

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

**AT PUNE**

**APPEAL NO. 61 OF 2026 (WZ)**

Al-Saad Builders & Developers And Ors.

... Appellants

Versus

Administration of the Union Territory of  
Dadra and Nagar Haveli and Daman and Diu And Ors

... Respondents

**INDEX**

SR NO	ANNE XURE	PARTICULARS	PAGE NOS.	
			From	To
1.		Index	-	458
2.		Rejoinder	459	481
3.		Affidavit in Support for Appellant No.1	482	483
4.		Affidavit in Support for Appellant No.2	484	485
		<b>LAST PAGE NO.</b>		<b>485</b>

PUNE

DATE : 27/03/2026



**ADVOCATE FOR APPELLANTS**

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**REJOINDER ON BEHALF OF THE APPELLANT**

**MAY IT PLEASE TH HON'BLE TRIBUNAL**

1. This rejoinder is being filed by the Appellant to the reply dated 13.03.2026 filed by the Respondent No.2/ the Daman and Diu Coastal Zone Management Authority (DDCZMA). At the outset, the Appellant denies all averments made in the aforesaid reply, and no part thereof be deemed to be admitted for the lack of specific traverse.
2. The Appellant has set out its submissions extensively in the present Appeal and for the sake of brevity, is not repeating the same herein. However, the same may be treated as part and parcel of the present Rejoinder.
3. The captioned appeal has been preferred by the Appellant under Sec. 16(g) of the National Green Tribunal Act, 2010 (NGT Act) challenging the show cause notice dated 09.02.2026 (the “**Impugned**”

SCN”) issued by the Respondent No. 2 with respect to a building known as ‘Al Saad Terrace’ situated at Sy. No. 50/130-H, I & K, Khariwad, Nani Daman (the “**subject construction**”); as well as the order dated 18.02.2026, whereby the DDCZMA rejected the Appellant’s request for an extension of time to respond and directed that the subject construction be demolished within 15 days (the “**Impugned Order**”) (Ref. Page 38 to 40 of Court File).

4. That instead of submitting a para-wise reply to the averments made in the abovementioned Reply, the Appellant craves the leave of this Hon’ble Tribunal to state such facts, as are essential for the purposes of proper adjudication of the present case. However, the Appellant reserves the right to file a detailed para-wise reply as and when required or directed by this Hon’ble Tribunal.
5. Shorn of details, the Appellant has preferred the captioned appeal on broadly two prongs:
  - a. **Violation of principles of natural justice:** That the Impugned SCN and the Impugned Order fail to comply with such principles, including mandatory Supreme Court directions and natural justice safeguards imbued in the statute, thus making their non-adherence fatal. Moreover, such violations cannot be cured at the appellate stage as has been held by the Hon’ble Supreme Court.
  - b. **Merits:** The mere distance of the structure from the High Tide Line (**HTL**) is not determinative of zoning under the CRZ Notification, especially for the CRZ II area. This is so because:

- i. The subject construction is an “*existing authorised structure*” that predates the enforcement of the CRZ Notification, 1991 in Daman and Diu i.e., 29.11.1996 in a legally designated urban area i.e., a municipality, thus *ipso facto* rendering the said area as the landward side for the purposes of CRZ II.
  - ii. Even otherwise, the Municipal authorities had granted a construction license and a completion certificate to the Appellant’s predecessor (as required by Clause 3(3)(iii) of the CRZ Notification, 1991), thus confirming that (even at that point in time) the said plot was on the landward side of some other existing structure (i.e., in a permissible area within CRZ II), and not in an NDZ.
  - iii. Since the subject structure is an “*existing authorised structure*” in CRZ II, it was only subject to the existing local town and country planning regulations, in terms of Cl. 6(2)(CRZ-II) of the CRZ Notification, 1991.
6. The reply of the Respondent No.2 contains no real answer to the violation of principles of natural justice other than bald assertions of a notice having been issued and a hearing having been afforded. On the merits, the Respondent No. 2 has resisted the captioned appeal on the ground that the subject construction is in an area classified as a CRZ-IA under the approved Coastal Zone Management Plan (CZMP), 2011, and is designated as a No Development Zone (NDZ) under the Coastal Regulation Zone Notification, 2011 (**2011 CRZ Notification**). However, the said assertion is misconceived, both factually and in law, as will be elaborated hereinbelow.

