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

APPEAL NO. 07 OF 2023 [WZ]

BETWEEN:

The Colva Civic and Consumer Forum...**APPELLANT**

AND

The Goa Coastal Zone Management

Authority & ORS.

...**RESPONDENTS**

AFFIDAVIT IN REJOINDER TO JOINT SITE
INSPECTION REPORT DATED 06.04.2023 AND
OBSERVATIONS WITH RESPECT TO SITE
INSPECTION TO VERIFY COMPLIANCE DATED
03.05.2023.

I, Mrs Judith Almeida, aged 67 years, daughter of late Joseph Henry Baptiste, R/o. H. No. 257/1, Bagdem, Ward 3, Colva, Salcete, Goa, President of the Colva Civic and Consumer Forum, do hereby solemnly state and affirm as under:

1. At the outset this Appellant herein states that at the time of the Joint Site Inspection on 25.03.2023, the Appellant was not permitted to be joined by its forum volunteer nor was permitted to take photographs of the violations by the Respondent No. 3 despite requests to the Resp 1's Expert Member leading the team that the same be permitted.





2. I say that the Resp no 1's Expert Member insisted that only violations as per the order dt 21.02.2023 of this Hon'ble Tribunal would be recorded, despite the repeated requests of this Appellant that all violations be recorded and that the Joint Inspection was constituted in order for all the relevant facts to be ascertained and placed before the Hon'ble Tribunal.

3. The following are the Appellants observations during the Site Inspection that has not been recorded in the Report dt. 06.04.2023 prepared by the R. 1 authority:

a) With respect to survey no 55/3:

- i) The entire frontal area has been concretised with permanent tiles. **(Photo No 1)**
- ii) The second last structure towards the north of the property has extensions with metal shade extended into the setbacks upto the boundary. **(Photo No 2)**
- iii) The ground floor to the west of the 5th structure north of the property is covered from all sides and extended into the setbacks upto the boundary. There is also a kitchen in the extension of the ground floor on the northern side, on the south side there is a metal chimney fitted upto the top of the building and 2nd floor too covered with flat roof. **(Photo No 3)**
- iv) Adjoining the 5th structure northwards is an approximately 200 sqm restaurant. **(Photo No 4)**
- v) Beyond the restaurant towards the north entire area is concretised and used for parking of vehicles etc. **(Photo 4 -B)**
- vi) The structure that encloses STP is a long structure with concrete flooring being. **(Photo No 5)**
- vii) Illegally constructed 2nd floor of all 5 structures are also flat roofs above which water tanks are installed with roofs above.



JA

b) With respect to survey no 54/5:

- a) On the eastern side of the property there are concrete steps descending to the basement below the swimming pool which has several rooms including a toilet. (Photo No 6, 6-A, 6-B, 6-C)
- b) From the midpoint of the property there are 8 ascending concrete steps leading to the swimming pool area. (Photo No 7)
- c) Almost the entire area surrounding the swimming pool is concretised and to the north east there is metal steel structure (Photo No 8)
- d) To the west there is metal structure with a shade open on all sides with deck beds. (Photo 10) (still exists as seen on page 5 of Jt. Inspection report dt 06.04.2023)
- e) To the north east beyond the swimming pool there are 11 concrete descending steps leading to two wash rooms. (Photo 9)
- f) Beyond the swimming Pool there are 2 more wash rooms Named as 'Queen' & 'King' (Photo 9-A & 9-B)
- g) Towards the north east side of the property on the terraced part of the sand dune is an illegal open well constructed and fitted with a pump. (Photo 11)
- h) It was observed that despite all the concretizing on the sand dune ipomea creepers endemic to sand were found creeping on the eastern slope of the sand dune upto the concrete wall surrounding the pool area.

All the above are also illegal and unauthorised and the photographs attached were taken on 03.05.2023 during Joint Site Inspection to verify Compliance which also existed on 25.03.2023. Annexed

as Exhibit '2' only'

4. Surprisingly, pursuant to the joint site inspection conducted on 25.03.2023 which report is dt 06.04.2023 and is placed before this Hon'ble Tribunal, the Appellant received a notice dt 25.04.2023 with a title "NGT DIRECTION MATTER" stating that the Notice pertains to issues before the Hon'ble National



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Green Tribunal in appeal 07/2023 (WZ) and order dt 21.02.2023 and that the Respondent (3 herein) has submitted a Compliance letter stating therein that the Respondent have complied with the direction of the GCZMA and thus a decision was taken by the R1 to hold another joint site inspection on 03.05.2023. Annexed is a copy of the notice dt 25.04.2023 as **Exhibit A1**.

5. Out of abundant caution, this Appellant wrote to the R1 that a copy of the compliance letter was not enclosed with the notice with a request that the inspecting team be directed to plot/photograph/conduct aerial survey of all the violations and structures existing in both the survey nos 55/3 & 54/5 of Colva village, Salcete and that atleast two representatives of the forum be permitted, and also permit the Appellant to take photographs. Annexed is a copy of the email sent to the R. 1 dt 30.04.2023 as **Exhibit A2**.

