 4 has chosen, for reasons best known to it, not to bring on record a single photograph of any of the structures constructed by it, in so called compliance of the GCZMA approval dated 09.06.2021 and also the Village Panchayat NOC dated 13.07.2021. Pictures showing nature of construction carried out by the Respondent No. 4 should have been brought on record to contest the allegation made by the Application of raising structures of permanent nature using concrete in violation. In addition, it is submitted that as per the Table No. 25 titled 'given in Chapter 5 of the Beach Carrying Capacity Report it is provided that,

"Chapter 5: Guiding Principles for Shacks / Huts / Tents / Cottages and events in Private Lands:

...

Table 25: Criteria proposed for erection of shacks, huts/cottages/tents on private lands

S.No.	Criteria	Remarks
...		
8.	Validity of NOC / Permission granted by GCZMA	... (ii) Certificate from Architect for removal of a structure(s) during monsoon (June to August) to be submitted on a yearly basis.

13. Rejoinder to para 22: The contents of this para are denied completely being false and baseless and not supported by any documentary evidence. It is submitted that the said property falls within CRZ-I as is evident from the following documents:

(a) GCZMA Site Inspection Report dated 30.08.2022:

As recorded in paragraph no. 7 of the report it states that, "7. ...All three projects were identified by the complainant and are located on the western side of the Ashwem-Mandrem road. All are within the NDZ i.e. within 0 – 200 metres of HTL. ..."

(b) Minutes of GCZMA 241st Meeting held on 22.12.2020:

The list attached as per Item No. 2 – 'Erection of Temporary Wooden Huts and Temporary Wooden Shacks' states that, Erection of Temporary Seasonal Structures i.e. Shacks/Cottages/Huts/Tents etc.

Village: Mandrem(Sea)

Taluka: Pernem

Sr. No.	Inward Date	Name of the Applicant	Sy. No.	Sub. Div. No.	...
...					...
2.	18/11/2020	M/s. Lucky Realtech Pvt. Ltd <u>(Proposal within 200m from HTL)</u>	211	2-A	...

(c) Map Sheet No. 214 of the Draft CZMP map of Goa as per which the said site is clearly falling within 200m from HTL in NDZ area (ANNEXURE-R4/3).

14. Rejoinder to para 23 and 24: The contents of this para are completely denied as being false and wrong understanding of the law and the stand

of the Applicant as presented in the pleadings of the present Original Application including the present Rejoinder are reiterated in response.

15. Rejoinder to para 25: The contents of this para are contest and denied being not necessary for adjudication of the present Original Application and hence, need no response.

16. Rejoinder to para 26: The contents of this para are denied as being false and baseless without any proof and contents of para 2 are reiterated. However, the following sentences of this paragraph wherein Respondent No. 4 admits to use of concrete in the structures are relied upon partly to the extent of admission of use of concrete in plinth and partly contested/denied to the extent that it states that use of concrete is limited to plinth only:

“...I state that the Respondent No.4 has merely coated the plinth with 7cm of Plain Concrete Cement so as to ensure the stability of the wood, in order to protect and ensure the safety of the persons visiting the property. ...I further state that the Respondent No.4 has not used any PCC on the soil, whilst it has merely coated the plinth of wood with the PCC (7 cm) so as to ensure the stability of the structure, ... Furthermore, the wood plinth is given a coating of PCC so as to ensure that the wood does not decay on account of the fungus and moisture. Hence, the use of 7 cms PCC for coating the wood is only as to ensure the safety and stability of the structure and is not used on the soil, as is done in the case of permanent structures, which is evidently not been done in the present case. ...”

As per the GCZMA Inspection Report dated 30.08.2022 at paragraph no. 10 records that the plinths are of laterite masonry with thin layer (about 7 cm th.) PCC (at plinth level). Moreover, the pictures annexed by Applicant as Annexure R1/2 to the Rejoinder of Applicant to Reply of

Respondent No. 1 dated 16.11.2022, clearly show that Respondent No. 4 has carried out concrete flooring in all the structures (cottages/huts etc.), constructed RCC compound wall, ground plus one floor structures, digging and laying pipes, grouting, etc. It is also pertinent to mention that the said property falls within 0 – 200m from HTL and contents of paragraph no. 14 of this rejoinder are reiterated herein.

