

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 REPLY DT 04.07.2023 OF
RESP. NO 3 AND JOINT COMMITTEE REPORT DT
03.05.2023 OF RESP. NO. 1

I, Mrs Judith Almeida, aged 68 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. I state that I am filing the present affidavit in Rejoinder to the Affidavit filed by the Resp. No. 3 dt. 04.07.2023. At the outset, I state that I am not replying to each and every statement and submission made in the said Reply Affidavit, 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 in seriatim and denied and disputed specifically. This Affidavit is also being filed in response to the Joint Committee site inspection/Compliance report dt.

JA

Reply of Appellant to R.3's Affidavit dt. 04.07.2023

2. With regards to Paragraph 3 of the Affidavit, it is vehemently denied that any material facts and/or documents have been suppressed by the Appellant. The impugned order refers to the permissions of the R. 3, and the Appellant in the Appeal has spelt out its grievances therewith, and specific documents related thereto. It is denied that the Appellant has implied that the Show Cause Notice against the R. 3 was discharged in totality, and a bare perusal of the Appeal Memo reveals clear averments of the Appellant that the S.C.N. was discharged only with respect to certain structures. In as far as the status of compliance by the R. 3 with the structures to be demolished as per the order dt. 09.12.2022 is concerned, the Appellant submits that the Basement below the swimming pool deck and the Interlocking pavers are yet to be demolished. Detailed comments of the Appellant on the Joint Committee/ Compliance Report dt. 03.05.2023 are contained in a Table which is enclosed at Annexure A-1.
3. With regards to paragraph 4 of the Affidavit, it is a matter of record that permissions were issued by the concerned authorities for certain structures on the subject properties. However, the Appellant reiterates that with respect to the structures discharged and not ordered to be demolished by the G.C.Z.M.A [*Second floor of 5 G+1 structures; Restaurant, Generator Shed and Swimming Pool*], and other fresh constructions put up by the R. 3, no permission from the G.C.Z.M.A has been produced on record. The Appellant is herein producing Google Earth satellite images of the years 2003 and 2020 to show the difference that all the renovation, repair and reconstruction carried out are subsequent to the purchase of the properties 55/3 & 54/5 by the present R3 in 2017, which are enclosed at Annexure A-2 COLLY



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4. In as far as Consent by the PCB is concerned, the R3 has produced a copy of the Consent to operate dt 03.08.2019 from the GSPCB to buttress its attempt to follow the laws in place, but has concealed the fact that the GSPCB issued directions dt. 18.12.2019 asking the R. 3 to rectify the S.T.P., and further on 26.02.2020 to stop the operation of the unit until the Unit rectifies the STP. Annexed as Annexure A-3 Colly are copies of the GSPCB directions dt. 18.12.2019 and 26.02.2020 under Section 33(A) of Water Act 1974 and 31(A) of Air act 1981.
5. With regards to paragraphs 5 and 6 of the Affidavit, it is clear that the R. 3 has changed its stance on the supposed non receipt of the S.C.N. from time to time. While the R.3 appeared before the G.C.Z.M.A. in its 233rd Meeting held on 29.10.2020, no grievance was raised about non receipt of the S.C.N. It is unclear how the R. 3 appeared for proceedings before the R. 1 represented by counsel on 29.10.2020, when it states that it received notice only on 18.11.2020. The version of events portrayed by the R. 3 is clearly contrary to record, and therefore cannot be relied upon. These statements are made by the Appellant only in the nature of a clarification, in order to present the correct position on record.
6. Further, it is denied that there has been any suppression by the Appellant. The grievance of the Appellant is with regards to the decision taken by the R. 1. The Appellant is required to produce only such documents which it makes a reference to in the course of the Appeal, and not all the voluminous submissions submitted by parties in previous rounds of proceedings. It is well within the private Respondents right to produce any and all documents in support of its position.
7. With regards to paragraph 7 of the Affidavit, the contents thereof are denied as being contrary to record. The site inspection report dt. 23.11.2018 records the presence of the Site Supervisor of the R. 3 on the date of the inspection, who explained details of the construction to the inspection team,



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and that this supervisor contacted the proprietor of the R.3 to respond to certain queries put by the GCZMA Members. In any event, it is relevant to point out that the R. 3 has not disputed the contents of the report dt. 23.11.2018 nor raised any other grievance in relation thereto in any of its submissions made to the G.C.Z.M.A, to the best of the Appellants knowledge.