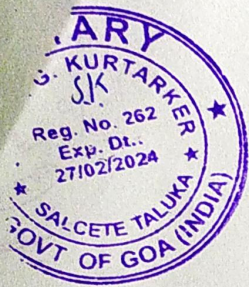
6. On the appointed date ie 03.05.2023, only the R1's team and the Talathi of Colva was present along with the Appellant and Respondent No 3 and the Site Inspection took place. During the site inspection this Appellant took necessary photographs as evidence of the several violations that still existed. Annexed as **Exhibit A3** is a copy of the letter/submissions dt, 08.05.2023 submitted by email to the R1 with photographic evidence of the several violations.

7. It was observed among the several violations shockingly that despite a 23.09.1988 office Memorandum annexed as **Exhibit A4** which stipulates conditions to be enforced under the Environment Protection Act and which is part of the documents in the file of the R3 and which states at clauses below that:

“(v) Ground water must not be tapped for any purpose for the complex as there is likelihood of ingress of saline water and consequent pollution of the ground water.

“(vi) The construction must not be more than 9 metres high and must not go beyond the tree top line in the vicinity. The

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construction must, in the maximum be of two floors- ground and one upper floor.

(vii) The construction should be of light material with a sloping roofs in local architectural style, ...

(ix) Sand from the sand dunes in the coastal stretch must not be removed for any purpose."

8. Despite this Office Memorandum dt 23.09.1988, the R3 has gone ahead and destroyed the remaining part of the sand dune in survey no 55/3 and 54/5 which is Zoned as A1 (Agricultural Zone) by undertaking several concrete developmental works including constructing a well on the terraced part of the sand dune and has been using a pump to draw water for commercial use. The five structures in Sy.nos 55/3 which are ground + 2 have flat roofs and also have a water tank placed above each of the second floor of the 5 structures with a roof above. (see page 9 & 10 Annexure VI & VII respectively of Joint Inspection report dt 06.04.2023).

9. It is submitted that the CRZ Notification dated 06.01.2011 amended on 22.03.2016;

Section "3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(xi) Drawl of groundwater and construction related thereto, within 200mts of HTL; except the following:-

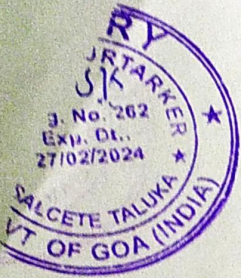
(a) in the areas which are inhabited by the **local communities and only for their use.**

(b) In the area between 200mts-500mts zone the drawl of groundwater wells for drinking, horticulture, agriculture shall be permitted only when done manually through ordinary and fisheries and where no other source of water is available. (Underlined by me only for emphasis)

Note:-Restrictions for such drawl may be imposed by the Authority designated by the State Government and Union territory Administration in the areas affected by sea water intrusion.

(xii) Construction activities in CRZ-I except those specified in para 8 of this notification.

OH



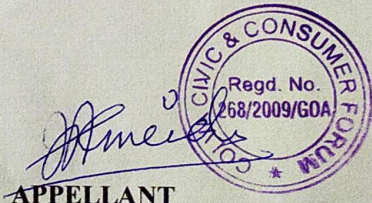
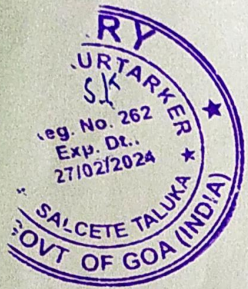
(xiii) Dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose [except utilizing the rocks / hills/ natural features, only in CRZ-IV (A) areas, for development of memorials / monuments and allied facilities, by the concerned State Government] 42" (inserted vide notification S.O.556 (E) dated 17.02.201).

10. Also annexed as Exhibit A5 Colly herein is a copy of the Conversion Sanad, which shows conversion was granted only for survey nos 55/3 and not to survey no 54/5 - but the R3 has gone ahead and destroyed the sand dune in sy no 54/5 in an unauthorised manner, also annexed is a copy of the noting sheet wherein the R3 was to submit in writing that the sand dunes would not be disturbed.

11. It is evident that the R3 has no respect for the laws and has violated the rules of the CRZ Notification and the Environment Protection Act 1986.

12. I state that the contents of paras 1 - 11 of my above affidavit are true to my knowledge and belief. I state that the contents of paragraphs 1, 2(p), 3(p), 4, 5, 6(p), 7(p), 8(p) and 9(p) are correct and true to my own knowledge and official documents/records, and that the contents of paras 2(p), 3(p), 6(p), 7(p), 8(p), 9(p) and 10 are my submissions made on legal advice which I believe to be true. No part of it is false and nothing material has been concealed therefrom, and the annexures enclosed are true copies of their originals and that no part of it is false and nothing material has been concealed therefrom.

Solemnly affirmed at Margao - Goa,
This the 30th day of May 2023.