17. Rejoinder to Para 27: The contents of this para are vehemently denied as being false and baseless and the pleadings of the Applicant pertaining to the violations committed by the Respondent No. 4 of the GCZMA approval dated 09.06.2021, the Village Panchayat – Mandrem NOC dated 13.07.2021 and the Beach Carrying Capacity Report including present rejoinder are reiterated herein and not repeated for brevity.
18. Rejoinder to para 28: The contents of this para are denied completely as being false and baseless not substantiated by any documentary evidence. In response the averments made in present Rejoinder (especially para 7(f)) are reiterated and not repeated for brevity.
19. Rejoinder to para 29: The contents of this para are denied as being false and completely unnecessary being a non-issue for adjudication of the present Original Application and the contents of para 3 of the O.A. are reiterated. The Applicant has attached relevant extracts of the minutes of GCZMA meetings and other documents in an attempt to save precious paper made from cutting trees. Moreover, the contention of the Respondent No. 4 that the GCZMA approval dated 09.06.2021 envisages any wellness centre is a blatant lie when the minutes of the 241st

GCZMA meeting held on 22.12.2020 wherein the said approval was granted records approval of one wellness centre.

20. Rejoinder to para 30: The contents of this para are denied completely as being false and baseless and the contents of para 4 of the Original Application are reiterated. It is submitted that as per para 24 of the reply affidavit of the Respondent no. 4 itself, it is an admitted fact that on the date of the reply affidavit i.e. 17.11.2022 the construction was still ongoing and almost complete. Further, specific allegation to construction carried out by the Respondent No. 4 has been made by the Applicant in the Rejoinder dated 11.11.2022 of Applicant to the Reply of Respondent No. 1 supported by specific photographs showing construction of a permanent nature carried out by Respondent No. 4.

21. Rejoinder to para 31: The contents of this para are denied completely being false and without any basis. It is submitted that GCZMA vide corrigendum dated 18.11.2022 (ANNEXURE R-5 of the GCZMA additional affidavit dated 05.01.2023) to the minutes of the 326th Meeting has retracted its decision to drop the proceedings in respect of the Respondent No. 4. Moreover, the GCZMA Site Inspection report dated 30.08.2022 has been contested (in the Rejoinder to the said report and also as pleaded in the present rejoinder) qua the findings at paragraph no. 11 that Respondent No. 4 has not exceeded the approvals granted to them and no deviations from approved plan and permissible specifications were noted.

22. Rejoinder to para 32: The contents of this para need no response being baseless and complete non-issue. In this regard it is submitted that a clerical error of non-numbering of paragraphs containing Grounds in the Original Application cannot be enough to rendered them not being worthy of consideration by this Hon'ble Tribunal. There are many clerical mistakes in the reply of Respondent No. 4 like referring to itself as 'Applicant' which have been ignored in drafting the present rejoinder. Specific allegations have been made in the nature of photographs showing violations of the GCZMA approval and CRZ Notifciation, 2011 by the Respondent No. 4 which have been accepted by this Hon'ble Tribunal to having raised a substantial question of environment and issued notice thereby putting the reversed burden of proof on the Respondent No. 4 as per the settled principle of environmental law.

23. Rejoinder to para 33: The contents of para 33 are denied as being wrong application of the law and for being false and contrary to the established facts. It is submitted that the said site is a turtle nesting site and the averments made in the O.A. and present rejoinder (especially paragraph 7(f)) are reiterated in response. Regarding the reliance on the report titled "Sea turtle nesting and habitat management plan" (ANNEXURE A5 of the Original Application) it is submitted that the same is made available on the official website of the GCZMA <https://czma.goa.gov.in/ViewDoc.aspx> and hence, can be relied upon unless GCZMA submits contrarily before this Hon'ble Tribunal.

24. Rejoinder to para 34: The contents of this para are denied as being false and completely baseless and the same being repetitive, in response the

contentions and pleadings of the present O.A. and especially the present rejoinder are reiterated.

25. Rejoinder to para 35: The contents of this para are denied as being false and completely baseless and the same being repetitive, in response the contentions and pleadings of the present O.A. and especially the present rejoinder (especially paragraph 8(g)) are reiterated.

26. Rejoinder to para 36: The content of this para are denied as being false and wrong application of the Beach Carrying Capacity Report to suit the Respondent NO. 4 who allegedly at first, but later proved by GCZMA inspection report dated 30.08.2022 and from pleadings of the Applicant, is in violation of the Beach Carrying Capacity Report and the GCZMA approval dated 09.06.2021 by carrying out construction of a permanent nature using concrete etc.