7. Since the Respondent No. 2 has sought to gloss over the multiple and distinct violations of natural justice, the same are being reiterated and are as follows:
- a. Non-compliance with the directions of the Hon'ble Supreme Court in *Re Directions in the matter of demolition of structures*, (2025) 5 SCC 1 (*para 94.1*) (**Ref. Page 248 to 299 of Court File**), inasmuch as only a period of 7 days was afforded to respond to the Impugned SCN, when the said judgment mandates a minimum period of 15 days. This by itself calls for setting aside of the Impugned Order, and in fact, the Respondent No. 2 would be liable for contempt proceedings (*paras 95,96*).
  - b. Non-compliance with the applicable Rules, namely, the ENVIRONMENT (PROTECTION) RULES, 1986 (the “**EP Rules**”) particularly, Rule 4(3a) thereof, which also prescribes a minimum notice of 15 days to respond to a show cause notice. This non-adherence to a statutorily mandated natural justice safeguard *ipso facto* renders the Impugned SCN and the Impugned Order untenable in law.
  - c. The Impugned SCN and the Impugned Order both are non-compliant with the mandatory directions issued by this Hon'ble Tribunal to all Coastal Zone Management Authorities across the country as to the manner in which they ought to conduct their quasi-judicial proceedings in *Sesa Goa Limited v. State of Goa*, 2013 SCC OnLine NGT 27 (*para 47*) (**Ref. Page 209 to 234 of Court File**).
  - d. The calculation and imposition of Environmental Damage Compensation (**EDC**) in the Impugned Order, seemingly based on

the formula mandated by this Hon'ble Tribunal in *Paryavaran Suraksha Samiti v. UoI*, OA No. 593/2017 (which was rendered specifically in the context of industrial units), is without any underlying basis I.e., there is no explanation as to how this figure was arrived at and also without giving a prior opportunity of hearing to the Appellant on this aspect, not having been mentioned in the Impugned SCN, which is contrary to Rule 3 of the EP Rules.

8. Significantly, these violations of natural justice cannot be cured at an appellate stage before this Hon'ble Tribunal as had been held by the Hon'ble Supreme Court in *Institute of Chartered Accountants of India v. L.K. Ratna*, (1986) 4 SCC 537 (*para 17*) (**Ref. Page 341 to 362 of Court File**).
9. More recently, the Hon'ble Supreme Court has held this to be applicable to this Hon'ble Tribunal in *Zon Hotels (P) Ltd. v. GCZMA*, 2025 SCC OnLine SC 771 (*para 11*) i.e., this Hon'ble Tribunal cannot absolve an authority which has violated principles of natural justice by itself affording an opportunity of hearing in an appeal it hears. (**Ref. Page 337 to 340 of Court File**)
10. On the merits, it is the Appellant's case broadly that:
  - i. The subject construction, being within the municipal limits of the Daman Municipality, qualifies as a legally designated urban area for the purposes of Cl. 6(1) of the CRZ Notification, 1991, which treats such areas to be CRZ II, and allows construction and reconstruction on the landward side of pre-existing structure. In fact, this was acknowledged by the Respondent No.3/DMC

itself in its affidavit of December 2022 filed in WP No. 13339 of 2022.

- ii. The subject construction being a pre-existing authorised building on the landward side of CRZ II, is permissible as per Cl. 6(2) of the CRZ Notification, 1991. The construction license dated 01.09.1994 and the completion certificate dated 17.10.1995 establish that the subject construction was an addition to a building which existed prior to 29.11.1996 (when the CRZMP for Daman and Diu was notified) as well as 26.11.1998 (when the DDCZMA came to be constituted).
- iii. The Appellant's case is fortified by the findings of the Ld. District Court, in its order dated 20.10.2022, which records that the construction is not in a prohibited zone of CRZ.

#### FATAL VIOLATIONS OF NATURAL JUSTICE

##### **Failure to comply with Supreme Court directions**

11. The Hon'ble Supreme Court has now, by virtue of its directions issued under Art. 142 of the Constitution in *Re: Demolition* (*supra*), mandated that a party must be afforded a period of at least 15 days to respond to a show cause notice relating to the legality or otherwise of a construction. The relevant portion of the said directions is reproduced below:

“94.1. No demolition should be carried out without a prior show-cause notice returnable either in accordance with the time provided by the local municipal laws or **within 15 days' time from the date of service of such notice, whichever is later.**”  
 [Emphasis added]

12. Importantly, to emphasise the mandatory nature of these directions, the Hon'ble Supreme Court has held therein that failure to comply

with the same would attract proceedings for contempt of the Hon'ble Court:

“95. Needless to state that the authorities hereinafter shall strictly comply with the aforesaid directions issued by us.

96. It will also be informed that violation of any of the directions would lead to **initiation of contempt proceedings** in addition to the prosecution.”

[Emphasis added]

13. In the instant case, the relevant portion of the Impugned SCN is reproduced below for ease of reference:

“NOW, THEREFORE, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules, 1986, you are hereby called upon to show cause as to why action, including issuance of appropriate direction, should not be taken against you for the aforesaid violations, and to submit your written reply **within 7 days** from the date of receipt of this notice, before the Office of the Chairman, Daman & Diu Coastal Zone Management Authority, Collectorate, Dholar, Moti Daman.”