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Solemnly affirmed before me by

Judith Almeida

Who is identified to me by

Epic No. KNX 3050 465

to whom I personally know on

this 30th day of May 2023

Reg No 9638/2023

KSAVITA

SAVITA G. KURTARKER
NOTARY
MARGAO-GOIA



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EXHIBIT '2 Colly'

No.1: Concrete tiled floor from entrance onwards

sy.no 55/3 Colva village.



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No 2: Extensions to the ground floor into western setbacks upto boundary sy.no55/3, Colva village



No. 3: 5th structure northwards ground floor covered and extended into setbacks upto boundary with chimney and 2nd floor covered and with flat roof.
Sy. No 55/3 Colva village

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No 4: Restaurant with Kitchen approx. 200 sqm attached to the 5th structure /61
sy no 55/3 Colva village.



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No 4- A : 2nd floor of 5th structure northwards covered on the west side sy. No 55/3, Colva village.



No 4 – B Beyond the restaurant northwards entire area is concretised and used for parking of vehicles etc.



No. 5 : Internal area of STP with concrete flooring sy.no 55/3_Colva village. 164



No 06 : Concrete basement with rooms & toilet Sy. No 54/5 Colva village.

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No 6-A: Basement room Sy No 54/5, Colva village

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No 6- B: Toilet in basement room Sy. No 54/5, Colva village

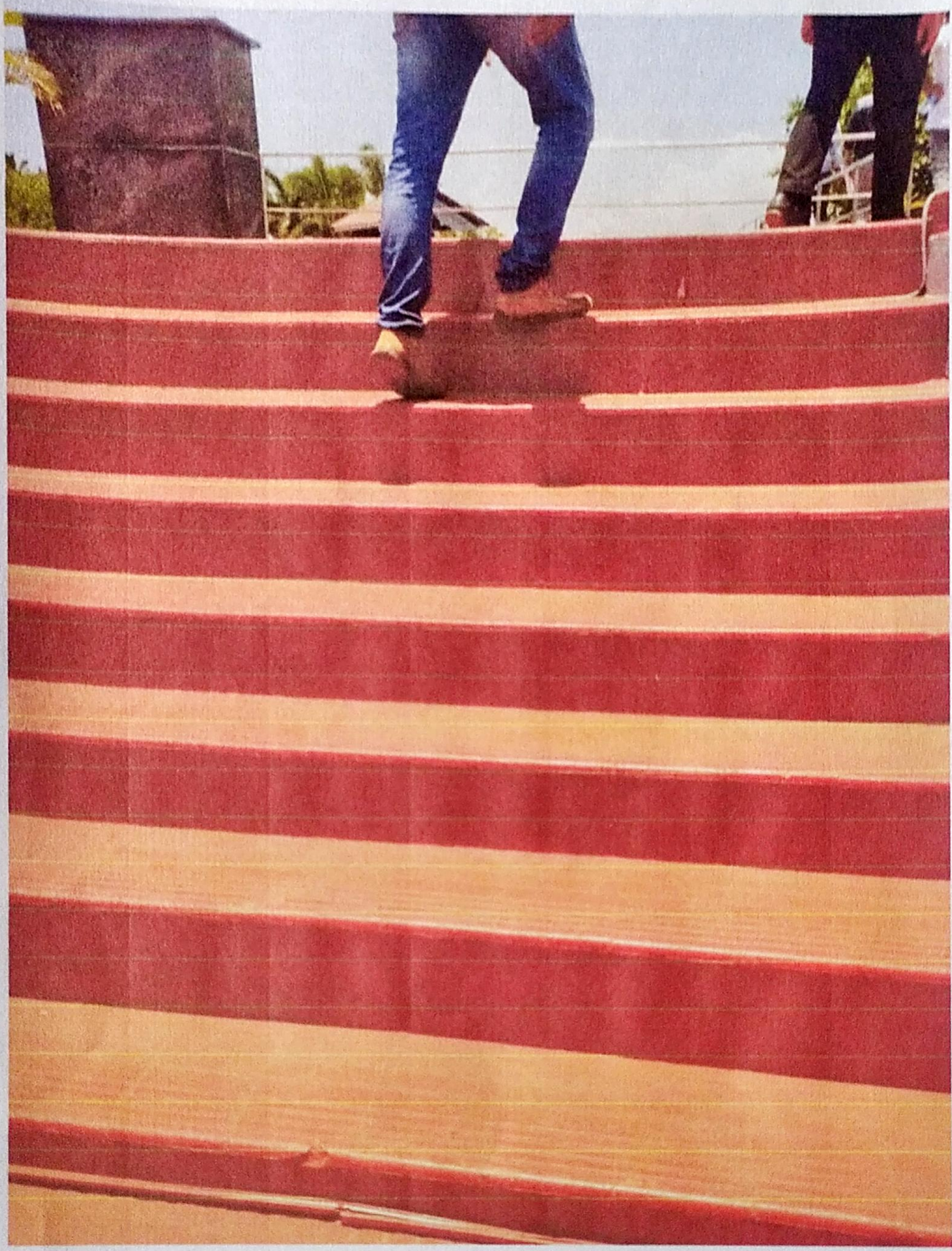
167





169

No. 07 : Ascending concrete steps leading to the swimming pool Sy. No 54/5
Colva village



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No. 08 : Area around swimming pool concretised with a structure towards the north Sy.No 54/5 Colva village.



