



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

**APPEAL NO. 6/2025(WZ)**

**Colva Civic & Consumer Forum** ...  
**APPELLANT**

**v.**

**Goa Coastal Zone Management  
Authority (GCZMA) & Ors.** ...  
**RESPONDENTS**

**AFFIDAVIT-IN-REJOINER TO THE AFFIDAVIT  
IN REPLY FILED BY RESPONDENT NO. 1**

**REPLY FILED BY RESPONDENT NO. 3**

I, **Judith Almeida**, age 70 years, President of the Colva Civic and Consumer Forum (Appellant), having office at H. No. 257/1, Ward 3, Bagdem, Colva, Salcete, Goa – 403708, do hereby solemnly affirm and state on oath as follows:

I have perused the Reply filed by Respondent No. 1, (GCZMA), to these proceedings. At the outset, I categorically deny the correctness, veracity, and legal tenability of the assertions in R1's reply, save and except any statements expressly admitted herein. The reply is replete with evasive, and contradictory statements aimed at

*JA*



avoiding liability for the blatant and admitted violations of the Coastal Regulation Zone (CRZ) Notification, 2011 and the Beach Carrying Capacity Report, 2016. Any averment in the reply which is not specifically dealt with hereunder should be deemed to be denied as false and untenable.

1. Para 1 to 3 are a matter of record.

2. With regards to para 4 The Resp 1 has stated that the NOC dt 23.12.2020 was set aside by the Hon'ble NGT on 28.09.2022 " *on the limited ground that at the time of giving permission, GCZMA had not considered the "beach carrying capacity". The Judgement further states that " .....with a liberty that in case, Respondent No. 4 approaches the Respondent No. 1 again with respect to raising the same should be considered in the light of the Beach Carrying Capacity' on the date of its consideration"* I submit that since there is no fresh BCCR done the Resp 1 has not stated on what basis the Resp no 4 has obtained the present NOC for Temporary structures in the NDZ of CRZ -III

3. With regards to para 5; The Respondent 1 has quoted para 20 of the Judgement of the Hon'ble NGT but has not shown its intention to address this part of the Hon'ble NGT order in letter and spirit." ..... *it is clear that GCZMA has decided not to allow any further construction of huts etc. in the Survey Number in question and yet has*

*JN*

*proceeded to allow the said construction which appears to be in violation of the said policy.....”*



4. This Appellant reiterates that though the NCSCM failed to identify this survey number as a Sand Dune in the CZMP 2011, the Reports of the Expert members including a member of NCSCM who physically visited the Site cannot be ignored. The said property bearing survey 16/4 of Sernabatim Village was identified as a sand dune in 2009. GCZMA site inspection report dt. 16.04.2009 (*annexed as Annexure A11m in Appeal Memo*) Subsequent inspections of Expert Members of the GCZMA have also observed the same. The GCZMA site inspection reports dt. 17/12/2014 and 27/07/2020, (*annexed as Annexure A12 colly of Appeal Memo*) The GCZMA expert members, emails dt 11.12.2020 and 12.12.2020. to R1 objecting to the approval on the Sand Dune in sy.no 16/4. (*annexed at Annexure A 13 colly of Appeal Memo*) A report was prepared by the Joint Committee (including a member of the NCSCM) in compliance of an order of this Hon'ble Court in Appeal No. 32/2022, wherein the NCSCM has observed that the area in the subject property is a sand dune. The said (NCSCM) Joint inspection report dt 19.10.2022 is (*annexed in Appeal Memo as Annexure A8*).

5. With regards to Paras 6, &7 are a matter of record.

*JA*



6. With regards to para 8, The Resp 1 acknowledges that the Appellant has objected to the NOC and raised the issue of the BCCR 2016 which confirms that what the NGT has stated in its Judgement that “ .....*should be considered in the light of the Beach Carrying Capacity' on the date of its consideration*” and which is what is challenged in the present Appeal

7. With regards to para 9, This appellant relies on para 2 e, f, g & 1 of the Appeal Memo. The respondent No 1 has selectively misinterpreted portions of the BCCR 2016 to justify the approval of new structures. In it's 411<sup>th</sup> meeting dt 05.09.2024 the RI has referred to Table 19 and 21, which shows that additional capacity is available from Betul HL to Cansaulim HL, however, these tables refer to Government beaches and **not private property**. The Carrying Capacity Report on page 91 shows that on Sernabatim Beach only 3 shack allotments are available which has already been allotted by the Department of Tourism. The Report in table 24 unambiguously states that Colva, Betalbatim and Majorda Beaches have reached it's carrying capacity, and No additional shacks, huts / Tents / cottages to be considered. By ignoring the core findings of the report, the Respondent has acted in an arbitrary manner by ignoring this crucial part of the report.

8. I further submit that the Respondent 1 at para 5 of its Reply when quoting para 20 of the Hon'ble NGT

JA



Judgement dt 28.09.2022 has once again ignored the latter part of para 20 wherein the order states ".....keeping in view the precautionary principle, we are also of the view that no such construction should have been allowed by the GCZMA in the said area without clearly mentioning as to whether the permission granted of the said construction would fall within the Beach Carrying Capacity or not ....."

9. Para 10 is a matter of record.

10.. With regards to para 11 this decision is left to the wisdom of this Hon'ble Tribunal to be decided.

I state that the contents of this affidavit are true and to the best of my knowledge and nothing material has been concealed therein.



Solemnly affirmed at Margao, Goa,  
On this <sup>1<sup>ST</sup></sup> day of OCTOBER, 2025.

*J. Almeida*  
DEPONENT



Solemnly affirmed before me by  
Judith Almeida  
Who is identified to me by  
EPIC No. KMX3050465  
to whom I ~~put~~ know on  
this 01 day of oct 2025

Reg No 9659/2025  
*K. Savita*  
SAVITA G. KURTARKER  
NOTARY  
MARGAO-GOIA