27. Rejoinder to para 37: That the contents of this para are denied as wrong application of the law and misrepresentation of the factual situation. It is submitted that the Beach Carrying Capacity Report has been accepted for implementation by GCZMA on 03.01.2017 in its 135th meeting. True and correct copy of the relevant extracts of the 135th meeting of GCZMA is ANNEXURE – R1/1 to the Rejoinder dated 11.11.2022 filed by Applicant to reply of GCZMA. In addition, GCZMA in its approval dated 09.06.2021 has mentioned in condition no. 25 that the Beach Carrying Capacity Report and its conditions shall be followed which prescribe a temporary structure with the following specifications:

Table 1. Cottage Structure Specifications

S. No.	COTTAGE STRUCTURE DETAIL/SEPCIFICATION	SOURCE
1.	<p>“Purely Temporary and Seasonal structures customarily put up between the months of September to May”</p> <ul style="list-style-type: none"> - such structures shall not be removed and dismantled during the month of June to August: Provided that the facilities available in these structures shall remain non-operational during the month of June to August. 	<p>Clause 8(V) 3(iii) of the CRZ Notification, 2011.</p> <p>Clause 8(V) 3(iii) of the CRZ Notification, 2011.</p>
2.	<p>WOOD & Other Temporary structural frameworks:</p> <p>Cottages are made up of wood and other temporary structural frameworks.</p>	<p>Para 1.3.10 of the Beach Carrying Capacity Report.</p>
3.	<p>Height of Structure – 9m (including the height of the boards displayed above the roof)</p>	<p>Chapter 5 (internal pg. 74 – 2nd para from top) of the Beach Carrying Capacity Report.</p>
4.	<p>Distance between Cottages – 3m & 2m if fire resistant materials used.</p>	<p>Chapter 4 (internal pg. 49 – 2nd para from top) of the Beach Carrying Capacity Report.</p>
5.	<p>Type of materials to be used:</p> <p>Cottages in private areas shall be erected using eco-friendly materials such as:</p> <ol style="list-style-type: none"> a. bamboos/ wooden poles with thatched palm leaves/ thatched bamboo mat roofing as far as possible. b. for structural support wherever required GI-pipes / mild steel framed structures could be permitted. c. In case of paucity of wood modern materials such as synthetic, steel, nylon fabric etc. for the purpose of frame work due to unpredictable weather conditions can be used subject to 30% of total material required. d. Use of concrete is banned. e. Grouting, plastering, laying of Plain Cement Concrete (PCC) / Reinforced Cement Concrete (RCC) on the floor / Structure / digging of soak pits / digging and laying of pipes / metal staircases grouted in cement etc. shall not be permitted. 	<p>Chapter 5 (internal pg. 74 – 1st para from top) of the Beach Carrying Capacity Report.</p>

28. Rejoinder to para 38: The contents of this para are denied as being false and baseless. It is submitted that the survey no. 211/2-A falls within the No-Take Zone of Mandrem Beach as depicted by the Applicant in Annexure A-1(colly) and for verification of this fact, the Applicant has made prayer B in the Original Application.

29. Rejoinder to para 39: The contents of this para are denied as being false and baseless and being repetitive, the response provided earlier in this rejoinder is reiterated especially pertaining to the finding of the GCZMA inspection report dated 30.08.2022 which are contested (in the Rejoinder to the said report and also as pleaded in the present rejoinder) qua the findings at paragraph no. 11 that Respondent No. 4 has not exceeded the approvals granted to them and no deviations from approved plan and permissible specifications were noted.

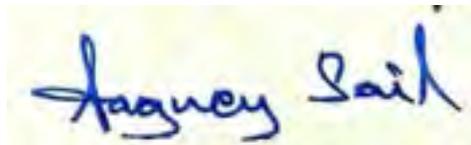
30. Rejoinder to para 40: That the contents of this para are wrong and hence denied and contents of paras 7 & 8 of the O.A. reiterated. It is submitted that the same objections of limitation and not challenging the GCZMA approval dated 09.06.2021 has been taken earlier and the response given in paragraph no. 7 of this rejoinder may kindly be read in response hereto and the same is reiterated.

31. Rejoinder to para 41: The contents of this para are denied completely in light of the pleadings and contentions made in this rejoinder and the contents of para 9 of the O.A. are reiterated.