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No 09 : North-east beyond the swimming pool, descending concrete steps to two more wash rooms/ toilets Sy No 54/5 Colva village.



No 9 - A : Wash room/toilet No 1. Sy. No 54/5 Colva village

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No 9 – B : Wash room/toilet No 2. Sy. No 54/5 Colva village

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174 23

No 10 : Ascending steps on west of property leading to a steel structure with deck beds sy. No 54/5 Colva village. (structure seen in Annexure II of report dt 06/04/2023)



No 11: East of sand dune terraced wherein illegal open well with pump installed, Ipomea creepers endemic to sand dunes seen on slope.

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Jane Lopez
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Exhibit A1

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GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)

4th floor, Dempo Towers, Patto, Panaji Goa

www.czma.goa.gov.in

Ref. No. GCZMA/Notification/Appeal No. 07/2023/22-23/37/219 Date: 25/02/2023
04

NGT DIRECTION MATTER

Sub: Notice pertaining to cases before the Hon'ble National Green tribunal in

- i. Appeal No. 07/2023 (WZ)
- ii. Order dated 21/02/2023

Dear Sir/Madam,

That the Colva Civic and Consumer Forum had filed an appeal against the order dated 09.12.2022 passed by the Respondent No. 1/GCZMA, whereby Respondent No. 3- M/s. West Zone Hotel alias Salcete Beach Resort/Project Proponent has been ordered to demolish the pool side Restaurant in the Survey No. 54/5, Stage, Shower room, fountain, Basement below swimming pool deck, Interlocking pavers on concrete base, car porch, security cabin and Cylinder Shed, erected on Survey Nos. 53/3 and 54/5 of Colva Village, Bardez, Goa and to restore the land to its original condition.

That, the Hon'ble NGT in order to ascertain the dispute with respect to some part of the disputed property to be open or covered, the Hon'ble Tribunal decided to appoint a three members Committee comprising of (i) The Goa Coastal Zone Management Authority (GCZMA) (ii) The Goa State Pollution Control Board (GSPCB) and (iii) The District Magistrate, South Goa.

The nodal agency will be the Goa Coastal Zone Management Authority (GCZMA) for coordination and Logistic support.

That the Respondent has submitted a Compliance Letter stating therein that the Respondents have complied with the direction of the GCZMA.

That the Goa Coastal Zone Management Authority (GCZMA) decided to hold a joint Site Inspection on 03/05/2023 at 11. 00a.m onwards. You are hereby directed to remain present or send a representative to represent your Authority.

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In this regard, you are hereby directed to conduct the inquiry and submit a report within 3 days thereafter.

You are kindly requested to submit the details on **URGENT BASIS** as the matter is coming up for hearing before the Hon'ble NGT.

Gitte
Dr. Sneha S^SGitte (IAS)
Member Secretary (GCZMA)

To,

1. **The Chairman, The Goa State Pollution Control Board (GSPCB, Saligao, Bardez Goa** with a direction to comply with the order of the NGT.
2. **The Collector, The District Magistrate, South Goa, Office of Collector (South), Collectorate building, Salcete-Goa...** with a direction to comply with the order of the NGT.
3. **Shri Sushant S.Naik, Expert Member of Goa Coastal Zone Management Authority (GCZMA).....** to assist in site inspection and to draw the report
4. **M/s West Zone Hotel, alias Salcete Beach Resort, resident of Colva, Salcete, Goa.**
- ✓ 5. **Colva Civic & Consumer Forum, C/o Mrs. Judith Almeida, H. No.257/1, ward 3, Bagdem, Colva, Salcete-Goa.**

True copy
JA

5/22/23, 3:08 PM

Gmail - Sub : Inspection of all structures and violations in property bearing survey nos 55/3 & 54/5 of West Zone Hotel alias S...

M Gmail

EXHIBIT A2 177
Judith Almeida <judith.almeida1707@gmail.com>

Sub : Inspection of all structures and violations in property bearing survey nos 55/3 & 54/5 of West Zone Hotel alias Salcete Beach Resort of Colva Village, Salcete. Ref : Notice pertaining to cases before the Hon'ble National Green Tribunal in i. Appeal No. 07/2023 (WZ) ii. Order dated 21/02/2023. Dt 25/04/2023.
1 message

Judith Almeida <judith.almeida1707@gmail.com>
To: gczma gczma <goacoastalzone@gmail.com>

Sun, Apr 30, 2023 at 6:55 PM

COLVA CIVIC AND CONSUMER FORUM

H.No. 257/1, Bagdem, Ward 3, Colva, Salcete, Goa 403 708
Regd. No 268/09 Goa. Mob. No. 9823085206

Ref. No. CCCF/GCZMA/ 05/2023-2024
Dated 30.04.2023

To,
The Chairman/ Member Secretary,
Goa Coastal Zone Management Authority,
4th Floor, Dempo Towers,
Patto, Panaji, Goa 403 001.

