

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN ZONE) BENCH AT PUNE
APPEAL NO. 613 OF 2025 (WZ)**

BETWEEN

ALCHEMIST ASSET RECONSTRUCTION CO. LTD.

...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ANR.

...RESPONDENTS

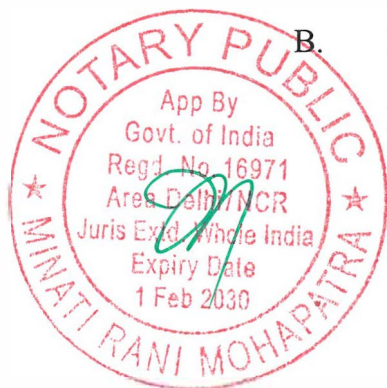
**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPELLANT TO
THE AFFIDAVIT-IN-REPLY FILED BY THE RESPONDENT NO. 1**

Most Respectfully Sheweth:

I, Akshat Sharma, S/o Shri S. K. Sharma, aged about 38 years, working for gain at A-270, 1st and 2nd Floor, Defence Colony, New Delhi – 110 024, being the authorised representative of the Appellant hereinabove, do hereby solemnly affirm and state as under: -

A. I say that I am the Authorised Representative of the Appellant in the captioned Appeal No. 613 of 2025 (WZ), and as such, I am well conversant with the facts and circumstances of the present case and, in view thereof, am competent to sign, verify and file the present Affidavit-in-Rejoinder.

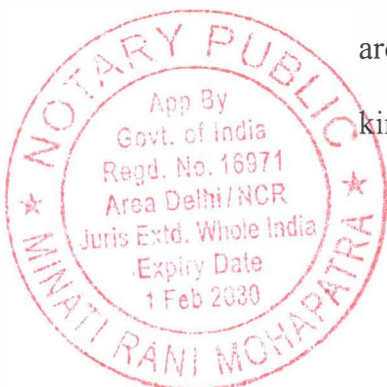
B. I say that the Appellant herein is filing the present Affidavit-in-Rejoinder to the Affidavit-in-Reply dated 23.03.2026 filed by the Respondent No. 1 to captioned appeal to clarify its position, and leave



Akshat Sharma
ALCHEMIST ASSET RECONSTRUCTION CO. LTD.

of this Hon'ble Tribunal is sought for amending and making additional submissions later, if required.

- C. I say that I have gone through the Affidavit-in-Reply filed on behalf of the Respondent No. 1 and have noted the contents thereof. At the outset, I specifically deny, dispute and traverse each and every averment made in the said Affidavit-in-Reply, except those that are expressly admitted herein. The averments, statements and contentions raised by the Respondent No. 1 are incorrect, misleading and contrary to the true and factual position of the instant appeal. The Respondent No. 1 has attempted to distort facts and raise baseless and untenable pleas, all of which are emphatically denied. The contents of the Affidavit-in-Reply are denied *in toto* as they are devoid of merit, vague, ambiguous and are an afterthought, raised only to mislead this Hon'ble Tribunal and to evade the lawful averments, contentions and submissions made by the Appellant in the captioned Appeal.
- D. I say that no averment, statement, or contention raised in the Affidavit-in-Reply shall be treated as being admitted by the Appellant merely because the same has not been dealt with specifically herein or has not been denied *in seriatim*.
- E. I say that the contents of the captioned appeal (alongwith documents) are reiterated and reaffirmed as correct and the contents whereof may kindly be read as an integral part of the present rejoinder as the same are



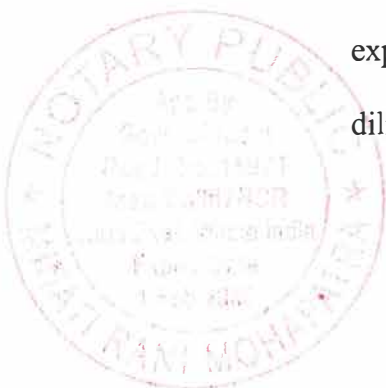
not being repeated for the sake of brevity. However, the Appellant craves leave of this Hon'ble Tribunal to rely upon and refer to the same, as and when required.

- F. Without prejudice, I say that the *locus standi* of the Appellant has been duly explained and detailed in Para 10 & 11 of the captioned appeal read with Annexure A-13 (Colly) attached thereto and the contents whereof are reiterated in *toto*.