[Emphasis added]

14. The Impugned SCN thus failed to comply with directions of the Hon'ble Supreme Court in *Re Demolition (supra)*, including affording a minimum notice period of 15 days, since it only afforded a period of **7 days** to respond to the same. This should not be confused with the extension of time given to challenge the Impugned Order. A reading of the Hon'ble Supreme Court's directions leaves no room for doubt that the requirement of notice to respond and the time afforded to challenge an order are distinct requirements. In this case, while 15 days were afforded to challenge the Impugned Order eventually passed, the time afforded to respond to the Impugned SCN was only 7 days. Hence, paragraph 94.1 of the said judgment of the Hon'ble Supreme Court stands violated.

15. Therefore, it is submitted that the Impugned SCN (and consequently, the Impugned Order) are liable to be set-aside for this reason, and the Appellant reserves liberty to initiate contempt proceedings before the appropriate forum.

#### Non-compliance with EP Rules

16. In fact, the Hon'ble Supreme Court has prescribed a period of 15 days assuming the statute in question does not prescribe any period. In this case, the relevant Statute i.e., the EP Rules, particularly, Rule 4(3a) thereof, itself prescribes a minimum notice of 15 days must be given to the affected party. In this context, it is pertinent to note that the Impugned SCN dated 02.02.2026 expressly stated that it is being issued under the said Rule 4.
17. Rule 4(3)(a) expressly mandates that a minimum notice of 15 days ought to be given to any person against whom a direction is sought to be issued. Therefore, the principles of natural justice are imbibed in the statute itself. Rule 4(3)(a) reads as follows:

“(3)(a) The person, officer or authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction and shall be given an opportunity of **not less than fifteen days** from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.”

[Emphasis added]
18. Curiously, while the Impugned SCN has been issued in terms of the said Rule, in violation of the same, it only afforded the Appellant a period of 7 days to file its response.

19. The Impugned SCN having failed to comply with the statutory mandate of a 15-day notice period (by only providing the Appellant a notice period of **7 days** to respond), is thus, void *vide Nawabkhan Abbazkhan v. State of Gujarat*, (1974) 2 SCC 121, where the Hon’ble Supreme Court held as follows (**Ref. Page 335 to 347 of Court File**):

“14. Where hearing is **obligated by a statute** which affects the fundamental right of a citizen, the duty to give the hearing sounds in constitutional requirement and **failure to comply with such a duty is fatal**. [...] we may roundly conclude that the order of an administrative authority charged with the duty of complying with natural justice in the exercise of power before restricting the fundamental right of a citizen is **void and ab initio of no legal efficacy**. The duty to hear manacles his jurisdictional exercise and any act is, in its inception, void except when performed in accordance with the conditions laid down in regard to hearing [...]”.

[Emphasis added]

**Guidelines issued by this Hon’ble Tribunal violated**

20. The Impugned SCN and the Impugned Order have also failed to comply with the directions (pertaining to principles of natural justice) of this Hon’ble Tribunal in *Sesa Goa Limited v. State of Goa*, 2013 SCC OnLine NGT 27, which are applicable to all Coastal Zone Management Authorities across the country. In particular:
- i. They rely on the joint inspection report dated 30.01.2026 to classify the area as CRZ-IA. However, the said report was never provided to the Appellant and thus, the Appellant had no opportunity to respond to the same.
  - ii. Further, the Appellant was not provided a fair opportunity of hearing as is evident from the Impugned Order, which completely disregards the cogent reasons provided by the Appellant.

21. This Hon'ble Tribunal, in *Sesa Goa Limited v. State of Goa*, 2013 SCC OnLine NGT 27, had issued the following directions (to be followed while exercising powers under the 1991 and/ or 2011 CRZ Notification):

“47. ... Putting the allegations to the applicants by means of a notice, granting an opportunity to the affected party of being heard and recording of reasons while passing the orders are the fundamental essentials of the doctrine of audi alteram partem. So the authority must follow the procedure which would satisfy these basic ingredients before it can pass an order having civil consequences. Thus, we direct the authority to follow the following procedure while exercising its power in terms of the Notifications of 1991 and/or 2011:

...

(2) The affected party should submit its reply **with complete documents** to support the contents thereof, within the time prescribed in the show cause notice.

(3) The authority **must furnish** to the applicants, complaints, documents and/or any other material that it proposes to rely upon for the purposes of determining the controversy in issue.

...

(5) The affected party should be provided **a fair opportunity** to put forward its case before the authority.

(6) After hearing the parties, the authority should pass a reasoned order. The order should deal, **preferably with the grounds which have been raised by the affected party**, as precisely as possible.”