Sub : Inspection of all structures and violations in property bearing survey nos 55/3 & 54/5 of West Zone Hotel alias Salcete Beach Resort of Colva Village, Salcete. Ref : Notice pertaining to cases before the Hon'ble National Green Tribunal in i. Appeal No. 07/2023 (WZ) ii. Order dated 21/02/2023. Dt 25/04/2023.

Sir/Madam,

I am pleased to receive from your office an inspection notice dated 25/04/2023 fixing an inspection to verify the Compliance with respect to the letter sent to your office by the Respondents that they have complied with the directions of the GCZMA as stated in your letter. No copy of their compliance letter has been annexed in your letter. I would be grateful if a copy of the same was issued to me.

I wish to request your Hon'ble Authority that the Inspecting team be directed to plot/photograph/conduct an aerial survey of all the violations and structures existing in both the survey nos 55/3 & 54/5 of Colva village, Salcete for purpose of transparency and confirmation of facts on site.

Further, I request this Hon'ble Authority that the Respondent be directed to permit this Appellant (Colva Civic & Consumer Forum) to allow at least two representatives of the Forum to be present during the inspection and permit photographs to be taken.

Thanking You,

Sincerely,

Sd/-

Judith Almeida (President) Colva Civic and Consumer Forum.

Judith Almeida
JA

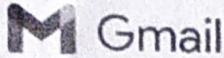


EXHIBIT A3 178
Judith Almeida <judith.almeida1707@gmail.com>

Letter dt 08.05.2023 of observation of violation during joint site Inspection on
03.05.2023

1 message

Judith Almeida <judith.almeida1707@gmail.com>

Mon, May 8, 2023 at 1:26 PM

To: arunmishra.au@gmail.com, gcзма gcзма <goacoastalzone@gmail.com>, secyenv.goa@gov.in

To,

The Chairman/Member Secretary,
Goa Coastal Zone Management Authority,
4th floor, Dempo Towers, Patto,
Panaji, Goa 403 001.

Sir/Madam,

Please find enclosed letter dtd 08.05.2023 from Colva Civic and Consumer Forum with observation and photographs attached of violations noted during the Joint Site Inspection to verify Compliance held on 03.05.2023 in the property belonging to West Zone Hotel alias Salcete Beach Resort in sy. Nos 55/3 & 54/5 of Colva village, Salcete, Goa.

Thanking you,

Sincerely,

Sd/-

Judith Almeida (President Colva Civic and Consumer Forum)

No 4; Restaurant with kitchen approx 200sqm att...

No 4 A 2nd floor covered of 5th structure sy no...

No 5; Internal area of STP with concrete floori...

No 6; basement rooms plus toilet sy no 54 of 5...

No 6-A Basement room sy no 54of 5 Colva village...

No 6-B basement room toilet sy no 54 of 5 colva...

No 6-C basement room sy no 6-C.jpg

No 7 Concrete steps leading to swimming pool sy...

No 8; area surrounding the swimming pool concre...

Judith Almeida
JA

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No 9; beyond swimming pool 1 descndng concree ...

No 9 -A; Queens wash room sy. no 54 of 5 Colva ...

No 9-B Kings wash room sy. No 54 of 5 colva vil...

No 10; Ascending steps westwards leading to a s...

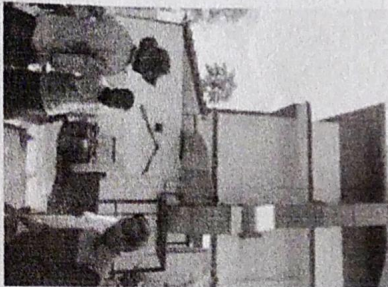
5 attachments



No. 1; Concrete tiled floor from entrance Sy. No 55 of 3 Colva village.jpg
8267K



No 2; extension to the ground floor into the setbacks upto boundary Sy. No 55 of 3 Colva village.jpg
9328K



NO 3; ground floor covered & extended upto boundary and 2nd floor covered. sy no 55 of 3 Colvavillage.jpg
5803K



No 11; Sand dune terraced and illegal well with pump installed in sy no 54 of 5 Colva village.jpg
322K

Letter dt 08.05.2023 to GCZMA wrt Inspection dt 03.05.2023.pdf
1824K

Shree Kapur
AA

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COLVA CIVIC AND CONSUMER FORUM

Reg No 268/Goa/2009

House No 257/1, Bagdem, Ward 3, Colva, Salcete-GOA 403708 Mob: 9823085206

Ref: CCCF/GCZMA/06/2023-24 Date: 08.05.2023

To,

The Chairman/Member Secretary,
Goa Coastal Zone Management Authority,
4th Floor, Dempo Towers, Patto,
Panaji, Goa 403 001.