PRELIMINARY SUBMISSIONS

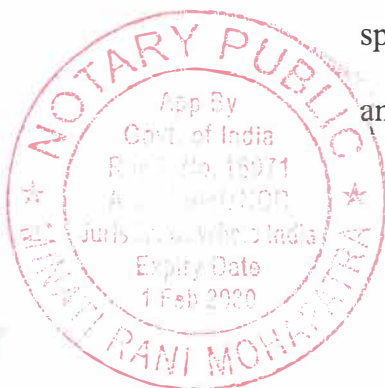
Before proceedings with the para-wise Rejoinder to the Reply filed by the Respondent No. 1, the Appellant humbly submits the following preliminary submissions for the kind consideration of this Hon'ble Tribunal. These submissions are made to place certain crucial facts, legal aspects, and the nature of the proceedings before this Hon'ble Tribunal, which will aid in the proper understanding of the issues at hand and in the adjudication of the present Appeal.

- G. At the outset, the Appellant respectfully submits that Respondent No. 1 has failed to furnish a para-wise reply to the averments made in the captioned Appeal, which, in law, amounts to a deemed admission thereof. The so-called response of Respondent No. 1 is a bald and evasive denial, devoid of any cogent reasoning or substantive explanation. Such conduct clearly reflects a casual, perfunctory and non-diligent approach on the part of Respondent No. 1 in addressing the core



issues raised before this Hon'ble Tribunal. The Reply, in fact, is a stereotyped and mechanical reproduction, betraying complete non-application of mind and a failure to discharge its statutory obligations in a fair and reasoned manner.

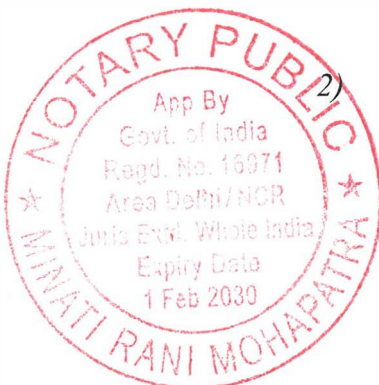
- H. The Respondent No. 1 has also not preferred any separate reply to the Application [I.A. No. 826 of 2025] filed by the Appellant under Section 5 of the Limitation Act, 1963 seeking condonation of 04 days in filing of the captioned Appeal. In absence of any such specific reply, the contents of the said Application of the Appellant are also deemed to be admitted in law.
- I. I say that the Appellant had preferred the captioned Appeal against the Impugned Direction dated 29.09.2025 issued by the Respondent No. 1 to the Respondent No. 2 under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules, 1986, whereby the Respondent No. 1 has directed that *"all the other structures standing in the property beyond the approval bearing No GCZMA/S/Shack – hut- Cott – Tent /17-18/244/2091 dated 06.02.2019; extension approval and approval bearing No. GCZMA/S/18-19/17/2340 dtd 03.02.2020 shall be demolished within one month from receipt of this order....."*. It is submitted that the Impugned Direction fails to specify the structures which are to be demolished in Survey Nos. 102/1 and 102/2 in respect of which the Show Cause Notice dated 17.01.2025



was issued. It is also submitted that the Impugned Direction, without any justification, extends the benefit of permission dated 03.02.2020 granted for repair and renovation of an existing house in Survey No. 102/3, which is not even the subject matter of the SCN in question, to the illegal constructions carried out by the Respondent No. 2 in Survey Nos. 102/1 and 102/2. It is further submitted that the Impugned Direction patently fails to adhere to the Beach Carrying Capacity Report ('BCCR'), as applicable to Agonda beach, and as accepted by Respondent No. 1 in *toto*, thereby facilitating the Respondent No. 2 to run commercial operations on the eco-sensitive and turtle nesting Agonda beach despite the scientifically assessed beach carrying capacity having been determined as "zero".

J. Succinctly submitted, the Impugned Direction deserves to be set aside by this Hon'ble Court for *inter-alia* the following reasons/ infirmities:

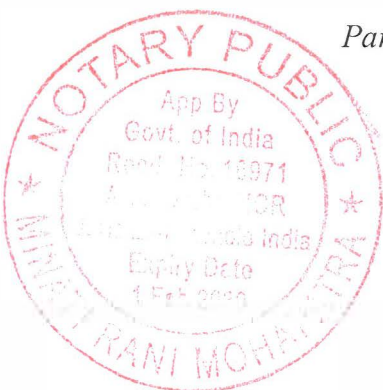
- 1) *For ignoring that all constructions, whether covered under Permission dated 06.02.2019 and Extension dated 07.03.2024 or not, were violative of the BCCR, as applicable to Agonda beach since the BCCR had assessed the carrying capacity of Agonda beach as Zero (Kindly refer to Para 31 to 34, read with Para 50 of the captioned Appeal);*
- 2) *For ignoring Condition/ Clause No. 21 of the Permission dated 06.02.2019 which stipulates that all structures shall be ground*