8. With regards to paragraph 8 of the Affidavit, the allegations of suppression et al. against the Appellant are vehemently denied, and the fact that multiple structures of the R. 3 have been ordered to be demolished by the order dt. 09.12.2021 on the basis of the Appellants complaint speaks for itself.
9. With regards to paragraph 9 of the Affidavit, it is relevant to point out that the original permissions of 07.04.1987 and 23.06. 1994 clearly state that the first floor of the structures was to have a sloping roof. However, not only was the first floor constructed without a sloping roof, but a new floor consisting of a metal frame and a sloping roof was added over and above the First floor. If the first floor as approved was constructed with a sloping roof, the supposed problem of leakage would not have arisen. In any event, the current 2nd floor/sloping roof with metal frames is not as per approved plans, and is liable to be demolished.
10. With regards to paragraphs 10 and 11 of the Affidavit, the allegations of *mala fides* against the Appellant are vehemently denied. The R. 3 is incorrect in stating that the swimming pool and sheds are approved structures. The Appellant reiterates the specific points made in the Appeal and will demonstrate to this Hon'ble Tribunal as to why these structures are not approved as per records. Further, the Appellant states that documents on record clearly record the existence of sand dunes on the subject property, namely the G.S.C.C.E minutes of the 4th meeting dt. 27.04.1994, and the approval/NOC dt. 23.06.1994. The Appellant submits that no permissions are on



record in as far as the compound wall is concerned, which is therefore not an approved structure.

Reply of Appellant to Report of Joint Site Inspection/Compliance Report dt. 03.05.2023

11. Vide its order dt. 21.02.2023, this Hon'ble Tribunal constituted a Joint Committee and tasked it with visiting the subject property and submit its report with regards to the facts mentioned in the said order. This Hon'ble Tribunal was conscious of the fact that numerous factual assertions regarding the structures on the subject property were raised by the Appellant, including the grievance of the Appellant that the impugned order did not direct for demolition of certain structures.
12. It was in this context that a report was called for from the Joint Committee, and no restriction was placed on this Committee by the Tribunal that their report would only be confined to the structures mentioned in the impugned order dt. 09.12.2022. The report of the Committee was meant to be in the nature of a fact finding exercise to place the correct factual position *in loco* at the subject property, to assist this Tribunal in deciding the instant Appeal.
13. However, the Joint Committee for reasons best known to it has disregarded the directions of the Tribunal, and has prepared reports after site inspections only to the extent of verifying compliance with the demolition as per the impugned order dt. 09.12.2022, despite several objections and requests by the Appellant to record facts about all the structures currently on the site. Both the reports of the Joint Committee i.e. the inspection report dt. 06.04.2023 and the Inspection Report for Compliance dt 03.05.2023 do not record any of the violations except for those that are recorded in the R1's order



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dt 09.12.2022.

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14. Besides the clear directions of this Tribunal in its order dt. 21.02.2023 constituting the Joint Committee, the appellant also relies on the order dt 14.01.2020 in WP 1105/2019 of the Hon'ble High Court of Bombay at Goa to submit that the G.C.Z.M.A. is bound to take notice of any possible violations of the CRZ Notification at the time of carrying out inspections. In the said order, the Hon'ble High Court states that "...In fact the GSCZMA authorities goes for inspection and if they notice any violation under the GSCZMA, the law requires that they take cognizance of any such act and under such law.." . The order dt. 14.01.2020 is enclosed as Annexure A-4.

15. The additional violations/ structures can be seen in the photographs produced by the Appellant [pgs. page 158, 159, 160, 161,163, 164, 169, 170, 171, 172, 173, and 175] of the Affidavit dt 30.05.2023 which include the existence *inter alia* of the generator shed.

16. I state that the contents of paragraphs 1(p), 2(p), 3(p), 4(p), 5(p), 6(p), 7(p), 8(p), 9(p), 10(p), 11(p), 12(p), 13(p) and 15 are correct and true to my own knowledge and official documents/records, and that the contents of paras 1(p), 2(p), 3(p), 4(p), 5(p), 6(p), 7(p), 8(p), 9(p), 10(p), 11(p), 12(p), 13(p) and 14 are submissions made on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom, and the annexures enclosed are true and correct copies of their respective originals.