Sub : Observations during Joint Site Inspection conducted to verify Compliance on 03.05.2023 of West Zone Hotel alias Salcete Beach Resort of survey nos 55/3 and 54/5 of Colva village.

Ref : GCZMA/NGT Matter/Appeal No. 07/2023/22-23/37/219 dt 25.04.2023 Notice pertaining to cases before the ahon'ble National Green Tribunal in

- i. Appeal No. 07/2023**
- ii. Order dated 21/02/2023.**

Sir/Madam,

Pursuant to Notice for a joint inspection of the above mentioned site I wish to record the following;

1. The Notice letter dt 25/04/2023 fixing a joint inspection on 03.05.2023 to check for Compliance based on a letter of the Project Proponent, states that it is a ' NGT Direction Matter '. In my respectful submission I wish to state that it is misconceived that the Hon'ble NGT had in its order dt 21.02.2023 in Appeal 07/2023 directed this Hon'ble Authority to check for compliance, it appears that there is an attempt to create a false picture in an attempt to cover up all the serious violations that exist on site and cover up the serious violations. The Hon'ble NGT had only constituted a joint Committee to inspect the site as recorded in the order " *since there is dispute with respect to some part of the disputed property to be open or covered, it would be appropriate for us to constitute a committee to visit the site and submit its report in regard to these facts*"

[1-3] JA

2. I wish to record that at the time of the earlier Inspection on 24.03.2023 in accordance with the order of the Hon'ble NGT dt 21.02.2023 I submit that I requested the Expert Member (EM) of GCZMA, to record all violations at the site beyond the authorised permissions (the permissions on record being of only dt 13.08.1986 & 23.06.1994), to my surprise the EM Ms Radha Rao insisted that she would only go by the order dt 21.02.2023 which recorded the violations and the report dt 06.04.2023 testifies the same. The Project Proponent prohibited me from taking photographs during the site Inspection dt 24.03.2023 for which reason I was unable to provide evidence of further violations.
3. The GCZMA had passed its order dt 09.12.2022 based on the site inspection and mapping of the structures conducted on 21/05/2020 which report was dtd 04.02.2021. Hence there was no record of further violations of civil works carried out pursuant to this inspection.
4. One of our grievances before the Honle NGT was that pursuant to the Stop Work order issued by this Hon'ble Authority dt. 07.05.2019 the civil works continued till the passing of the GCZMA order dt 09.12.2022. Hence the new violations were not recorded in this order.
5. On 03.05.2023 there was no representative from the GSPCB and the Talathi of Colva represented the Collectors office. During the site inspection I received the same response from the EM Mr. Sushant Naik of GCZMA to my request to record all the violations at site. Hence out of abundant caution I am herein recording all the violations with photographs which I have observed on site which are beyond the only permissions dt 13.08.1986 & 23.06.1994. No further permissions have been obtained for renovation, repair and reconstruction or new constructions from any authorities after these two permissions
6. My Observations of the violations as seen in the photographs are the following :-

Survey no 55/3 of Colva village Salcete

- i). The entire area starting from the entrance of the property bearing survey nos 55/3 which as per order recorded as interlocking pavers has been converted into concrete tiled base (Photo No 01).
- ii). The third of the five structures has been further extended with a metal steel shade. (Photo no 02)

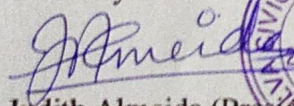
- iii) 4th structure, the eastern side of the ground floor has been extended, covered upto the boundary and into the setbacks and the 2nd floor remains covered. (Photo no. 3 .)
- iv.) adjoining the 5th structure of ground plus 2, the 2nd floor continues to remain enclosed on the western side on the northward side is a kitchen and an approximately over 200sqm restaurant which is illegal. (Photo nos 4 & 4A)
- v). The two enclosed structures of the Generator and STP on site has a concrete tiled flooring. (Photo nos 05)
- vi) te second floor of all five structures are still in existence. Only sloping roofs are permitted.

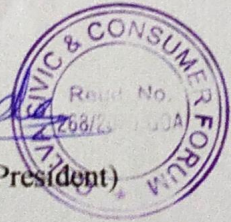
Survey no 554/5 of Colva village Salcete

- a). There are tiled concrete steps on the eastern side of the property leading to the basement below the swimming pool which has several rooms with toilets etc (Photo nos 6 to 6- C)
- b). There are 8 concrete steps leading to the swimming pool area. (Photo nos 07).
- c) to the northwest of the Swimming pool there is another structure with MS poles and a shade. (Photo nos 10).
- d). The remaining area further north of the swimming pool has been landscaped and grass not endemic to sand dunes grown.
- e). An illegal open well with a pump has been constructed on the terraced part of the sand dune to the north east beyond the swimming and adjoining low lying paddy fields. (Photo no 11). It must be noted that the use of ground water for commercial use is prohibited as per CRZ Notification 2011 **Section 3 Prohibited activities within CRZ sub section (xi)**. Such an activity could cause decrease in the water table leading to deprivation of water for farming activities as all the adjoining fields on the eastern side of the property are cultivated every year .