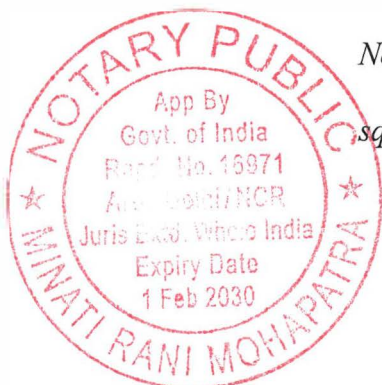
floor in nature, whereas the structures built on site are Ground Floor plus First Floor;

- 3) *For ignoring Condition/ Clause No. 18 of the Permission dated 06.02.2019 which provides for revocation of a permission in case there are several title holders in a property and there is dispute or objection, the permission granted by the GCZMA is liable to be revoked. Whereas it is a matter of fact that Sy. Nos. 102/1 is neither divisioned nor partitioned as per law, and that, DPDCL owns the majority land in the said survey nos. Hence, a claim by any party over a specific portion of land in the Sy. No. 102/1, by way of any lease, is seriously a disputed question of fact.*

Factually, it is also pertinent to note that the land in question on which Permission has been granted by the GCZMA has been custodia legis since 1991 under the orders of the Hon'ble Bombay High Court, and continues to remain so till date under the orders of the Hon'ble Supreme Court. Thus, no permission ought to have been passed in the first place by the GCZMA, or, as and when such dispute was brought to their notice by the Appellant, the Permission dated 06.02.2019 along with extension dated 07.03.2024 ought to have been revoked forthwith (Kindly refer to Paras 40 to 47 and 79 to 81 of the captioned Appeal);



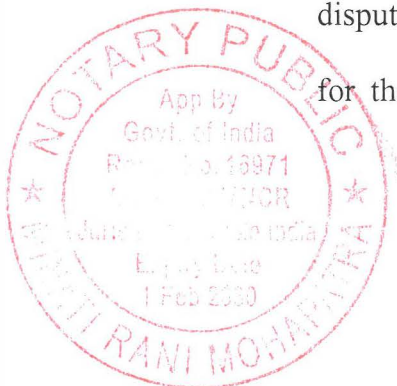
- 4) *For ignoring impermissible permanent/ semi-permanent constructions and built-up area of about 589 sq. mtrs. in Survey No. 102/1, being in excess of the permitted constructed area of 62.02 sq. mtrs. (Kindly refer to Para 66 of the captioned Appeal);*
- 5) *Blatantly ignoring the construction(s) on government land (Sy. No. 102/2) and taking no action with regard thereto. It is submitted that the Impugned Direction fails to undertake even a basic ascertainment of the actual area under construction on the ground so as to verify whether any portion of the 06 huts and 1 shack has been constructed in or upon Survey No. 102/2. In the event such encroachment is found, the Respondent No. 1 ought to have consequently passed appropriate orders directing demolition of the offending structures. (Kindly refer to Paras 51 to 53 of the captioned Appeal);*
- 6) *Failure of Respondent No. 1 to observe that the permission dated 03.02.2020 was granted only with respect to repair and renovation of an existing house in Sy. No. 102/3 and not for any commercial activities, as undertaken by the Respondent No. 2 in Survey No. 102/1 and 102/2.*
- 7) *Inexplicably ignoring the fact that while holding the Respondent No. 2 as absolute owner-in-possession of an area measuring 150 sq mtrs in Survey No. 102/3, the Hon'ble Court in Regular Civil*



Suit No. 05/2018 had rejected all claims of the Respondent No. 2 with regard to ownership or occupancy rights of any land in Survey No. 102/1.

- 8) *Failure of Respondent No. 1 to punish the Respondent No. 2 by imposing a fine and/or blacklisting it, for blatantly mis-using its permission to inter alia encroach upon Government land and degrading the eco-sensitive and fragile beach of Agonda, signifying collusive inaction on the part of Respondent No.1 to favour Respondent No. 2;*

K. I say that the Impugned Direction issued by the Respondent No. 1, discharges the Show Cause Notice dated 17.01.2025 on the basis of the permission/ approval dated 06.02.2019, extension of approval dated 07.03.2024 and NOC/approval dated 03.02.2020, without examining and adjudicating upon the submission of the Appellant *inter-alia* that: (1) the said permission/ approval as well as extension could not have been issued in the first place in view of the saturation of the Agonda beach and the beach having **zero** carrying capacity as far back as in the year 2016, as brought out unambiguously in the Beach Carrying Capacity Report; (2) the illegal constructions by the Respondent No. 2 extend to government land i.e. Sy. No. 102/2; (3) there exists a title dispute over Sy. Nos. 102/1; (4) the permission dated 03.02.2020 was for the limited purpose of repair/renovation of an existing house in



Survey No. 102/3, and, not to run and operate any commercial establishment etc in Survey No. 102/1 and 102/2.