[Emphasis added]

22. *Firstly*, the DCZMA, in violation of the said directions, has not provided to the Appellant a copy of the joint inspection report dated 30.01.2026. Significantly, the Impugned SCN (at para 7, *see pg. 38 at 39*) as well as the Impugned Order (at para 4, *see pg. 41*) both rely on the joint inspection report dated 30.01.2026 to classify the subject construction to be in CRZ-IA. Thus, in terms of the above-mentioned

directions of this Hon'ble Tribunal in *Sesa Goa (supra)*, the said joint inspection report ought to have been provided to the Appellant (*paras 47(2), (3)*), and an opportunity to respond to the same ought to have been afforded (*para 47(5)*). However, the said report was never provided to the Appellant, and hence, could not be responded to in its reply to the Impugned SCN dated 09.02.2026.

23. *Secondly*, contrary to the directions issued by this Hon'ble Tribunal in *paras 47(5) and (6)*, the Appellant was not provided a fair opportunity of hearing, and there is no reflection in the Impugned Order of the justifications offered by the Appellant in its reply dated 09.02.2026 inasmuch as they were neither considered nor recorded in the Impugned Order (*para 13, see pg. 41 at 42*). The Appellant in its reply to the Impugned SCN dated 09.02.2026 had stated that (a) the subject construction is an addition to or re-construction of an existing structure; (b) it falls in a CRZ-II area, if at all; and (c) re-construction of an existing structure is permissible in CRZ-II. There is not even a semblance of a consideration (let alone a traverse) of such a vital factual and legal assertion by the Appellant, in the Impugned Order.
24. *Thirdly*, to demonstrate the same, and to produce documents in support thereof, the Appellant, on 16.02.2026, wrote to the Respondent No.2 seeking an extension of 8 weeks since the relevant documents were awaited to be obtained from the Respondent No.3/ the Daman Municipal Corporation (**DMC**), given that they were at least three decades old. Para 4 of the letter dated 16.02.2026 reads as follows:

“It is respectfully submitted that, some of the **documents sought to be relied upon are yet to be received from the DMC**, and we would require some time to obtain better copies of such documents and to cause their translation and proper advice. Copy is enclosed herewith.”

[Emphasis added]

25. Pertinently, the Appellant, on 10.02.2026 (*see pg. 200*), had applied to the Respondent No.3 for certified copies of the construction license dated 01.09.1994, approved plan, and completion certificate dated 17.10.1995; to show the pre-existence of the structure. However, the Appellant did not get an opportunity to produce the same before the Respondent No.2, for its consideration before issuing the Impugned Order.
26. It is reiterated that there is no real response by the Respondent No. 2 to the three distinct and undeniable violation of natural justice raised by the Appellant in the captioned appeal.
27. In this regard, it may be pertinent to note that the Hon’ble Supreme Court, in *State of U.P. v. Sudhir Kumar Singh*, (2021) 19 SCC 706 (*para 42.2*), has held that an infraction of a procedural provision of law which embodies the principles of natural justice does not *per se* lead to invalidity of the orders passed, unless prejudice is caused to the affected party. (**Ref. Page 328 to 336 of Court File**) In the instant case, it is evident from the aforesaid that it was the Appellant’s stated case that the subject construction was not in CRZ-IA (as can be seen from its replies dated 23.03.2017 and 09.02.2026), and that the structure was pre-existing. Hence, a minimum notice of 15 days to put

forth its case along with supporting documents ought to have been given to the Appellant.

**EDC has been calculated without basis**

28. The Respondent No.2, in the Impugned Order, has calculated the EDC to the tune of Rs.1,01,60,000/-. However, there is no underlying basis given by the Respondent No.2 while arriving at the said amount. In other words, there is no explanation whatsoever in the impugned order as to how this precise figure was arrived at.
29. Also, there is nothing to show on record, that the Respondent No.2 had given prior notice or an opportunity of hearing to the Appellant before computing the EDC. The Impugned SCN also does not state anything about the EDC. This requirement I.e., to specify the consequence of the imposition of tejEDC flows from Rule 3 of the EP Rules which enjoins the authority issuing the notice to specify the nature of the action contemplated.
30. The Respondent No.2 has seemingly relied upon the formula mandated by this Hon'ble Tribunal in *Paryavaran Suraksha (supra)*. However, a bare perusal of the judgment reveals that it was rendered in the context of industrial units and in particular, for their failure to construct an ETP/STP/CETP, which is *ex-facie* inapplicable to the present case.

## MERITS

**Subject construction a reconstruction  
of a pre-existing authorised building**

31. It has been the Appellant's case that the subject structure is built upon a pre-existing structure, i.e., one predating the enforcement of the CRZ Notification in Daman and thus consequently falls in CRZ-II. Pertinently, since the subject structure was constructed prior to the notification of the CZMP under the CRZ Notification, 2011 (on 24.10.2018), it is governed by the provisions of the CRZ Notification, 1991.
32. Before delving into the facts of the Appellant's case, it would be important to appreciate the manner in which the CRZ Notification treats municipal areas. While as a thumb rule, areas within 100m of the HTL from a tidally affected water body is a NDZ, such areas need not necessary be an NDZ in a municipal area. The exception is provided in Cl. 6(1) of the CRZ Notification 1991, which reads as follows:
- “(i) Buildings shall be permitted neither on the seaward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) nor on seaward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads existing authorised structures shall be **subject to** the existing local Town and Country Planning Regulations including the existing norms of FSI FAR.
- (ii) Reconstruction of the authorised buildings to be permitted subject with the existing FSI FAR norms and without change in the existing use.”
- [Emphasis added]
33. The following chronology is pertinent to note:

