

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE AT PUNE**

Appeal No.147/2024(WZ)

Shri Umakant P. Tari

.....Appellant

V/S

1. The Goa Coastal Zone

Management Authority & Ors.

.....Respondents

**REJOINDER ON BEHALF OF THE  
APPELLANT TO THE REPLY DATED  
03.04.2025 FILED BY RESPONDENT  
NO. 1, REPLY DATED 09.10.2024  
FILED BY RESPONDENT NO. 3,  
REPLY DATED 30.08.2024 FILED BY  
RESPONDENT NO. 6**

**MAY IT PLEASE YOUR HONOUR**

I, Shri Umakant Pandhari Tari, son of late Pandhari Tari, aged 68 years, married, retired, Indian National, Resident of H. No. S-184 Sonar Bhat Verem Reis Magos Bardez Goa, the Appellant herein, have read and



understood the contents of the reply, dated 03.04.2025, filed on behalf of Respondents No. 1 and files this Affidavit-in-Rejoinder and state and submit as under:

**PRELIMINARY OBJECTIONS (TO THE REPLY FILED BY RESPONDENT NO. 1)**

1. At the outset, I most respectfully submit that the averments and contentions raised in the Affidavit-in-Reply dated 03.04.2025 filed by Respondent No. 1 (Goa Coastal Zone Management Authority), is inconsistent and contrary to the records, site inspections, and documentary evidence produced by the Appellant. Each and every allegation, statement, submission, inference or contention not specifically admitted hereunder shall be deemed to be specifically denied.
2. **The Affidavit-in-Reply filed by Respondent No. 1 is vague, evasive, lacks proper reasoning, and fails to address the critical issue that the construction of Building A1 & A2 in Survey No. 78/1 (Part B), Reis Magos, Bardez, Goa, falls in the No Development Zone (NDZ) of CRZ and was carried out without any valid CRZ clearance, approved building plan, or occupancy certificate.** These omissions are fatal



and render the impugned order bad in law. Earlier also these Respondents had failed to make out a case of these buildings A1 & A2 which are absolutely illegal in their replies filed before the GCZMA.

3. The Impugned Order dated 13.05.2024 suffers from non-application of mind, is perverse, and has been passed in a mechanical manner without examining crucial documentary evidence produced by the Appellant, including the site inspection report dated 01.03.2023 and official Panchayat records confirming that no permission was granted nor occupancy issued for Buildings A1 & A2.

4. **The Respondent No. 1 i.e GCZMA has failed to consider that in TCP approval, construction plan for A1 & A2 the building is cancelled by cancellation mark on construction plan, that was approved barring A1 & A2 buildings. Consequently, there is no construction license for A1 & A2 buildings, therefore no occupancy certificate is issued. All this while this building A1 & A2 is standing illegally in NDZ area.**

#### **SUBMISSIONS**

5. With reference to para 3 to 5, the Respondent No. 1 herein admits that a site inspection was conducted and

that the structure is situated in the NDZ of CRZ area as per CZMP 2011. However, the Respondent failed to appreciate that any construction, even if claimed to be prior to 1991, requires specific scrutiny as per CRZ Notification 1991 and 2011, which mandate that even pre-1991 constructions must be lawful, authorized, and backed by approvals. There is no evidence of a valid CRZ clearance or occupancy certificate, making the construction illegal, for these A1 & A2 building which is the core subject matter before this Hon'ble Tribunal.

6. The said inspection report, which is part of the record, categorically concludes that the structure in question, comprising Ground + 2 floors, is situated within the No Development Zone (NDZ) of CRZ III as per CZMP 2011. Respondents failed to produce any document that the construction of building A1 & A2 is legal.

7. Further with reference to para 6 and 7, it is humbly stated that the reliance on documents produced by Respondents No. 3 to 7, namely a deed of sale (1986), conversion sanad (1986), and a PPDA approval dated 30.06.1987 and construction license —does not establish construction and legality of the said structures A1 and A2 prior to 1991. As of today there are no Permissions, Approvals, TCP clearance, no

construction license and occupancy certificate for this building.

8. Further the purported "application for occupancy" dated 19.10.1991 does not evidence either the issuance of such occupancy or the actual existence of the structure in question at the time. In the absence of a granted occupancy certificate, the construction remains unauthorized and incomplete in law.