- L. I say that, as per the Permission/ Approval dated 06.02.2019, the Respondent No. 2 was granted approval for erection of *01 temporary shack and 06 huts for a total built up area of 62.02 sq. mtrs* in property bearing *Survey No. 102/1*, Agonda, Canacona, Goa as revealed by the minutes of the 191st meeting of Respondent No.1 (GCZMA) held on 04.01.2019. Thereafter, *vide* extension dated 07.03.2024, the abovesaid permission was further extended.

However, upon an inspection by the Respondent No. 1, pursuant to the Complaint of the Appellant dated 07.02.2024, it was found that the Respondent No. 2 had built not only 12 huts instead of permitted 06 huts and multiple G+1 structures which is a direct violation of Clause 21 of Permission dated 06.02.2019, it had also erected a number of semi-permanent as well as permanent structures in *Survey Nos. 102/1* without having any ownership or occupancy rights therein, as well as Survey No. *102/2* which is government land. The following list of structures erected by the Respondent No. 2 were detailed in the Show Cause Notice dated 17.01.2025:

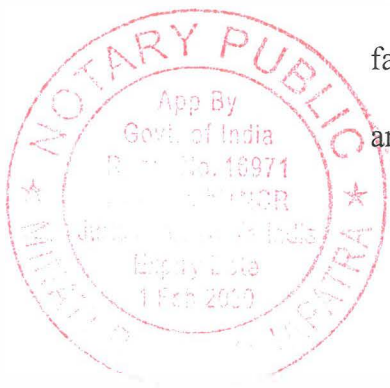
- *1 no. temporary restaurant with part permanent base.*
- *on first floor of restaurant 3nos. temporary huts are present*
- *masonry steps leading to the restaurant.*



- ***G+1 temporary structure (kitchen) erected on permanent base.***
- *9 no. temporary huts.*
- *1 no. temporary reception on **permanent base.***
- *1 no. temporary toilet on **permanent base.***
- *1 no. septic tank.*
- *Paved pathway on permanent base.*
- ***concrete flooring** from road till 1st cottage towards road.*
- *1 no. **permanent** laundry room.*

Intriguingly, the Respondent No.1 did not bring out, on the basis of its site inspection, the extent of built-up area erected by the Respondent No.2. I say that, that was done by the Respondent No. 1 not only to favour Respondent No. 2 but to also conceal its own inaction and passivity as regards safeguarding the highly fragile Agonda beach. Further, the Respondent No. 1, while discharging the Respondent No. 2 partially of the SCN dated 17.01.2025, did not bother to check whether any of the so-called permitted structures viz. 01 shack and 06 huts were erected on Government Land i.e. Sy. No. 102/2.

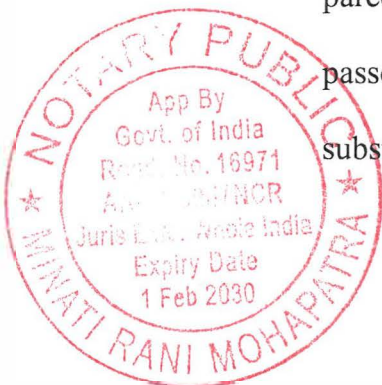
M. I say that the Respondent No. 1, has neither discharged its statutory obligations as an authority mandated to enforce the CRZ, 2011 nor effectively passed orders for protection of the beaches of Goa especially the designated Turtle Nesting and site fragile beach of Agonda. The Respondent No. 1 has not only failed to implement the BCCR through its orders but also consciously and deliberately issued permissions and failed to take any recourse against the already issued permissions which are clearly in teeth of the recommendations of the said Report despite



being aware that the beach carrying capacity of Agonda Beach has been determined to be *zero*. Further, it is humbly submitted that the Respondent No. 1, while discharging the SCN dated 17.01.2025 on the basis of the permission dated 06.02.2019 and extension permission dated 07.03.2024 both of which could not have been issued in the first place, not only failed to check the adherence of the permission *qua* the Beach Carrying Capacity Report, it also wrongfully validated the said permission dated 06.02.2019 as well as extension permission dated 07.03.2024.