32. Rejoinder to para 42: The contents of this para are denied as being false and baseless and the prayers as sought for by the Applicant in the O.A. are reiterated and deserve to be allowed.
33. Rejoinder to paras 43 & 44: The contents of these paras deserve no response from the Applicant being formal. However, it is stated that even in the verification paragraph the Deponent has not mentioned that he is competent and authorized to swear this affidavit reply on behalf of the Respondent No. 4 and neither is the seal of the Respondent No. 4 company affixed on the signature of the Deponent.
34. Hence, in light of the abovementioned facts and circumstances the prayers sought by the Applicant deserve to be granted.

APPLICANT

THROUGH



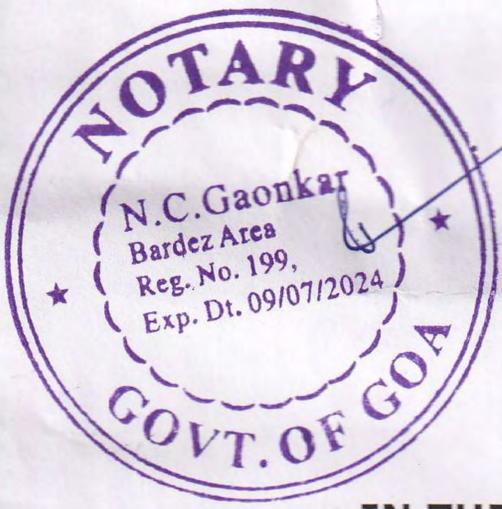
AAGNEY SAIL & GAURESH MALIK
ADVOCATES FOR THE APPLICANT
4th Floor, Office No.401, Edcon Incrocio,
Opp. Don Bosco High School,
Panaji, Goa 403001.

Ph. +91.9810076618, 08329285339

Email: aagneysail@gmail.com, gaureshmalik6@gmail.com

Filed on: 26.02.2023

Place: Goa



**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**
ORIGINAL APPLICATION No. 70 of 2022

IN THE MATTER OF:

CHANDAN SURYAKANT KHORJUVEKAR

...APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT

AUTHORITY & OTHERS

...RESPONDENTS

AFFIDAVIT

I, Chandan Suryakant Khorjuvekar, S/o Late Shri Suryakant Khorjuvekar aged about 49 years, R/o H.No. 98/9, Bandirwaddo, Anjuna, Bardez, Goa - 403517, do hereby solemnly state and affirm that:

1. That I am the Applicant in the above mentioned Original Applicant and I am aware of the facts of the present case and as such am competent to swear this affidavit.
2. That I have read and understood the accompanying Rejoinder to Reply of R4 which has been drafted on my instructions and the contents of which are true to my knowledge and have been read and explained to me in the vernacular.
3. That the Annexures R4-1 to R4- are true and correct copies of their respective originals.

DEPONENT

VERIFICATION:

Verified that the contents of paras 1 to 3 of my above affidavit are true to my knowledge and its content is read and explained to me in the vernacular, no part of it is false and nothing material has been concealed therefrom.

Verified on 24 day of February, 2023 at Mapusa Goa.

DEPONENT

Id. Adheer card
No. 536463863355

Solemnly affirmed
Before me

N. C. Gaonkar
Advocate & Notary
Mapusa Bardez - Goa

Dr. No. 6990/2023

24 FEB 2023





Picture 1 – Lucky Realtech Pvt. Ltd. (14-15.07.22)



Picture 2 – Lucky Realtech Pvt. Ltd. (14-15.07.22)



Picture 3 – Lucky Realtech Pvt. Ltd. (14-15.07.22)



Picture 4 – Lucky Realtech Pvt. Ltd. (14-15.07.22)



Picture 5 – Lucky Realtech Pvt. Ltd. (14-15.07.22)
(Ground plus one floor structure)



Picture 6 – Lucky Realtech Pvt. Ltd. (August, 2022)
(construction of RCC compound wall, storm water drain etc. after
GCZMA inspection carried out on 27.08.22)