9. Further the electricity and house tax documents do not establish the legality or chronology of construction of Buildings A1 and A2. Mere payment of tax/bills cannot cure an illegality or confer legitimacy upon a prohibited development in NDZ.

10. The conclusion drawn by the GCZMA that the structure "existed prior to 1991" is legally unsustainable and factually perverse. The Authority has failed to examine or even acknowledge the location discrepancy, namely that the alleged structure is situated on the eastern portion of Survey No. 78/1 Part B, whereas the incomplete plans submitted by the respondents pertain to the western side of the said property.

11. The Authority has further failed to consider that the builder, Respondent No. 3, failed to file any reply, and



that Respondents No. 4 to 6 did not produce any conclusive sanctioned plan or permission letter showing lawful construction of Building A type. This silence and evasiveness is a strong adverse inference against the legality of the structure.

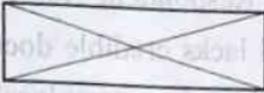
12. Further it is stated that the Appellant herein was not furnished with the replies and annexures submitted by Respondents No. 4 to 6 before the hearing before GCZMA. The same were discovered by the Appellant only upon inspection of the GCZMA file post the passing of the Impugned Order, thereby constituting a gross violation of the principles of natural justice. The non-disclosure of adverse documents and denial of opportunity to rebut the same not only prejudiced the Appellant but also taints the fairness and validity of the Impugned Order.

13. Thus the existence of the structure i.e. building A1 & A2 in the NDZ area, without clear permissions or approvals and in contravention of the approved development plans, constitutes a blatant breach of CRZ Notification, which is not considered by the GCZMA in its Order and for this reason it is perverse and bad in law.

**14. GCZMA failed to appreciate "Core Issue" of the present case. The Original TCP approval**



was filed for construction of A type building, B Type building and C type Buildings in survey no. 78/1 part B. This was not entirely approved. Approval for only B & C type buildings approval for A type building was categorically rejected. The Proposed construction plan for A type building was categorically cancelled with Cancellation Mark i.e in the following manner



15. This being so the builder never filed for fresh approval of A type building thereafter and therefore refusal by TCP of A type building stands as on today. On account of the above reason there was no construction license granted for A type building nor there was a question of granting occupancy certificate.

16. Therefore A type building fails the test of legal construction prior to 1991 as per CRZ notification. The subject matter of dispute is the A type building i.e. A1 & A2, constructed illegally without permissions and approvals and hence absolutely illegal.

**PRELIMINARY SUBMISSIONS (TO THE  
REPLY FILED BY RESPONDENT NO. 3)**

17. At the outset, the Appellant categorically denies each and every averment, contention, ground and submission raised by Respondent No. 3 in his reply dated 09.10.2024, except to the extent specifically admitted hereunder. All statements, allegations and documents relied upon by Respondent No. 3 are denied unless expressly admitted herein.

18. The reply filed by Respondent No. 3 is wholly misleading, evasive, and lacks credible documentary substantiation to justify the existence or legality of the construction of Buildings A1 and A2 in Survey No. 78/1-Part B of Reis Magos village.

19. The claim of the construction being pre-1991 is a deliberate misstatement intended to mislead this Hon'ble Tribunal. The same is contrary to the site inspection report dated 01.03.2023 issued by Respondent No. 1 itself, which clearly states that the structures fall within the NDZ of CRZ III as per CZMP 2011 and are permanent RCC constructions comprising Ground + 2 floors. Further to add to the statement as being constructed without valid mandatory permissions.

**Para-wise Rejoinder to the Reply of Respondent No. 3**



20. With reference to para 1 to 2, it is vehemently denied that the Appellant's complaint dated 21.12.2022 is based on false statements or was filed with malice. The complaint was filed upon acquiring documentary evidence indicating that Buildings A1 and A2 have been constructed in clear violation of CRZ regulations in NDZ without obtaining any prior approval or CRZ clearance.

21. With reference to para 3 to 5, It is denied that the impugned order dated 13.05.2024 is a reasoned or lawful order. The GCZMA has failed to consider material evidence, including its own inspection report and the fact that there is no approval for Block A in any sanctioned plan. The reliance placed by Respondent No. 3 on voluminous documents is misplaced as none pertain to Building A or demonstrate its legality.