PARA WISE REPLY

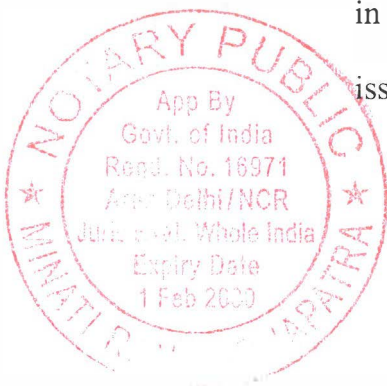
- 1 & 2 I say that the contents of Para 1 & 2 of the Reply merit no response.
3. I say that the contents of Para 3 of the Reply are emphatically denied as being erroneous, misconceived, misleading and devoid of any merit. It is respectfully submitted that the *locus standi* of the Appellant is unequivocally established, inasmuch as the Appellant was the original Complainant before Respondent No. 1, and it was pursuant to the Appellant's Complaint dated 07.02.2024 that the Show Cause Notice dated 17.01.2025 came to be issued by Respondent No. 1 to Respondent No. 2. Moreover, the Appellant is also the sole secured mortgagee of the parcel of land owned by DPDCL in *Sy. Nos. 102/1*, hence, any order passed pursuant to the said Show Cause Notice has a direct and substantial bearing on the rights and interests of the Appellant. The



Appellant, therefore, squarely falls within the ambit of an “aggrieved person” under Section 16 of the NGT Act.

Without prejudice, the Impugned Direction, in effect, partially discharges the Show Cause Notice on the basis of Permission dated 06.02.2019 for erection of 6 temporary huts and 1 shack in Survey No. 102/1, Extension Permission dated 07.03.2024 and Permission dated 03.02.2020 for repair and renovation work of an existing structure at Survey No. 102/3, which is *ex facie void ab initio* being contrary to the CRZ Notification, 2011 and the BCCR recommendations as applicable to Agonda Beach. The Impugned Direction fails to consider the Appellant’s contention that the said permission and all consequential approvals are in violation of the BCCR, particularly Para 6.3(2) [*Specific Recommendations for Shacks and Other Temporary Structures in Private Land*] read with Table 24 thereof, apart from the other legal and factual contentions also raised.

Additionally, it is submitted that the Respondent No. 1 has repeatedly referred in its Affidavit-in-Reply to the NOC dated 03.02.2020 as an extension to the permission dated 06.02.2019, which is not correct and misleading. The NOC/approval dated 03.02.2020 was given for carrying out repairs and renovation work in an existing house in Survey No. 102/3 whereas the Permission dated 06.02.2019 was issued *qua* Survey No. 102/1 to erect 01 shack and 06 huts for a total

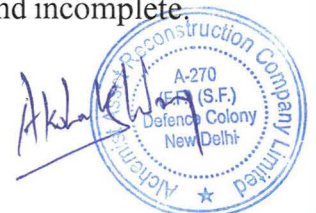
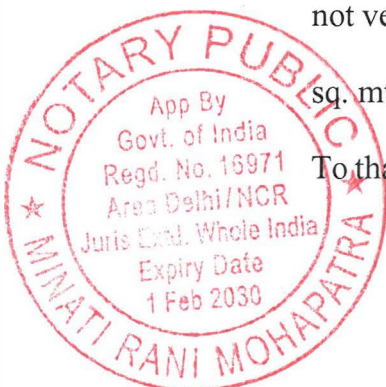


built up area of 62.02 sq. mtrs. Moreover, the NOC dated 03.02.2020 cannot in anyway justify the illegal construction upon Survey No. 102/1 (over which the Respondent No. 2 has no ownership or occupancy rights) and Survey No. 102/2 (which is a government land).

The Impugned Direction is further vitiated by non-application of mind, as it does not specify the structures to be demolished. While the Show Cause Notice identified illegal constructions, collectively on Survey Nos. 102/1 and 102/2 (Government land), the Impugned Direction issues a vague and omnibus demolition order leaving it to the imagination of the Respondent No. 2 as to which structures are to be demolished and which ones are to be retained. Moreover, the Impugned Direction fails to undertake even a basic ascertainment of the actual area under construction on the ground so as to verify whether any portion of the 01 shack and 06 huts has been constructed in or upon *Survey No. 102/2*. In the event such encroachment is found, the Respondent No. 1 ought to have consequently passed appropriate orders directing demolition of the offending structures.

Furthermore, while allowing one Shack and 06 huts to remain in view of the permission dated 06.02.2019, the Impugned Direction does not verify and confirm whether the permitted total built-up area of 62.02 sq. mtrs. for 01 Shack and 06 huts had been complied with or exceeded.

To that extent, the Impugned Direction is both defective and incomplete.