Solemnly affirmed at Margao- Goa,
This the 9th day of August 2023.



DEPONENT

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VERIFICATION

I, Judith Almeida, Indian national, President of the Appellant abovenamed, hereby verify that the contents of paras 1 - 16 of my above affidavit are true to my knowledge and belief, and that no part of it is false and nothing material has been concealed therefrom.

Verified on the 9th day of August, 2023,
at Margao-, Goa



DEPONENT

Solemnly affirmed before me by
Judith Almeida
Who is identified to me by
EPIC No. KNX3050465
to whom I personally know on
this 09th day of Aug 2023

Reg No 13788/2023
KS90174
SAVITA G. KURTARKER
NOTARY
MARGAO-GOA



Appellants comments on compliance with order dt. 276
09.12.2022

GCZMA order 09.12.2022	JC - 1 st Report 06.04.2023	JC 2 nd report 03.05.2023	Appellants observations: to be demolished
1. Poolside restaurant	Restaurant dismantled whereas Kitchen platform still intact	Plinth & Supporting MS members demolished	
2. Stage	Demolished	Earlier demolished	
3. Shower room	Demolished	Demolished earlier	
4. Fountain	Demolished	Demolished earlier	
5. Basement below swimming pool	Temporary extension to pool deck dismantled whereas MS Channels & permanent rooms below swimming pool still intact	MS Channels removed Permanent Rooms below Swimming pool intact	Swimming pool and basement
6. Interlocking pavers	Near stage area demolished	Demolished earlier	Interlocking pavers from the entrance in 55/3 right upto area around swimming pool in 54/5
7. Car porch	Still intact	Demolished	
8. Security cabin	Roofing dismantled plinth intact	Plinth demolished	
9. Cylinder Shed	Not demolished	MS grill shed demolished	



WEST ZONE HOTEL also
SALCETE BEACH RESORT
ach Resort in 54/5 & 55/3 Colva Village
07.09.2003

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ANNEXURE
A-2
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WEST ZONE HOTEL also
SALCETE BEACH RESORT
ach Resort in 54/5 & 55/3 Colva Village
2020

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Sarnis Cot

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June 6/20
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ANNEXURE A3 COLVA
GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

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(An ISO 9001-2015, ISO 14001:2015. OHSAS 18001:2007 Certified Board)

Phone Nos. : 0832-2407700
2407701, 2407702
2407703



Tel/Fax No. : 0832-2407700

Email Ids:
Chairman, GSPCB: chairman-gspcb.goa@nic.in
Member Secretary GSPCB: ms-gspcb.goa@nic.in
Environment Engineer, GSPCB: ee-gspcb.goa.nic.in
Scientist, GSPCB: scientist-gspcb.goa@nic.in
Office: goapcb@gspcb.in

No. 10/1/19-PCB/ *legal/14132* Speed Post

Date: 8/12/2019

DIRECTIONS UNDER SECTION 33(A) READ WITH SECTION 25/26 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND UNDER SECTION 31(A) READ WITH SECTION 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.

WHEREAS, the Goa State Pollution Control Board (hereinafter referred to as the Board, in short) had conducted inspection of hotels & Restaurant related to the Colva Creek Matter.

WHEREAS, the Board officials had conducted the inspection of your unit namely M/s. Salcete Beach Resort, located at survey no 54/5, 55/3, ward no 4, Colva Salcete Goa on 13/09/2019 and found that the BOD, SS and the COD parameters are exceeding the permissible limits.(Copy of the report enclosed)

WHEREAS, observation as contained above, indicates that the BOD, SS and the COD parameters are exceeding permissible limits of your establishment in a manner that is causing environmental pollution in the vicinity which is in violation of the provision of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

WHEREAS, the Board at its 135th meeting held on 02/11/2018 has delegated its powers to issue, refuse, withdraw and vary consent under section 25, 26 and 27 of the Water Act and under section 21 of the Air Act to the undersigned.

NOW THEREFORE, in exercise of the powers vested with the undersigned under section 33(A) read with section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31(A) read with section 21 of the Air (Prevention and Control of Pollution) Act, 1981, the management of the unit namely, M/s. Salcete Beach Resort, located at survey no 54/5, 55/3, ward no 4, Colva Salcete Goa is hereby directed to rectify

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the Sewage Treatment Plant of your unit and submit a compliance report to this office with regards to the above within 15 days from the date of receipt of this direction.