--True Copy--

22/07/2022, 12:04

Company Master Data

Company Master Data

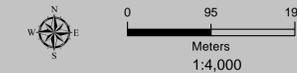
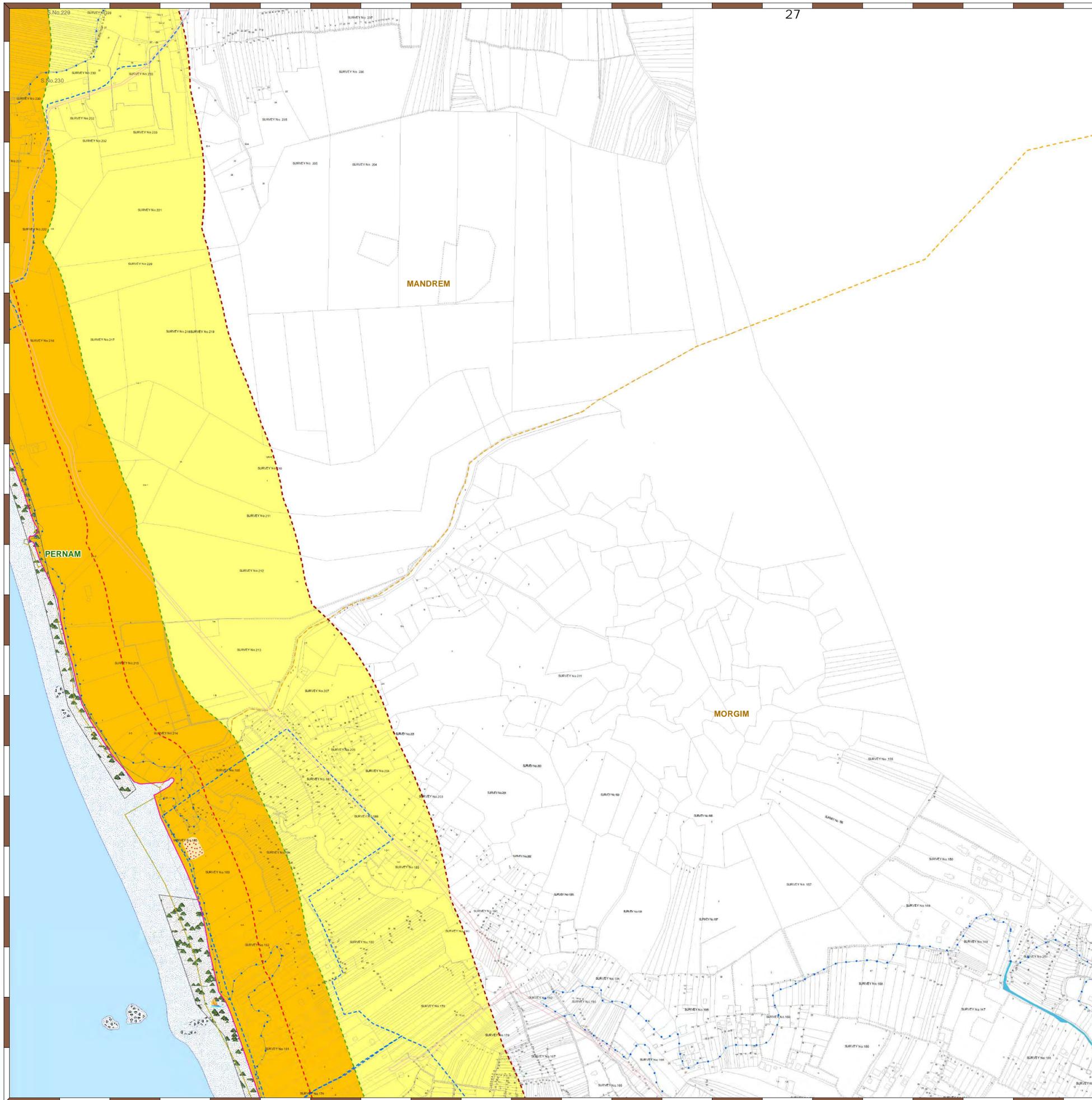
CIN	U70109DL2014PTC274686
Company Name	LUCKY REALTECH PRIVATE LIMITED
ROC Code	RoC-Delhi
Registration Number	274686
Company Category	Company limited by Shares
Company SubCategory	Non-govt company
Class of Company	Private
Authorised Capital(Rs)	100000
Paid up Capital(Rs)	100000
Number of Members(Applicable in case of company without Share Capital)	0
Date of Incorporation	29/12/2014
Registered Address	House No-145, Ground Floor, Pocket-22, Sector-24 Rohini New Delhi North Delhi DL 110085 IN
Address other than R/o where all or any books of account and papers are maintained	-
Email Id	Luckyrealtechpvt.ltd.24@gmail.com
Whether Listed or not	Unlisted
ACTIVE compliance	ACTIVE compliant
Suspended at stock exchange	-
Date of last AGM	30/11/2021
Date of Balance Sheet	31/03/2021
Company Status(for efilling)	Active