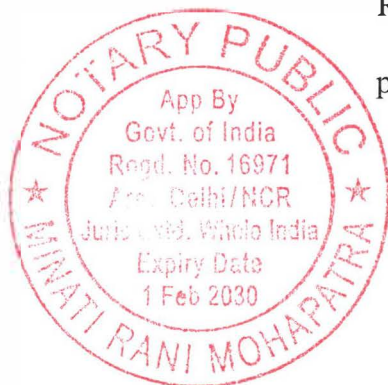
4. I say that the contents of Para 4 of the Reply are denied as being wrong, misleading and incorrect, because the Impugned Direction has been passed without due and proper consideration/ examination of the written and oral submissions made by the Appellant. It is submitted that the Impugned Direction issued by Respondent No. 1 is based on the presumption that the Permission dated 06.02.2019 issued by it is valid and consistent with CRZ, 2011 read with the BCCR, as applicable to Agonda beach (which report scientifically assessed beach carrying capacity having been determined as “**zero**”). The Appellant has questioned and challenged the very foundation of the said Permission in its pleadings/ submissions before the Respondent No. 1 since no such permissions could have been issued after 03.01.2017, the date on which the BCCR was accepted in *toto*. The Respondent No. 1 has, for reasons best known to it, not adjudicated upon this crucial issue. It is, therefore, submitted that once the very foundation of the permission granted by GCZMA is under challenge as being violative of the BCCR (as



applicable to Agonda Beach), any action founded thereon, including the Impugned Direction, stands vitiated and is *ex facie* unsustainable in law.

The Respondent No.1 has also consciously not taken due cognizance of the Appellant's submissions as regards the existence of a title dispute over Sy. Nos. 102/1 as well as the illegalities committed by the Respondent No. 2, by misusing the Permission dated 06.02.2019 as well as extension dated 07.03.2024 *inter alia* by way of (a) erecting permanent/ semi-permanent structures; (b) erecting G+1 structures; (c) exceeding the permissible built-up area; and (d) encroaching upon Government land comprising Survey No. 102/2.

5 & 6 I say that the contents of Para Nos. 5 and 6 of the Reply are denied being wrong, erroneous, incorrect and misleading. It is significant to mention that, the Respondent No. 1 failed to consider that by issuing the Permission dated 06.02.2019 and extension dated 07.03.2024, which it could not have issued after 03.01.2017 *i.e. the date on which the Respondent No. 1 resolved to accept the BCCR in toto, thereby accepting that the beach carrying capacity threshold of Agonda beach had been exceeded and, therefore, rendering provisions of sub-Clauses (iii) and (iiia) of Clause 8 (i) V (3) inapplicable to Agonda beach*, the Respondent No. 1 Authority has failed to preserve the ecology of pristine beach of Agonda in utter disregard of provisions of Coastal

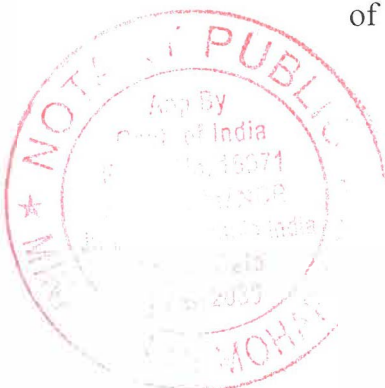


Regulation Zone Notification, 2011 (CRZ, 2011) read with the BCCR, as applicable to the Agonda beach.

Most respectfully I say that, the permissions issued by Respondent No. 1 are justiciable, and this Hon'ble Tribunal, acting as the first appellate authority, is duty-bound to adjudicate upon the present challenge on both factual as well as legal grounds.

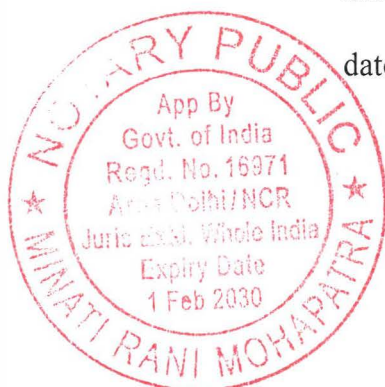
It is further submitted that, as per the findings of the NCSCM, the Agonda beach was fully saturated, even in the year 2016, and no new shacks/ huts/ resorts/ hotels should have been allowed on that beach after 03.01.2017 i.e. the date of acceptance of BCCR by the Respondent No. 1. Instead, owing to total disregard of the findings of the BCCR on the part of Respondent No. 1, various shacks, huts, even resorts came to be opened on the Agonda beach with or without the permission of the GCZMA and have been flourishing commercially with impunity.

It is submitted that, the acceptance of BCCR by the Respondent No. 1 constrains it from sanctioning / allowing any seasonal structures in terms of Paragraph 8(i) V 3 (iii) of CRZ, 2011 on the Agonda beach. In consequence, the Respondent No. 1 should have regulated all commercial activities on the Agonda beach, after 03.01.2017 (the date of acceptance of BCCR) in terms of Paragraph 8(i)III (A) (ii) and (iii) of CRZ, 2011 which deals with activities / constructions permissible



under CRZ-III and, in the light thereof, ought to have revoked / rescinded the Permission issued in favour of the Respondent No. 2.