TAKE NOTE, that failure to comply with the aforesaid directions will compel the Board to initiate stringent legal action against you under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, without further notice.

Issued on this 18th day of December, 2019.



(Sanjeev Joglekar)
Environmental Engineer
Goa State Pollution Control Board

To,
M/s. Salcete Beach Resort,
Survey no 54/5, 55/3, ward no 4,
Colva Salcete Goa.

Copy to,

1. Judith Almeida, C/o. H. No. 257/1, Bagdem , Ward 3. Colva, Salcete-Goa. for information.
2. Office file.
3. Guard file.
4. Legal Section file.

True Copy


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GOA STATE POLLUTION CONTROL BOARD
 Dempo Towers, 1st & 4th Floor, EDC Plaza, Pattoo, Panaji
 403 001, Goa.
 Tel : +91 (0832) 2438567, 2435828, 2438563, 2438550,
 Fax: (0832) 2438528
 e-mail: goapcb@rediffmail.com,
 web site: www.goaspcb.gov.in

Laboratory Recognised under Environment (Protection) Act, 1986:
 Official Gazette No. 322 dated 08/11/2014

TEST REPORT

Test Report No.: GSPCB/TR/19/18486

Date: 20/09/2019

Name of the Customer : M/s. Salcete Beach Resort
 Address : Sy 54/5, 55/3, 4th ward, Colva, Salcete- Goa
 Nature of Sample : Final treated STP water sample
 Sample collected by : Sebastiao Barreto (EA), Milagrina Colaco (FA)
 Quantity of Sample Received : 2L
 Code No. of the Sample : GSPCB/19/12200
 Date & Time of Sample Collection : 13.09.2019 & 12:10 p.m
 Date of Sample Receipt : 13.09.2019
 Seal / Tag details : Sealed
 Date of Start of Analysis : 13.09.2019
 Date of Completion of Analysis : 20.09.2019
 Method of Sample Collection : IS 3025 (Part I)
 Colour of Sample : Black
 Odour of Sample : Yes
 Weather Condition : Sunny
 Visible Effluent Discharge : Yes
 Any other Specific activity observed : No

Parameters	Test Methods	Units	Test Results	Permissible Limits
pH	4500-H ⁺ B, APHA 23 rd Edition	-	6.74	5.5-9.0
Suspended Solids	2540 D, APHA 23 rd Edition	mg/l	372.7	100.0
Chemical Oxygen Demand	5220 B, APHA 23 rd Edition	mg/l	630.0	250.0
Biochemical Oxygen Demand	IS 3025(Part 44)	mg/l	450.0	30.0
Oil & Grease	5520 B, APHA 23 rd Edition	mg/l	<10.0	10.0

Contd..

Note :

1. The results refer only to the tested samples and applicable parameters. Endorsement of products is neither inferred nor implied.
2. Samples will be destroyed after: 15 days from the date of issue of test report unless otherwise specified.
3. This report is not to be reproduced wholly or in part or used in any advertising media without the permission of the Board in writing.
4. The Board is not responsible for the authenticity for the samples not collected by the Board's officials.
5. Total liability of our laboratory is limited to the invoiced amount. Any dispute arising out of this report is subject to Goa Jurisdiction only.
6. Permissible Limits as per Schedule I & VI of EPA Rules, 1986 as amended by Second and Third amendment 1993 for Effluents and as per IS 10500:2012 - Indian Standards for Drinking water Specification (Second Revision).
7. The method, location of Sampling including any diagram, sketch, photograph, if any may be enclosed.

GSPCB/F/07
 Rev.No. 09
 Issue Date : 01.09.2018

June 20m GA

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GOA STATE POLLUTION CONTROL BOARD

Dempo Towers, 1st & 4th Floor, EDC Plaza, Patto, Panaji
403 001, Goa.

Tel : +91 (0832) 2438567, 2435828, 2438563, 2438550,

Fax: (0832) 2438528

e-mail: goapcb@rediffmail.com,

web site: www.goaspcb.gov.in

Laboratory Recognised under Environment (Protection) Act, 1986:
Official Gazette No. 322 dated 08/11/2014

TEST REPORT

Test Report No.: GSPCB/TR/19/18486

Date: 20/09/2019

Remarks: Suspended Solids, Chemical Oxygen Demand and Biochemical Oxygen Demand parameters are exceeding the permissible limits.