The positive development observed was that the ipomea creepers endemic to sand dune had naturally restored its existence on the eastern portion of sy. No 54/5 but due to the concrete edges has been prevented from restoring the remaining area.

Thanking You,
Sincerely,


Judith Almeida (President)



[3-3]

NO. J-19011/3Q/88-IA

पर्यावरण मंत्रालय, भवन सं. ३१, नया दिल्ली
PARYAVARAN BHAVAN, C.G.O. COMPLEX
मोदी रोड, नई दिल्ली-११०००३
LODI ROAD, NEW DELHI-110003

DT: 23-9-1988

OFFICE MEMORANDUM.

Director General, Tourism has referred the proposal of Cottages at Colva by Shri Henrigne Rebello. through letter No.5-PSW(10)/85, dated 5th July, 1988 for environmental clearance.

2. The proposal has been examined in the light of information made available by the Ministry of Tourism and Government of Goa. This was further discussed with the concerned Officers of the Ministry of Tourism and the Government of Goa.

3. The proposal is accorded environmental clearance subject to the following conditions:-

- 1) Satisfactory arrangements for the treatment of sewage and disposal of solid wastes must be made. Proper arrangement must be made to ensure that sewage after treatment is not let out into the sea and it does not pollute the sub-soil water. Solid waste must not be thrown into the sea or the beach.
- ii) Smoke or other emission into the air must be kept under strict control.
- iii) Sound and noise from the complex must be under strict control.
- iv) Discharge of effluents, disposal of solid wastes, air emissions, sound and noise levels must conform to the standards laid down by the competent authorities. These must meet the requirements for environmental protection.
- v) Ground water must not be tapped for any purpose for the complex as there is likelihood of ingress of saline water and consequent pollution of ground water.
- vi) The constructions must not be more than 9 mtrs high and must not go beyond the tree top line in the vicinity. The construction must, in the maximum, be of two floors - ground and one upper floor.

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- vii) The construction should be of light material with sloping roofs in local architectural style. The structures should be consistent with the landscape without violating the aesthetic considerations. These should generally be of hut type and removable, if necessary, without leaving any ugly scar on the ground.
 - viii) The 200 mtrs land between the high tide line and the complex should be kept free of construction. It should be accessible to the general public.
 - ix) Sand from the sand dunes in the coastal stretch must not be removed for any purpose.
 - x) Adequate measures must be taken for preventing erosion of the beach.
 - xi) Proper afforestation and plantation programme should be taken up.
4. The conditions stipulated above will be enforced, among others, under the Environmental(Protection) Act, 1986.

all
(B.S. Parsheera)
Director

Director General, Tourism
Department of Tourism,
Parivahan, Bhavan,
New Delhi.

Copy to Shri J.A. D'Souza, Chief Town Planner, Government
of Goa, Panaji

[Signature]
(B.S. Parsheera)
Director



True Copy *[Signature]*

GOVT/312/87
 Government of Goa, Daman and Diu
 OFFICE OF THE DY. COLLECTOR,
 SOUTH SUB DIV., BAR 110.
 Dated: 13/8/87

Application under section 32
 Read: Sub Section (1) of Goa, Daman &
 Diu Land Revenue Code, 1968.

**SANAD
 SCHEDULE - II**

[See Rule 7 of the Goa, Daman and Diu Land Revenue (Conversion of use of land
 and non-agricultural Assessment) Rules, 1969]

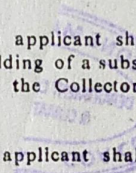
Whereas an application has been made to the Collector of Goa (hereinafter referred to as "the
 Collector" which expression shall include any Officer whom the Collector shall appoint to exercise and
 perform his powers and duties under this grant) under Section 32 of the Goa, Daman and Diu Land
 Revenue Code, 1968 (hereinafter referred to as "the said Code" which expression shall, where the
 context so admits include the rules and orders thereunder) by Shri/~~SM~~ Henricus Rebollo,
DULCINA Falvaddo Arossim P.O. Cansaulim, Salcete-Goa.