22. With reference to para 6, The claim that construction of Buildings A1 and A2 commenced in 1987 is untenable. No documents such as approved plan showing Block A as being approved structure, neither occupancy certificate have been produced. The Appellant relies upon the sanctioned plan on record which clearly marks Block A as cancelled, thereby disproving the existence of any permission.



23. With reference to para 7 and 8, The Deed of Sale dated 30.10.1986 does not confer any right to construct in violation of applicable planning laws or CRZ Notification. The licenses and permissions referred to including the construction license dated 01.10.1987 and approval from PDA dated 30.06.1987 do not specify/mention Block A, as Block A has been specifically cancelled, as per record of PPDA and Panchayat dated 9.05.1989 and 06.07.1990 respectively.

24. With reference to para 9 to 11, The Appellant denies that the building was completed prior to 1991. No Completion Certificate, Occupancy Certificate, or CRZ clearance for Block A has been produced. Even the house tax and light tax entries cannot cure the illegality nor constitute evidence of lawful construction in a CRZ NDZ. The mere assertion that CRZ Notification, 1991 is inapplicable is misconceived. The site inspection by GCZMA dated 01.03.2023 unequivocally concludes that the structure is in the NDZ as per CZMP 2011 and the said structure is not supported by any valid approvals.

25. With reference to para 12 to 15, The assertion of personal enmity is a mere diversion from the core issue of illegality. The factual matrix of the present appeal rests on public records, statutory plans, site



inspection, and documents issued by authorities. Allegations of vendetta are irrelevant and fail to dilute the gravity of the violations.

26. The alleged prior proceedings under the Panchayat Act are distinct and have no bearing on the statutory obligations under the CRZ Notifications. In any case, doctrine of res judicata does not apply as the present matter concerns statutory violations under CRZ, which being the subject matter for present proceedings.

27. With reference to para 16 and 17, The Appellant relies entirely on the GCZMA's own inspection report which clearly identifies the construction to be in NDZ without approvals. Respondent No. 3 has not annexed a single authentic approval pertaining to Block A. His failure to rebut the findings of the inspection report itself vitiates the defence raised.

28. With reference to para 18, The demand to dismiss the appeal with cost is baseless and illustrative of Respondent No. 3's cavalier attitude toward carrying out illegal construction violating the statutory requirements.

29. The construction of Buildings A1 and A2 being in the No Development Zone (NDZ) is violative of the



CRZ Notification 2011, which prohibits construction in NDZ.

**PRELIMINARY OBJECTIONS (TO THE REPLY FILED BY RESPONDENT NO 6)**

30. At the very outset, the Appellant categorically denies all the contentions, statements, averments, and submissions made in the reply dated 30.08.2024 filed by Respondent No. 6, except those that are specifically admitted herein. The Appellant states that the said reply is devoid of merits, vague, evasive and intends to mislead this Hon'ble Tribunal by sidelining the patent illegality of the construction undertaken in a No Development Zone (NDZ) of the CRZ.

31. The reply filed by Respondent No. 6 fails to disclose any cogent documentary evidence to establish the legality of the construction of Building A1 & A2, which forms the subject matter of the present proceedings. The said reply proceeds on the untenable assumption that the structures are pre-1991, and thereby seeks to immunize the illegal construction from the operation of CRZ regulations. The said assumption is baseless and not borne out by any legally valid permission or occupancy certification issued by competent authorities for the structure in question.



**Para-wise Rejoinder to the Reply of Respondent No. 6**

32. With reference to Paragraph 1 to 4, It is denied that the order dated 13.05.2024 passed by GCZMA is a reasoned or lawful order. The said order is perverse, cryptic, and passed without application of mind without giving due consideration to submissions and documents put forth by the Appellant herein and even to the inspection report dated 01.03.2023 of Respondent No. 1, which clearly establishes that the construction undertaken by Respondents No. 3 to 7 is situated in the NDZ of the CRZ area as per CZMP 2011.

33. With reference to Paragraph 6 and 7, It is denied that the Respondent No. 6 has not undertaken any illegal construction or extension. The ownership or purchase of a shop or flat does not ipso facto confer legality on the structure. The said Deeds of Sale dated 13.07.2016 and 09.12.2020, relied upon by Respondent No. 6, are transactions inter se private parties and cannot override or substitute the statutory requirement of prior CRZ clearance, construction licence, or occupancy certificate.

34. The said Respondent no. 6 cannot be permitted to take shelter under the sale deeds when the very existence of the structure is illegal in law. The absence



of an occupancy certificate, particularly for Buildings A1 & A2, as affirmed by the Village Panchayat of Reis Magos clearly establishes that the structures are unauthorized.

35. With reference to Paragraph 8 to 11, The Appellant states that none of the approvals, including conversion sanad or construction license referred to by Respondent No. 6, pertain to Block A or to Buildings A1 and A2. As per the documents on record, including the construction plan and revised construction license, the approval to Block A had been expressly cancelled/rejected by the Technical Authority, and no permissions exist for construction in Block A. The House Tax assessments or Trade Licences are neither determinative nor conclusive proof of legality.

36. With reference to Paragraph 12 and 13, The contention that the building is over 35 years old and hence exempt from CRZ notification is wholly misconceived. No approved document/s is produced to substantiate this assertion. The site inspection report categorically notes that the construction is permanent in nature.

37. With reference to Paragraph 14 to 18, The allegations of personal enmity and retaliatory



complaints are irrelevant, diversionary, and constitute an attempt to discredit the Appellant without addressing the substantive illegality. The Appellant has brought to light flagrant violations of CRZ norms which in fact is the core issue dealt in present proceedings.

38. The Judgment of the Deputy Director of Panchayat dated 20.01.2013 has no bearing on the current proceedings before this Hon'ble Tribunal under the NGT Act, 2010. The issues raised herein pertain to violations of CRZ regulations. Therefore, the plea of res judicata is inapplicable and misconceived.

39. With reference to Paragraph 19 to 21, The site inspection report dated 01.03.2023 prepared by officials of GCZMA clearly identifies the structure as falling in NDZ of CRZ III area and having no available documentation to justify its legality. The blanket denial of the inspection report by Respondent No. 6, without any evidence is unacceptable.

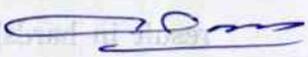
40. The assertion that the flat/shop is the only source of livelihood and therefore demolition would result in hardship is irrelevant to the adjudication pertaining to illegality. The law does not permit balancing of personal convenience against statutory requirements.



41. Further the Appellant reiterates that the construction of Buildings A1 & A2 and the extensions carried out by the Respondents are in blatant violation of the CRZ Notification of 2011 and 1991, and the said structures fall squarely within NDZ as per CZMP 2011. The absence of any valid, specific approval or occupancy for Block A renders the construction wholly unauthorized and liable to be demolished.

42. The contents of paragraph nos. 5(p), 6(p), 7(p), 8(p), 9(p), 10(p), 11(p), 12(p), 14(p), 19(p), 20, 21(p), 22(p), 23(p), 24(p), 25(p), 26, 27(p), 32(p), 33(p), 35(p), 36, 37(p) and 39(p) of the Affidavit in Rejoinder are true to my personal knowledge; that the contents of paragraph nos. 1, 2, 3, 4, 5(p), 6(p), 7(p), 8(p), 9(p), 10(p), 11(p), 12(p), 13, 14(p), 16, 17, 18, 19(p), 21(p), 22(p), 23(p), 24(p), 25(p), 26, 27(p), 28, 29, 30, 31, 32(p), 33(p), 34, 35(p), 37(p), 38, 39(p), 40 and 41 of the Affidavit in Rejoinder are by way of legal submissions, based on the legal advice received and believed to be true.

Solemnly affirmed at Panaji On this 23<sup>rd</sup> day of July, 2025.

  
**DEPONENT**  
Identified by me  
(Adv. P. Phadke)

Executed before me by:  
Mr. Umalkaw pandhavi law

A.C No. 5781 & 341 4398



A handwritten signature in blue ink, appearing to be 'Anant C. Panshekar', written over a horizontal line.

Adv. Anant C. Panshekar  
Notary  
North Goa, State of Goa (India)  
Notary Reg. No. 102/99  
Add: S-4, 2nd Floor, Fatima Chamber  
Dr. A. B. Road, Panaji - Goa.  
Reg. No. 494/AT/25  
Dated: 30/03/2025