Date	Relevant Chronology
19.02.1991	CRZ Notification issued: a. Cl. 3(3)(ii) mandated that approvals were to be granted based on the CZMP ( <i>see pg. 402 at 407</i> ); b. Cl. 3(3)(iii) prescribed that until the CZMP was prepared and notified, it would be incumbent on the State Government to ensure adherence to the CRZ Notification ( <i>see pg. 402 at 407</i> ); and c. Cl. 6(1) classified, amongst others, areas which are “within the municipal limits” as CRZ-II area. d. Cl. 6(2) which deals with CRZ-II areas provides that construction/reconstruction of an existing buildings is permissible which would only be subject to the existing local town and country planning regulations ( <i>see pg. 402 at 408</i> ).
01.11.1993	The Appellant’s predecessor’s predecessor-in-title purchased the subject property.
01.09.1994	The Appellant’s predecessor’s predecessor-in-title was granted a construction license by the State Authorities ( <i>see pg. 201 for reference</i> ).
17.10.1995	A completion certificate came to be issued to the Appellant’s predecessor for the structure constructed, in terms of the construction license ( <i>see pg. 201</i> ).
29.11.1996	CZMP for Daman and Diu came to be notified.
26.11.1998	DDCZMA came to be constituted.

34. To put the above chronology into perspective:

- a. The CRZ Notification came to be enforced in Daman only on 29.11.1996 i.e., when the CZMP was notified. Absent a CZMP, there can be no enforcement of the notification as per Cl. 3(3)(ii).

- b. Clause 3(3)(iii) is a transitional provision which entrusts the State authorities to enforce the notification till such time that the CZMP is notified.
- c. Cl. 6(1) classifies an area within municipal limits as CRZ-II areas.
- d. Cl. 6(2)(CRZ-II) provides that in a CRZ-II area, existing authorised structures, and structures of the landward side of existing authorised structures would only be subject to the local town and country planning regulations for the purpose of construction/reconstruction.
- e. The subject construction is within the municipal limits of the Daman Municipality, thus, qualifying as a legally designated urban area for the purposes of the CRZ Notification which treats such areas to be CRZ II, and allows construction and reconstruction on the landward side of pre-existing structures. In fact, the Daman Municipality has confirmed this position by its affidavit of December 2022, in WP No. 13339/2022, which had been preferred by the Appellant before the Bombay High Court.
- f. The Appellant's predecessor in title had obtained a construction license on 01.09.1994 and thereafter a completion certificate on 17.10.1995 from the Daman Municipality, thereby meeting the description of an "authorised existing structure" and fully complying with the CRZ Notification.
- g. The Municipal authorities by granting a construction license and a completion certificate to the Appellant's predecessor (as

required by Clause 3(3)(iii) of the CRZ Notification, 1991), confirmed that (even at that point in time) the said plot was on the landward side of some other existing structure (i.e., in a permissible area within CRZ II), and not in an NDZ.

- h. In other words, if the construction sought to be put up on 01.09.1994 was in an NDZ, the State authorities were duty bound under Cl. 3(3)(iii) to disallow the same.
- i. Consequently, on the day that the CZMP came to be notified, the subject construction was an “*existing authorised structure*” that predated the enforcement of the CRZ Notification, 1991 in Daman and Diu i.e., 29.11.1996 in a legally designated urban area i.e., a municipality, thus *ipso facto* rendering the said area as the landward side for the purposes of CRZ II
- j. To put it differently, since the original structure was an existing authorised structure which predated the notification of the CZMP, it itself became the line demarcating the landward and seaward side for the purposes of CRZ II.
- k. Thus, it is amply clear that a reconstruction of such a structure cannot by any measure be considered as illegal, especially when it has been done after obtaining necessary permissions from the municipal authorities.
- l. Similarly, the plot on which the subject construction stands cannot by any means be classified as CRZ IA, notwithstanding the distance from the HTL.

35. The abovementioned documents clearly establish that the subject construction was an addition to the existing building, which existed

prior to the notification of the CZMP under the 1991 CRZ Notification as well as the constitution of the DDCZMA. Prior to this, it was the State Government's responsibility to ensure compliance with the CRZ Notification and identify areas which qualified as CRZ areas. In the instant case, the State Government never informed the Appellant of the same. To the contrary, the Respondent No.3 (at whose instance the Impugned SCN was initiated) has issued a construction license dated 09.11.2012 to construct Ground plus 10 floors.