*** End of Report ***
for GOA STATE POLLUTION CONTROL BOARD.

Analyst

Sanmesh Borkar
Senior Laboratory Assistant

Authorised Signatory

Sanjay Kankonkar
Scientist B

Note :

1. The results refer only to the tested samples and applicable parameters. Endorsement of products is neither inferred nor implied.
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6. Permissible Limits: as per Schedule I & VI of EPA Rules, 1986 as amended by Second and Third amendment 1993 for Effluents and as per IS 10500 : 2012 - Indian Standards for Drinking water Specification (Second Revision).
7. The method, location of Sampling including any diagram, sketch, photograph, if any may be enclosed.

GSPCB/F/07
Rev.No. 09
Issue Date : 01.09.2018

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

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(An ISO 9001:2015, ISO 14001:2015, OHSAS 18001:2007 Certified Board)

Phone Nos. : 0832-2407700
2407701, 2407702
2407703

Tel/Fax No. : 0832-2407700



Email Ids:
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Member Secretary GSPCB: ms-gspcb.goa@nic.in
Environment Engineer, GSPCB: ee-gspcb.goa@nic.in
Scientist, GSPCB: scientist-gspcb.goa@nic.in
Office: goapcb@gspcb.in

No. 1/25/20-PCB/legal/20022 By Speed Post

26/02/2020

DIRECTIONS UNDER SECTION 33(A) READ WITH SECTION 25/26 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND UNDER SECTION 31(A) READ WITH SECTION 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

Directions issued vide no. 10/1/19-PCB/legal/270 dated 12/12/2019

WHEREAS, the Goa State Pollution Control Board (hereinafter referred to as the "Board", in short) was in receipt of a complaint against M/s *Salcete Beach Resorts*, regarding Colva Creek matter by Mrs. Judith Almeida, Secretary, Colva Civic & Consumer Forum, Colva Salcete Goa.

WHEREAS, accordingly, the officials of the Board conducted inspection of your unit M/s. *Salcete Beach Resorts* located survey no. *54/5, 55/3*, ward no. 4, Colva, Salcete-Goa on 27/03/2018 & 14/01/2020.

WHEREAS, during the said in section it was observed that;

1. The BOD, COD & Suspended Solid parameters are exceeding the permissible limits.

WHEREAS, observation as contained in the above inspection report indicated that you were operating your unit without Consent to Operate of the Board and in violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974 Act and Air (Prevention and Control of pollution) Act, 1981 and accordingly the Board vide letter no. 10/1/19-PCB/LD/270 dated 12/12/2019 had directed your unit to rectify the STP of your unit and submit compliance to this office within 15 days from the date of receipt of direction.

Page 1 of 3

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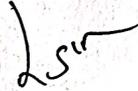
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WHEREAS, upon perusal of the records available with the Board it is noticed that you have failed to comply with the directions issued by the Board.

NOW THEREFORE, in exercise of the powers vested with this Board under section 33(A) read with section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, and under section 31(A) read with section 21 of the Air (Prevention and Control of Pollution) Act, 1981, your unit namely, *M/s. Salcete Beach Resorts* located survey no. ~~54/5, 55/3~~, ward no. 4, Colva, Salcete-Goa, is hereby directed to stop the operation of your unit till your unit rectifies the STP Plant with immediate effect and submit a compliance report to this office.

TAKE NOTE, that failure to comply with the aforesaid directions will compel the Board to initiate stringent legal action against you under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and Air (Prevention and Control of pollution) Act, 1981, without any further notice.

Issued on this th 26 day of February, 2020



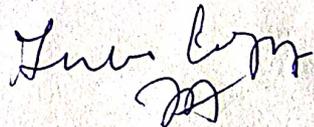
(Sanjeev Joglekar)
Environmental Engineer
For Goa State Pollution Control Board

To,
M/s. Salcete Beach Resorts,
Survey no. 54/5, 55/3, ward no. 4,
Colva, Salcete-Goa.