Charges

Charge Id	Assets under charge	Charge Amount	Date of Creation	Date of Modification	Status
	Motor Vehicle (Hypothecation)	900000	21/09/2021	-	OPEN

Directors/Signatory Details

DIN/PAN	Name	Begin date	End date	Surrendered DIN
02625265	LALIT KUMAR ARORA	29/12/2014	-	
06662117	GIRISH KUMAR	29/12/2014	-	



Legend

- Lighthouse/Beacon
- Fish Landing Centre/ Ramp
- Water Quality Monitoring Location - SW-II
- Multi Purpose Cyclone Shelters
- Sluice Gate - Prior to 1991
- Bund - Prior to 1991
- Road
- Railway Line
- Seawall
- High Tide Line
- Low Tide Line
- Hazard Line
- Port Limit
- Khazan Land
- Boat Parking /Net Mending Area
- Rock Outcrop
- Jetty or Shipyard
- Fishing Ward Boundary
- Fish Breeding Area
- Fisherman Community Complex
- Waterbody
- Survey Plots
- Village Boundary
- Municipal/Other Urban boundary
- Taluk Boundary

CRZ Lines

- 100m CRZ line for Bays
- 100 m Line in CRZ III Area
- 200 m Line - NDZ
- 500 m CRZ Line
- CRZ Line for River or Creek

CRZ CATEGORY

CRZ - I

- Mangroves - CRZ IA
- 50m Mangrove buffer zone - CRZ IA
- Archaeological and heritage sites - CRZ IA
- Reserve Forest - CRZ IA
- Mudflats - CRZ IA
- Salt Marsh - CRZ IA
- Sand Dunes - CRZ IA
- Corals and coral reefs - CRZ IA
- Nesting Grounds of Birds - CRZ IA
- Turtle Nesting Grounds - CRZ IA
- Intertidal Zone - CRZ IB
- Aquaculture / Saltpan - CRZ IB

CRZ - II

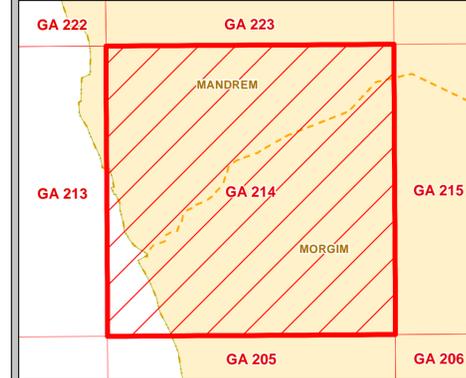
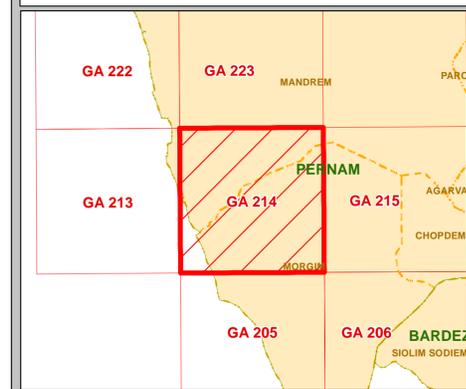
- CRZ Landward of HTL - CRZ II

CRZ - III

- No Development Zone - CRZ III
- 200 to 500 m from HTL - CRZ III

CRZ - IV

- Waterbody - CRZ IVA
- Waterbody - CRZ IVB



DATA SOURCE

- I) National Center for Sustainable Coastal Management
 - 1) HTL, LTL
 - 2) CRZ - IA
 - 3) Infrastructure facilities such as Lighthouse, Sea wall, Breakwater or Jetty
- II) Survey of India
 - 1) Hazard Line
- III) DLSR
 - 1) Road, 2) Survey Plots 3) Village Boundary 4) Municipal Boundary 5) Taluk Boundary
- IV) Department of Fisheries - Goa
 - 1) Fish Landing Centre/Ramp 2) Fishing Ward Boundary 3) Fish Breeding Area 4) Fisherman Community Complex 5) Net Mending Yard
- V) Department of Water Resources - Goa
 - 1) Bund prior to 1991 2) Sluice Gate prior to 1991 3) Khazan Land
- VII) Goa State Pollution Control Board
 - Water Quality Monitoring Location - SW - II
- VIII) Department of Environment
 - Port Limit, Light House, Beacon

ABBREVIATIONS

- CRZ : Coastal Regulation Zone
- NDZ : No Development Zone
- DLSR : Directorate of Settlements & Land Records



National Centre for Sustainable Coastal Management
(Ministry of Environment, Forest & Climate Change)
Chennai - 600 025

Prepared for



Department of Environment
Government of Goa

--True Copy--

MINUTES OF THE 241st MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 22/12/2020 at 3.30 pm. IN THE CONFERENCE HALL, 4th FLOOR, DEMPO TOWER< PATTO-PANAJI- GOA.