7. I say that the contents of Para No. 7 of the Reply are denied being wrong, erroneous, incorrect and misleading. It is submitted that by accepting the BCCR as applicable to Agonda beach, the Respondent No. 2 recognised that the beach carrying capacity of Agonda beach had been exceeded and, in order to protect and preserve that beach, it self-restrained its competence to sanction temporary shacks and huts on that beach under Paragraph 8(i)V3(iii) of CRZ, 2011. The Respondent No. 1 reiterated the need to not allow any further shacks and huts on the Agonda beach in its 193rd Meeting held on 21.02.2019 (Case No. 4.13) wherein it was decided *inter-alia* that no new applications for huts / shacks / tents / cottages in private properties / hotels along the beach area (0-200 mtr from HTL) is to be accepted and processed by GCZMA till the finalization of CZMP by the State Government (*Para 25 of the Appeal read with Annexure A-19 attached thereto refers in this regard*). In fact, by issuing the Permission dated 06.02.2019 and further extending it vide letter dated 07.03.2024 in favour of Respondent No. 2, the Respondent No. 1 has itself violated the mandate accepted by it under the fully accepted BCCR, in utter disregard of the letter and spirit of the Order dated 17.12.2014 in OA/03/2014 passed by this Hon'ble Tribunal, and

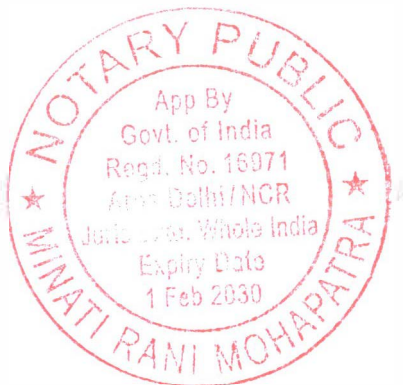


the same is evident upon perusal of the relevant Google Earth images of Agonda beach of the year 2017 onwards.

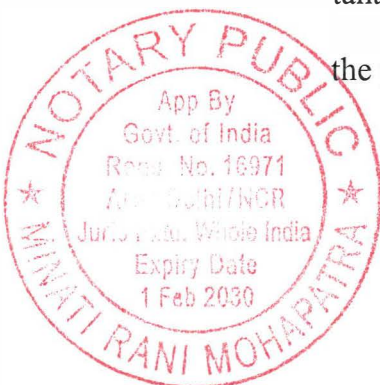
It is further submitted that the permission dated 03.02.2020 pertains to *Survey No. 102/3* for the limited purpose of repair/renovation of an existing house, and not to run any commercial establishment in Survey No. 102/1 and 102/2.

Without prejudice to the above, it is submitted that while the purported Permission dated 06.02.2019 and extension permission dated 07.03.2024 were granted to the Respondent No. 2 for construction of 01 shack and 06 huts in only *Sy. Nos. 102/1*, however, as per the GCZMA's own Show Cause Notice dated 17.01.2025, the constructions by Respondent No. 2 were found extending in *Sy. No. 102/2* as well, which is a government land where no permission is available for construction. Despite noting the same, the Respondent No. 1 failed to take any immediate steps regarding the same.

Annexure – A (Colly) are copies of year wise Photographs obtained by the Applicant from Google Earth Software from the year 2017 onwards evidencing growth of construction activities on Agonda beach.



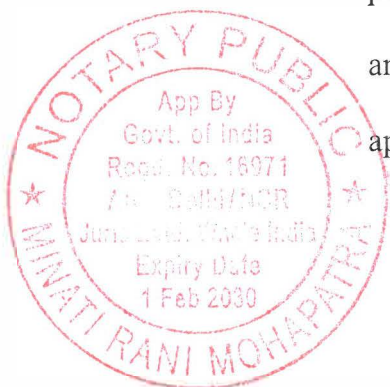
8. I say that the contents of Para 8 of the Reply, though a matter of record, suppress the fact that in Para 9 of the Appellant's Complaint dated 07.03.2024, it was specifically mentioned that all illegal constructions/ commercial operations on the Agonda beach were within the No Development Zone and were not permissible in terms of the BCCR, as applicable to Agonda beach, and that not only no cognizance was taken of this submission, rather the Respondent No.1 continued to issue permissions/ approvals for shacks and huts in an unrestricted manner, completely unmindful of the stress such permissions were creating *vis-à-vis* the carrying capacity of Agonda beach.
9. I say that the contents of Para 9 of the Reply, though a matter of record, hide the fact that the site inspection by the officials of the Respondent No. 1 on the Appellant's complaint dated 07.02.2024 was carried out, after eight (08) months of submission of the complaint, starting from 07.10.2024. Further, after completing the site inspection on 24.10.2024, it took the Respondent No. 1, two (02) months and 25 days to issue the Show Cause Notice to the Respondent No. 2. These timelines exhibit a callous disregard on the part of Respondent No. 1 for the protection and preservation of the eco-sensitive and fragile Agonda beach tantamounting to collusion. It is rather submitted that even pursuant to the passing of the impugned direction, the Respondent No. 1 has failed



to verify whether any such demolition has been carried out or not, thereby being hand-in-glove with the Respondent No. 2.