36. It is pertinent to note that the Appellant had applied to the Respondent No.3 seeking certified copies of the abovementioned documents (*see pg. 200*), and accordingly, had sought an extension of 8 weeks from the Respondent No.2, which came to be denied.

**Subject construction falls in CRZ-II**

37. In this context, in its reply to the notices dated 15.03.2017 and 16.03.2017 issued by the Respondent No.3, the Appellant had stated as follows:

“... In this connection it is to submit that originally the License is obtained from the Daman Municipal Council, Daman under Construction License No 21/2012-13 dated 9/11/2012 is for the **re-construction of Addition and Alteration to the existing building bearing Municipal House Nos.DMC4/85/ A/G1 to G12, House Nos.DMC-4-85/ A/F1 to F4 and House No.DMC-4/85/ B.**

...

As explained above our construction is coming within the definition of reconstruction of the existing house and therefore the provisions of Coastal Regulation Zone is not applicable in our case. There are numbers of houses existing between our property of re-construction and river Damanganga and therefore also our construction falls within the categories of construction within authorised construction from the Coastal

line and therefore, it is not true to say or suggest that we have violated any of the provisions of the Coastal Regulations.”  
[Emphasis added]

38. Further, the Appellant, in its reply to the Impugned SCN dated 09.02.2026 (*see pg. 189*), had elaborately explained as to how there was a pre-existing structure i.e., a building (consisting of ground plus 1<sup>st</sup> floor) in Sy. Nos. 50/130-H, I, & K and that the subject construction was an addition to this existing structure. Relevant excerpts of the said reply are being reproduced below for ease of reference:

“4.9. As would be clear from the said construction license, said Building is not a “new construction” and is clearly only an “addition and alteration of an existing building” viz. the pre-existing building. The same is the case beyond the shadow of a doubt, since the said construction license itself mentions that it is granting permission for “Proposed Construction of Addition & Alteration of Existing Building on the Survey No. 50 / 130 - H, I, & K’.

4.10. Thus, the said Building, can in no way, be categorized as a “new construction” for the purposes of S. 8 (I) of CRZ Notification and accordingly S. 8 (I) of CRZ Notification would not be applicable to the said Building. Thus, for this reason too, the said Show Cause Notice is bound to fail.”

[Emphasis added]

39. Further, the Court of Principal District Judge, Daman in its order dated 20.10.2022 passed in Civil Misc. Appeal No. 02/2019, has categorically recorded that the subject construction does not fall in the prohibited categories of CRZ. Paragraph 20 of the said order is reproduced below for ease of reference:

“The respondent contends that NOC from CRZ authority is not obtained. The respondent has not satisfied this Court that for the construction in dispute, NOC from CRZ authority was required. The advocate for the respondent referred to clause 4 and 4.2 of Coastal Regulation Zone notification. However, the

**disputed construction does not fall in prohibited categories of work in CRZ** or does not fall in the category of permitted work which requires regulation by CRZ as enumerated in clause 4 of the notification.”

[Emphasis added]

The said order, not having been challenged by the Respondent No. 3 to this effect, has attained finality.

40. Moreover, the Respondent No. 3, in its affidavit filed before the Hon'ble High Court in WP No. 13339 of 2022, has itself acknowledged that the subject construction falls under CRZ-II (*see pg. 150 at 160*).
41. Curiously, while the said material was available to demonstrate that the area in question is CRZ-II, both the Impugned SCN and the Impugned Order rely on the joint inspection report dated 30.01.2026 to conclude that the subject construction falls in CRZ-IA. This, it is submitted, apart from being a violation of principles of natural justice (not having been supplied to the Appellant), also cannot be relied upon because it does not specify the CRZ area in which the subject construction lies, and it measures the distance based on the Outline Development Plan, 2023 (**ODP**) instead of the CZMP (*see pg. 444*).
42. Unfortunately, all the abovementioned factors were wished away by the Respondent No.2 while passing the Impugned Order, where only the plea of ignorance of the CRZ Notification taken by the Appellant was recorded, and demolition was ordered.
43. The Respondent in its reply has proceeded on a singular fact, namely the distance of the structure from the HTL, being within 100mts., and

has implied on such basis that the subject construction falls in CRZ IA. This, it is submitted, is an oversimplification, if not a complete misreading, of the CRZ Notification and the intricacies thereof. CRZ II areas are an exception to the general rule of distance in as much as even area within 100mts. of the HTL in CRZ II are not an NDZ as long as they are on the landward side of a structure that existed prior to the enforcement of the CRZ Notification.

44. Lastly, it is submitted that the Impugned SCN and Impugned Order are in violation of the Hon'ble High Court's order dated 18.12.2025 passed in WP No. 13339 of 2022, whereby the Hon'ble High Court had restrained the Respondents from taking any coercive action "based on the orders" impugned in RCS No. 16 of 2019 (filed by the Appellant) i.e., the order dated 27.06.2019 passed by the Respondent No.3, which was based on the lack of permission from the CRZ authority, amongst others.