Copy to:

1. The Chief Officer, Margao Municipal Council, Margao Salcetre Goa for information.
2. The Collector,
(South Goa District),
Collectorate Building,

Margao -Goa.is also directed that the operation of unit M/s. Salcete Beach Resorts, located at Survey no. 54/5, 55/3, ward no. 4, Colva, Salcete-Goa. is stop/closed/ sealed with immediate effect from the date of receipt of this direction and submit a compliance report in this regard to this office.



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- 3) Mrs. Judith Almeida, Secretary, Colva Civic and Consumer Forum, House no. 257/1, Bagdem, Ward-3, Colva, Salcete, Goa - for information
- 4) Office file.
- 5) Guard file.
- 6) Legal Section file.

True Copy
[Signature]

Writ Petition No. 1105 of 2019**Minguel Caetano Do Rosario Vaz v. Goa State Coastal Zone Management Authority****2020 SCC OnLine Bom 63****In the High Court of Bombay at Goa**
(BEFORE M.S. SONAK AND M.S. JAWALKAR, JJ.)

Minguel Caetano Do Rosario Vaz Petitioner;

v.

Goa State Coastal Zone Management Authority, Thr. Its Member
Secretary and Others Respondents.

Writ Petition No. 1105 of 2019

Decided on January 14, 2020

Advocates who appeared in this case:

Mr. Jitendra P. Supekar with Mr. Sufiyan Sayed, Advocates for the petitioner.

Mr. Manish Salkar, Government Advocate for the respondents no. 1 and 2.

Mr. Parikshit Sawant, Advocate for the respondent no. 3.

The Judgment of the Court was delivered by

M.S. SONAK, J.:— Heard Mr. Jitendra Supekar, the learned Counsel for the petitioner, Mr. Manish Salkar, the learned Government Advocate for the respondents no. 1 and 2 and Mr. Parikshit Sawant, the learned Counsel for the respondent no. 3.**2.** Rule is made returnable forthwith, at the request of and with consent of the learned Counsel for the parties.**3.** The basic grievance of the petitioner is that the respondent no. 3 has carried out certain unauthorized structures within the area covered under the Coastal Regulation Zone (CRZ) Notification 2011, as amended from time to time. It is the case of the petitioner that despite his filing complaints, no action was being taken by the respondent no. 1, the Goa State Coastal Zone Management Authority (GSCZMA), which is duty bound to take action in terms of the law.**4.** The respondent no. 3, has denied that any illegal construction has been put up and maintains that whatever structures have been put up are in accordance with the permissions/NOC's granted by such authorities.**5.** Since, the complaint was that the GSCZMA was not taking any action, we direct the GSCZMA to inspect the site. The site was ultimately inspected on 7/1/2020 and 9/1/2020. Mr. Salkar, the learned Government Advocate, has now placed before us a copy of the Site Inspection Report. He states that the said Inspection Report thus indicate prima facie some illegalities and the GSCZMA will issue a Show Cause Notice to the respondent no. 3 as well as certain other parties in relation to the illegal structures at the site. Mr. Salkar, the learned Government Advocate, states that the Show Cause Notice will be issued within a period of three weeks from today and the same will be disposed of as expeditiously as possible and in any case within a period of three months from today.**6.** The respondent no. 3 complains that even the petitioner has put up some illegal structures at or around the site. The GSCZMA is directed to inspect the site and if, the petitioner or any of his relations have put up any illegal construction at the site the GSCZMA are entitled to take action as well.**7.** In fact the GSCZMA authorities goes for inspection and if they notice any violation under the GSCZMA, the law requires that they take cognizance of any such

act and under such law.

8. We clarify that the GSCZMA must comply with the principles of natural justice and fair play, while taking action against any illegalities pointed out to them. The principles of natural justice and fair play will have to be complied with the present case as well.

9. In the facts of this particular case, we direct that even the petitioner is heard by GSCZMA when hearing is offered to the respondent no. 3. However, we make it clear that if the petitioner fails to remain present or otherwise seeks any adjournments, then, the GSCZMA shall not delay its action. Mr. Jitendra Supekar, the learned Counsel for the petitioner states that if ultimately the petitioner's complaint is found to be false and there are no illegalities committed by the respondent no. 3 as alleged or even otherwise, the petitioner will pay costs of Rs. 10,000/- in favour of GSCZMA. This statement is accepted.

10. This petition is disposed of with the aforesaid directions. There shall be no order as to costs.

11. All concerned to act on the basis of an authenticated copy of the Order.

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