The 241st Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 22/12/2020 at 03.30 p.m. in the conference hall, 4th floor, Dempo tower, Patto, Panaji – Goa.

The following members were present for the meeting on 22/12/2020:

1. Secretary (Environment) / Chairman (GCZMA).
2. Representative on behalf of Director, Department of Tourism, Panaji.
3. Shri.Flaviano Miranda, Expert Member (GCZMA).
4. Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
5. Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
6. Shri. Srirang Jambhale, Expert Member (GCZMA).
7. Member Secretary (GCZMA).

Item No.1

Case No.1.1

Proposed Repair & Renovation of existing House No.5/48B under Sy. No.174/2 of Calangute village, Bardez Taluka by Mrs.Maria Antonia Fernandes.

Background

The Office of the GCZMA is in receipt of an application dated 26/08/2019 from Mrs. Maria Antonia Fernandes, H.No.5/48B, Calangute, Bardez Goa with regard to proposed Repair & Renovation of existing House No.5/48B under Sy. No.174/2 of Calangute village, Bardez Taluka.

Site Inspection Report: The said site was inspected by the Mahesh Patil, Expert Member, GCZMA & Devendra Gaonkar, Field Surveyor, GCZMA. Presently there exists old house in a dilapidated condition. This is CRZ III area. Repair and renovation is permitted on the existing plinth area. It is falling within 200mts from HTL.

ITEM NO. 2

ERRECTION OF TEMPORARY WOODEN HUTS AND TEMPORARY WOODEN SHACKS.

(AS PER LIST ATTACHED)

ITEM NO.3

PREPARATION OF PLANS FOR CZMP

The Member Secretary place before the authority the draft plans prepared by the committee members appointed for this purpose under the Chairmanship of Dr. Simon D'souza, Ex- Chairman GSPCB .

1. Draft Management Plan for Mangroves.
2. Draft Khazan Land Management Plan.
3. Draft Comprehensive Plan for Fishermen Community living in CRZ areas.

The authority after going through the draft plans decided, that the same be placed in public domain inviting objections and suggestions. On receipts of objection and suggestion the Committee be asked to examine the same and submit the final draft.

Meeting ended with thanks to the chair.



**Member Secretary (GCZMA)
GCZMA)**



(Chairman)

Village: Mandrem (Sea)

Taluka: Pernem

Sr. No	Inward Date	Name of the Applicant	Sy. No	Sub. Div No.	Plot area	33% Permissible Area	Applied for			Application Status	Remarks
							Huts	Shack	Area		
1	14/10/2020	M/s. Por De Sol Mr. Parag Sanghavi (Proposal within 200m from HTL)	215	4	6074.61	2004.61 (33%)	26	1	1997.73	The permission was granted by the GCZMA vide letter no. GCZMA/N/Shack-Hut-Cott-Tent/19-20/32/2388 dated 6/02/2020 in name of Mr. Parag Sanghavi. The applicant has now submitted revised plan having an built up area 1997.73. The said site was inspected by the Sujeet Dongre and Mahesh Patil expert member of the GCZMA.	Call the parties for hearing on 07/01/2021 at 3.30 pm
2	18/11/2020	M/s. Lucky Realtech Pvt.Ltd (Proposal within 200m from HTL)	211	2-A	6578.00	2170.74 (33%)	Cottages-50, Wellness Centre-1, Reception-1	2	1944.00	The earlier permission was granted by the GCZMA to Mr. Satyam Thakral vide this office letter no. GCZMA/N/Shack-Hut-Cott-Tent/19-20/71/939 dt. 03/11/2020 . Now Revised approval asked in the name of M/s. Lucky Realtech	Approved