#### SUMMARY

45. Hence, to summarise, it is submitted that:
- a. The failure to comply with the statutory requirement of minimum notice of 15 days under Rule 4(3)(a) of the EP Rules, and the directions of the Hon'ble Supreme Court in ***Re Demolition*** (*supra*), renders the Impugned SCN void *vide Nawabkhan Abbazkhan* (*supra*).
  - b. The failure to comply with the directions of this Hon'ble Tribunal in ***Sesa Goa*** (*supra*) in not supplying the joint inspection report dated 30.01.2026 to the Appellant, while

relying on the same to order demolition of the subject construction, renders the Impugned SCN and the Impugned Order liable to be set aside on the ground of violation of principles of natural justice.

- c. These violations of natural justice are not curable in an appeal before this Hon'ble Tribunal *vide Zon Hotels (supra)*. The Impugned Order deserves to be set-aside without entering into the merits of the matter for that would be prejudging the merits without a fair opportunity.
- d. Nonetheless, even on merits, the Appellant's construction is legal and valid being a re-construction of a structure existing prior to the enforcement of the CRZ Notification and thus, immunised as a construction on the landward side of a CRZ II area.
- e. The Respondent's case, on merits, is simply that the subject construction falls in CRZ IA. Unfortunately, this is a mere deduction based on distance from the HTL, which it is submitted, is not determinative of zoning under the CRZ Notification in municipal areas, given the special dispensation for CRZ II areas allowing construction and reconstruction in areas that may well be less than 100mts. from the HTL, but are on the landward side of an existing authorised structure i.e., on the date that the CRZ Notification came to be enforced for such area.
- f. The calculation and imposition of Environmental Damage Compensation (**EDC**) in the Impugned Order, seemingly based on the formula mandated by this Hon'ble Tribunal in *Paryavaran Suraksha Samiti v. UoI*, OA No. 593/2017 (which was rendered

specifically in the context of industrial units), is without any underlying basis I.e., there is no explanation as to how this figure was arrived at and also without giving a prior opportunity of hearing to the Appellant on this aspect, not having been mentioned in the Impugned SCN, which is contrary to Rule 3 of the EP Rules.

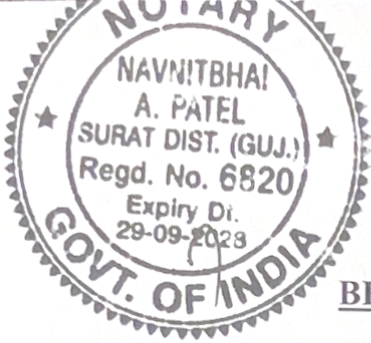
46. In view of the above, the Impugned SCN and the Impugned Order deserve to be set aside.

PUNE

DATE: 27/03/2026



ADVOCATE FOR APPELLANT



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

APPEAL NO.61 OF 2026 (WZ)

Al-Saad Builders & Developers And Ors.

... Appellants

Versus

Administration of the Union Territory of  
Dadra and Nagar Haveli and Daman and Diu And Ors

... Respondents

A F F I D A V I T

MAY IT PLEASE THE HON'BLE TRIBUNAL:

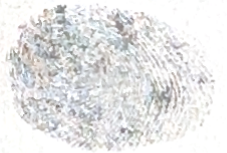
I, Mr. Kazi Javiduddin, adult, Occu.: business, having address at 1/17, Bandodkar Stadium, Nani Daman, Daman-396210 do hereby state on solemn affirmation as under: -

I am the constituted attorney and the authorised signatory of the Appellant No.1 above named and responsible for day to day administration of my business. As such, I have gone through the memo of Rejoinder and annexure thereto being filed today. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.


WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief. In witness whereof I have signed hereunder at \_\_\_\_\_ on \_\_\_\_\_ day of March 2026.



Deponent



**BEFORE ME**



NAVNITBHAJI A. PATEL  
NOTARY  
SURAT DIST. (Gujarat)  
Govt. of India

Regd. Sr. No.:- 620  
Date :- 27 MAR 2026



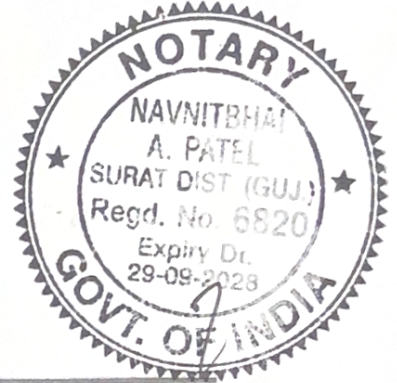


ભારત સરકાર  
Government of India



કાઝી જાવીદુદ્દીન  
Kazi Javiduddin  
જન્મ તારીખ / DOB : 07/11/1962  
પુરુષ / Male