... being the occupant of the plot registered under _____ know as
 " _____ " situated at Colva registered
 under No. Survey No.55/3 (hereinafter referred to as "the applicant" which
 expression shall, where the context so admits include his/her heirs, executors, administrators and
 assigns) for the permission to use the plots of land (hereinafter referred to as the said plot
Survey No.55Sub-Div-No.3 of
 described in the Appendix I hereto, forming a part of _____
village Colva of Salcete Taluka

measuring 2625 square metres be the same a little more or less for the
Residential use
 purpose of _____

Now, this is to certify that the permission to use for the said plots is hereby granted, subject,
 to the provisions of the said Code, and rules thereunder and on the following conditions, namely:--

1. Dwelling and clearing of the land — The applicant shall be bound to level and clear the land
 sufficient to render suitable for the particular non-agricultural purpose for which the permission is
 granted and prevent insanitary conditions.
2. Assessment — The applicant shall pay the non-agricultural assessment when fixed by the
 Collector under the said Code and rules thereunder with effect from the date of this sanad.
3. Use — The applicant shall not use the said land and building erected or to be erected thereon
 for any purpose other than Residential/Industrial and/or other non-agricultural purpose, without the
 previous sanction of the Collector Industrial
4. Building time limit — The applicant shall within one year from the date hereof, commence on
 the said plot construction of building of a substantial and permanent description, failing which unless
 the said period is extended by the Collector from time to time, the permission granted shall be
 deemed to have lapsed.
5. Liability for rates — The applicant shall pay all taxes, rates and cesses leviable on the said land.
6. Penalty clause — (a) if the applicant contravenes any of the foregoing conditions the Collector
 may, without prejudice to any other penalty to which the applicant may be liable under the
 provisions of the said Code continue the said plot in the occupation of the applicant on payment of
 such fine and assessment as he may direct.
 (b) Notwithstanding anything contained in sub-clause (a) it shall be lawful for the Collector
 to direct the removal or alteration of any building or structure erected or use contrary to the provi-
 sions of this grant within such time as specified in that behalf by the Collector, and on such
 removal or alteration not being carried out and recover the cost of carrying out the same from
 the applicant as an arrears of land revenue



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Lucy Lopez
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7. Code provisions applicable — Save as herein provided the grant shall be subject to the provisions of the said Code and rules thereunder.

APPENDIX - I

Length and Breadth		Total Superficial Area	Forming (part of) Survey No. or Hissa No.	BOUNDARIES	Remarks
North to South	East to West			North, South, East and West	
1	2	3	4	5	6
170.00	21.00	2625 Sq. meters	Survey No. 55, Sub-Div-No.3 of village Colva of Salcete Taluka	North:- Survey No.54/5 South:- Survey No.49, Sub-Div-No.3 and Survey No.57/1 East:- Survey No.55/4, 5, & 6. West:- Survey No.55/1 & 2.	
<p>Conversion of use of land is allowed for residential Industrial use for construction of cottage.</p>					

In witness whereof the Dy. Collector of Goa, South Sub Division, Margao, has hereunto set his hand and the seal of his Office on behalf of the Administrator of Goa, Daman and Diu and the applicant Henrique Rebello, r/o DULCINA Falvaddo Arroscim P.O. Cansaulim, Salcete-Goa.

here also hereunto set his hand this 13th day of August, 1987

Henrique Rebello
(Henrique Rebello)
(Signature of the applicant)



[Signature]
DEPUTY COLLECTOR,
South Division,
Margao-Goa.

Signature and designation of Witnesses
1. *[Signature]*
2. *[Signature]*

Signature and designation of Witnesses

1. *[Signature]*
2. *[Signature]*

We declare that Shri/Smt. Henrique Rebello, Dulcina Falvaddo Arroscim Cansaulim who has signed this Sanad is, to our personal knowledge, the person he/she represents himself to be; and that he/she has affixed his/her signature hereto in our presence.

1. *[Signature]*
2. *[Signature]*

This case was put up in the 2nd meeting of G.S.C.C.E held on 27-4-94. The case was discussed and it was felt by the committee that the proposed construction, as on the existing sand dunes and in order not to disturb it was felt to stick to the earlier approval of Inter Ministerial committee and as per CRZ-III regulations on the condition that applicant should submit a written statement that the existing sand dunes will not be disturbed. The copies of Agenda and Minutes are kept in the file for ready reference. The necessary d.a for the letter is put up. ~~SEP~~ PA (Palle) may please see the case and accordingly decide.

187

~~Attdoncar~~
15/5/94

P.A (Palle)

~~MdC~~
15/5/94

STP.

As directed the necessary d.a is put up. ~~PA~~ may please see the case and decide.

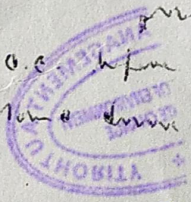
~~Attdoncar~~
7/6/94

P.A

~~MdC~~
7/6/94

STP.

- ① Water Sanitary N.O.C. before issuing of license
- ② Affidavit that the dunes should not be disturbed.



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June 1994

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Please refer to the letter under inward no 8696 dt 31-12-93.

This case was put up in the 4th meeting of GSCCE held on 27 – 4 – 94. The case was discussed and it was felt by the committee that the proposed constructions are on the existing sand dunes and in order not to disturb it was felt to stick to the earlier approval of the Inter Ministerial Committee and as per CRZ – III regulations on the condition that applicant should submit a written statement that the sand dunes will not be disturbed. The copies of Agenda and minutes are kept in the file for ready reference the necessary d.a for this letter is put up PA (Polle) may please see the case and accordingly decide

Sd/-

(18/5/94)