										Pvt.Ltd having an built up area 1944.00 Sq.mts	
3	18/11/2020	Pankaj Chopra	211	2-A	3592.00	1185.36 (33%)	Cottages- 24, Reception -1, Spa-1	1	1000.00	The earlier permission was granted by the GCZMA to Mr. Satyam Thakral vide this office letter no. GCZMA/N/Shack-Hut-Cott-Tent/19-20/71/939 dated. 03/11/2020. Now Revised approval asked in the name of Mr. Pankaj Chapora and Mrs . Goldy Chopra having an built up area 1000 Sq.mts.	Approved

Beach Carrying Capacity Area:-

Allotted Area:- 6144.62

Balanced Area:-




--True Copy--



Aagney Sail <aagneysail@gmail.com>

Chandan Suryakant Khorjuvekar Vs Goa Coastal Zone Management Authority & Ors. - O.A. No. 70/2022 (WZ) - APPLICATION FOR DIRECTIONS - NEXT DATE 06.01.2023

Aagney Sail <aagneysail@gmail.com>

Sun, Feb 26, 2023 at 11:40 PM

To: gcзма gcзма <goacoastalzone@gmail.com>, dcfnorth-forest.goa@nic.in, dir-env.goa@nic.in, "luckyrealtechpvt.ltd.24@gmail.com" <luckyrealtechpvt.ltd.24@gmail.com>, gm@maargitbeachresortgoa.com, "maargitbeachresortgoa@gmail.com" <maargitbeachresortgoa@gmail.com>, gaureshmalik6@gmail.com, nadkarnigauravvardhan@gmail.com, Abhay Anturkar <anturkarandassociates@gmail.com>, dcfhq-forest.goa@nic.in, legalcellgoa <legalcellgoa@gmail.com>

To,

1. GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA), THROUGH ITS MEMBER SECRETARY,
1st FLOOR, PANDIT DEENDAYAL UPADHYAY BHAVAN,
NEAR PUNDALIK DEVASTHAN,
PUNALIK NAGAR, PORVORIM,
GOA – 403521.

EMAIL: goacoastalzone@gmail.com, anturkarandassociates@gmail.com (Adv. Abhay Anturkar)
PHONE: (0832)2951089 ...RESPONDENT NO. 1

2. GOA FOREST DEPARTMENT,
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS,
WILDLIFE & ECOTOURISM (NORTH) DIVISION,
IV FLOOR, I LIFT, JUNTA HOUSE,
PANAJI – 403001 (GOA).

PHONE: (0832) 2229701, 09496350591.
EMAIL: dcfnorth-forest.goa@nic.in, dcfhq-forest.goa@nic.in &
legalcellgoa@gmail.com.
...RESPONDENT NO. 2

3. DEPARTMENT OF ENVIRONMENT & CLIMATE CHANGE,
THROUGH ITS DIRECTOR,
GOVERNMENT OF GOA,
IVth FLOOR, DEMPO TOWERS,
PATTO – PANAJI, GOA – 403001.

PHONE: (0832)2951089.
EMAIL: dir-env.goa@nic.in ...RESPONDENT NO. 3

4. M/S LUCKY REALTECH PVT. LTD.,
THROUGH ITS MANAGING DIRECTOR,
REG. OFFICE: H.NO. 145, GROUND FLOOR,
POCKET-22, SECTOR-24, ROHINI,
NEW DELHI – 110085.

Email: luckyrealtechpvt.ltd.24@gmail.com, nadkarnigauravvardhan@gmail.com (Email of Adv. Gauravvardhan Nadkarni)
...RESPONDENT NO. 4

5. PANKAJ CHOPRA,
SY. NO. 211/2-A, VILLAGE MANDREM,
PERNEM TALUKA, NORTH GOA DISTRICT,
GOA – 403718.

PHONE: 09959364803
EMAIL: gm@maargitbeachresortgoa.com ...RESPONDENT NO. 5

6. MRS. GOLDY CHOPRA,
SY. NO. 211/2-A, VILLAGE MANDREM,
PERNEM TALUKA, NORTH GOA DISTRICT,
GOA – 403718.

PHONE: 08149846560.
EMAIL: maargitbeachresortgoa@gmail.com ...RESPONDENT NO. 6

Madam / Sir,

Please find attached a scanned colour copy of the Rejoinder to Reply of Respondent No. 4 in the abovementioned O.A. No. 70/2022 (WZ) for your record and perusal.

Kindly acknowledge receipt of the same.

Best

Adv. Aagney Sail,
Advocate for the Applicant,
Mobile: +91.9810076618

 **Rejoinder to R4 Lucky - Reply Feb2023.pdf**
20336K