10 & 11 I say that the contents of Para Nos. 10 & 11 of the Reply, as submitted by the Respondent No. 1 are denied. It is submitted that the principal submission of the Appellant regarding the applicability of the BCCR to Agonda beach, and the consequential incapacity of the Respondent No. 1 authority in granting Permissions after 03.01.2017, though recorded incompletely and in passing, was not adjudicated upon in the Impugned Direction. I say that the GCZMA has been patently mechanical in its mindset and approach while dealing with the present matter at hand. The Impugned Direction is nothing but a verbose document which neither adjudicates nor addresses the various legal and factual issues raised by the Appellant. As such, the same is a completely un-reasoned order liable to be set aside by this Hon'ble Tribunal. It is reiterated that even pursuant to the passing of the impugned direction, the Respondent No. 1 has failed to verify whether any such demolition has been carried out or not, thereby being hand-in-glove with the Respondent No. 2.

It is also worthwhile to state that, the Respondent No. 1, while passing the Impugned Direction, has placed reliance upon various permissions allegedly obtained by Respondent No. 2 in proceedings arising out of the Show Cause Notice dated 17.01.2025, including approvals from the Tourism Directorate, Directorate of Health Services,



Directorate of Fire and Emergency Services, the Goa State Pollution Control Board (GSPCB), the Village Panchayat of Agonda and the FSSAI. All of the said permissions annexed with the Reply to the SCN dated 17.01.2025 by Respondent No. 2, i.e. GSPCB consent dated 30.01.2025, Letter dated 27.01.2025 issued by the Office of Village Panchayat as well as Letter dated 06.11.2024 by the Directorate of Health were issued only to the extent of either 01 shack and 06 huts, or, to the extent of total built up area of 62.02 sq. mts.

It is further submitted that the documents on record reveal that the Registration Certificate issued by the Directorate of Health on 06.11.2024 was valid only up to 31.05.2025. Despite the same, Respondent No. 1 has failed to consider these material deficiencies and has mechanically proceeded without examining the validity, subsistence, or scope of the alleged permissions. No finding has been returned on the crucial issue as to whether Respondent No. 2 had obtained all mandatory approvals prior to commencement of operations, as required under the permission dated 06.02.2019. Instead, Respondent No. 1 has merely accepted bald assertions of Respondent No. 2 without any independent verification, thereby demonstrating complete non-application of mind.

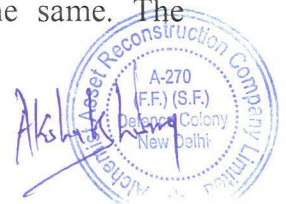
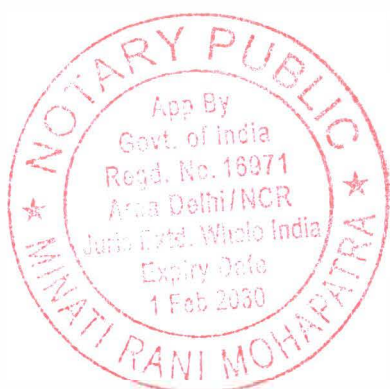
That Respondent No. 1 has also dealt with the issue of encroachments made by the Respondent No. 2 on the Government land



comprising Survey No. 102/2 in a routine and lackadaisical manner. No punitive measure, like imposing a fine and/ or blacklisting the Respondent No. 2 for running any commercial operations on Agonda beach, have been taken. This *inter alia* demonstrates complete abdication of statutory responsibility on the part of Respondent No.1.

12. I say that the contents of Para No. 12 are denied being erroneous and misconceived. It is respectfully submitted that the Impugned Direction has been passed without due consideration of the BCCR as applicable to Agonda Beach. At the outset it is submitted that while the purported Permission dated 06.02.2019 was granted to the Respondent No. 2 for construction of shacks and huts in Sy. Nos. 102/1, however, as per the GCZMA's own Show Cause Notice dated 17.01.2025, the constructions by Respondent No. 2 were found extending in Sy. No. 102/2 as well, which is a government land where no permission is available for construction. Despite noting the same, the Respondent No. 1 failed to take any immediate steps regarding the same. It is reiterated for the sake of reference that the permission dated 03.02.2020 was issued *qua* