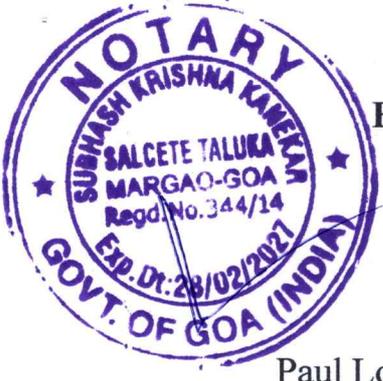


1425



BEFORE THE NATIONAL GREEN TRIBUNAL

SITTING AT PUNE

APPEAL NO. 20 OF 2022

Paul Lobo and Ors

)... Appellants

Versus

Goa Coastal Zone Management Authority and Anr)... Respondents

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Through

RONITA BHATTACHARYA
Advocate for the Appellants
17, 1st Floor, Rohit Chambers,
Janmabhoomi Marg, Fort,
Mumbai 400001.
Mobile: 9920097464

Appellant No. 4

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT
PUNE

INTERIM APPLICATION NO 64 OF 2022

IN

APPEAL NO. 20 OF 2022

Paul Lobo and Ors).... Appellants

Versus

Goa Coastal Zone Management Authority and Anr)...Respondents

ADDITIONAL AFFIDAVIT IN REJOINDER ON BEHALF OF

THE APPELLANTS

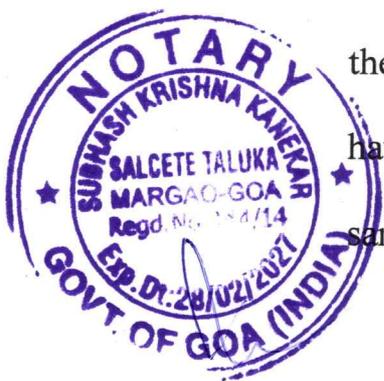
1. I, Antonio Vital Luis, s/o Joao Minguel Luis, R/o House No. 687/3,
Zalor, Carmona, Salcete, Goa, Appellant No.4 above named herein,
do hereby state on solemn affirmation.

2. I say that I have read the present Appeal No 20 of 2022 and am
therefore conversant with its contents. I have also read the
affidavits on the behalf of the Respondent No. 2 dated 15.01.2025
(hereinafter referred to as the "said Affidavit") and am conversant
with the contents of the said Affidavits. Thus, I am competent to



depose by way of the present affidavit on behalf of the Applicants in the said matter.

3. At the outset, I deny each and every averment, contention, allegation and/or submission made by the Respondent No. 1 in the said Affidavit in Reply. I say nothing should be deemed to have been admitted by me for lack of specific denial unless the same is specifically admitted by me hereinafter.



4 I further say that the contents of the Affidavit deserve to be disregarded in its entirety as it is nothing but a desperate and perverse attempt for the Respondents to avoid orders of this Hon'ble Court and avoid compliance of the law of the land. I say that the present matter has been fixed for final hearing since 31.05.2024 vide orders of this Hon'ble Tribunal, and the attempt of the Respondent No. 2 to raise additional arguments, no matter how meritless, at such a belated stage of the present proceedings, requires to be recognised by this Hon'ble Tribunal as a malafide and baseless attempt to avoid and delay orders of this Hon'ble Tribunal.

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5. I say that the affidavit of the Respondent No. 2 does not warrant a para-wise specific rebuttal. The Appellants only wish to make the further points as a response to the contents of the Affidavit of the Respondent No. 2



- a. The CZMPs prepared under the CRZ Notification of 2011 have been finally notified and approved by the MoEFCC in September 2022, and stand as the valid, enforceable law of the land
- b. The Respondent No. 2 itself has not challenged the CZMP maps, and certainly is not entitled to any reliefs from this Hon'ble Tribunal in the present Appeal with regards to its alleged grievances with the CZMP map
- c. The Respondent No. 2 is time-barred from challenging the CZMP maps under the CRZ Notification of 2011 which have been in force from September 2022
- d. All the submissions and documents attached by the Respondent No. 2 indicate that the Respondent No. 2 only took cognisance of its alleged issues with the CZMP map since November 2024, after the GCZMA has confirmed via two distinct inspections (the first dated 17.11.2024 and the second dated 03.10.2024,)that the Respondent No. 2

[Handwritten signature]

has taken the steps elucidated in its affidavit, which speaks volumes as to the motivations behind its affidavit and the measures it is now taking to oppose the CZMP maps of 2011. I say that it is pertinent to note that both site inspection records are already on record, and confirm the observations of the Committees in question not only the basis of the CZMP maps, but also on the basis of what the members saw through their naked eyes, which was that sand dunes had indeed been cut by the Respondent No.2.



- e. None of the documents annexed to the Affidavit bear any reference of the statutory authorities including the GCZMA making any reference with issues regarding the manner in which sand dunes have been demarcated in the CZMP map of 2011. It is pertinent to note that the issue in the present Appeal pertains to manner in which the Respondent No. 2 has illegally cut sand dunes to construct its hotel project, which is a fact recorded twice through site inspections constituting members including but limited to the GCZMA
- f. I say that the RTI documents annexed to the Affidavit of the Respondent No. 2 reveals that the Government of Goa has specifically listed the alleged types of errors in the

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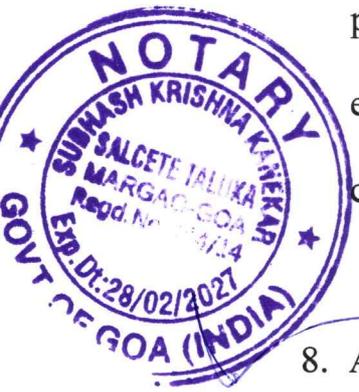
CZMP maps such as issues with demarcating khazans, mangrove buffer zones and HTL, but there is not a single reference to sand dunes. Hence, there is no controversy, as far as the records and the Government of Goa is concerned, regarding sand dunes. Hence the affidavit does not provide any relevant facts for the present case.



- g. The annexures of pages 1394-1407 of the affidavit lists the alleged specific errors by sheet number, and the entries for Cavelosim at page 1395-1396 of the Affidavit have no mention of errors in sand dune marking.
- h. There is also a letter attached to the Affidavit at page 1424 from Member Secretary GCZMA to NCSCM forwarding the Respondents request to remove sand dune demarcation in their property. I say that the Respondent GCZMA has only forwarded the complaint of the Respondent no. 2 without endorsing the complaint/representation of the Respondent No.2. It is submitted that no response or action is possible on the complaint of the Respondent No.2 since the CZMPs are final.

[Handwritten signature]

7. I say that the conduct of the Respondents is reprehensible and should not be entertained by this Hon'ble Tribunal. I say that this Hon'ble Tribunal should also take serious note of the collusion between the Respondent Authorities, particularly the Respondent GCZMA and the Respondent No. 2 in relation to the present project, and must consider issuing appropriate directions to ensure that such blatant irrefutable instances of collusion and corruption do not occur in the future.



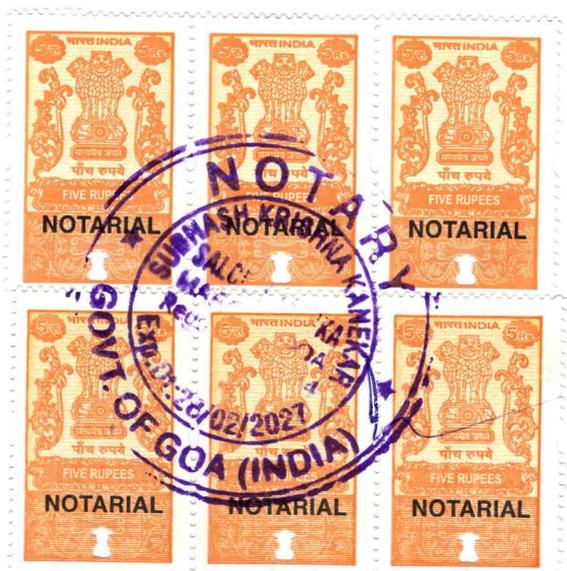
8. Accordingly, I say that the prayers sought by the Appellants in Appeal 20/2022 deserve to be allowed and made absolute.

Solemnly Affirmed at Margao, Goa)

Dated this 2nd Day of April 2025)

[Signature]
Deponent

Identified by me



Solemnly affirmed before me by
Shri/Smt. Antonio Vital Luis
Who is identified to me by *Wife*
Applicant: 6493 2599 8127
Shri/Smt.
Who is personally known to me
this 2nd day of April 2025
Reg. No. 371/2025

[Signature]
02/04/2025
SUBHASH KRISHNA KANEKAR
NOTARY
SALCETE TALUKA
STATE OF GOA (INDIA)