Issue Date : 14/11/2013



9261 2263 6737

મારો આધાર, મારી ઓળખ



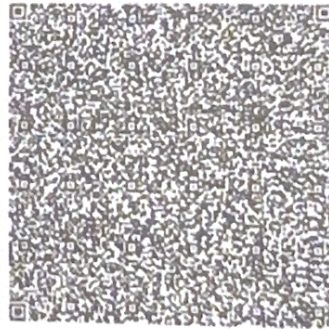
ભારતીય વિશિષ્ટ ઓળખ પ્રાધિકરણ  
Unique Identification Authority of India



સરનામું: S/O: ઝીયઉદ્દીન, 1/98/3, ગોલંદાજ  
બિલ્ડિંગ, ગોલંદાજ સ્ટ્રીટ, નાનપુરા, સુંવાળી,  
સુરત, ગુજરાત, 395001

Print Date : 24/06/2023

Address: S/O: Ziyuddin, 1/98/3, golandaz  
building, golandaz street, nanpura,  
Sunvali, Surat, Gujarat, 395001



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1947



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*(Handwritten signature)*

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

AT PUNE

APPEAL NO.61OF 2026 (WZ)

Al-Saad Builders & Developers And Ors.

.. Appellants

Versus

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... Respondents

A F F I D A V I T

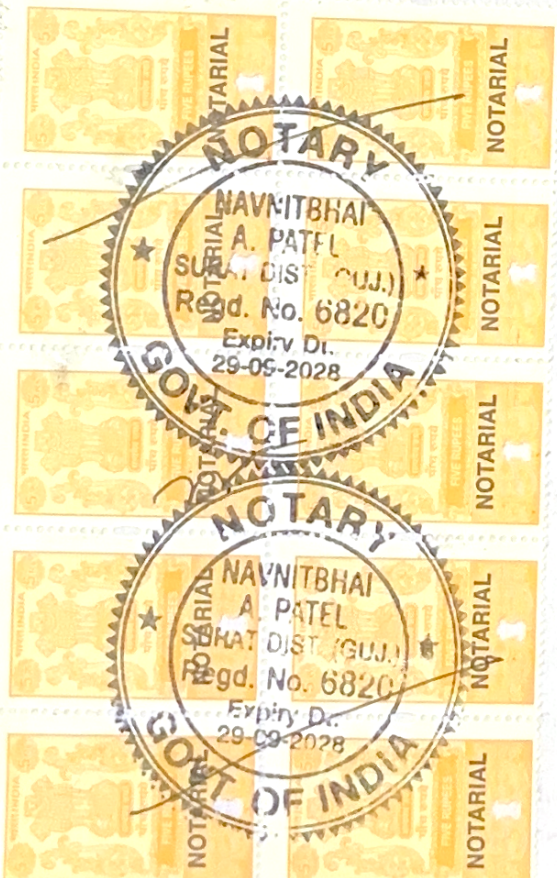
MAY IT PLEASE THE HON'BLE TRIBUNAL:

We, Mr. Anand Chaute and Mr. Kazi Javiduddin, adult, Occu.: business, having address at 32/5, Khatotra, Mahatma Wadi, Udhna Darwaja, Surat, Gujarat-395002 do hereby state on solemn affirmation as under: -

We are the authorised signatory of the Appellant No.2 above named and responsible for day to day administration of my business. As such, I have gone through the memo of Rejoinder and annexure thereto being filed today. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief.

In witness whereof I have signed hereunder at \_\_\_\_\_ on \_\_\_\_\_ day of March 2026.



*Handwritten signature of Mr. Anand Chaute*

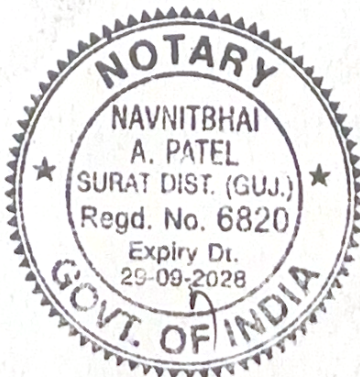


Mr. Anand Chaute

*Handwritten signature of Mr. Kazi Javiduddin*



Mr. Kazi Javiduddin




**BEFORE ME**


*Handwritten signature of Navnitbhai A. Patel*

NAVNITBHAI A. PATEL  
NOTARY  
SURAT DIST. (Gujarat)  
Govt. of India

Regd. Sr. No.:- 619  
Date :- 27 MAR 2026




**भारत सरकार**  
**GOVERNMENT OF INDIA**


**Anand Suryakant Chaute**  
 જન્મ તારીખ / DOB: 22/11/1979  
 પુરુષ / MALE

**5315 4951 7985**  
 VID : 9156 3439 2333 6170

**મારો આધાર, મારી ઓળખ**

*Anand Suryakant Chaute*


**भारतीय विशिष्ट पहचान प्राधिकरण**  
**UNIQUE IDENTIFICATION AUTHORITY OF INDIA**

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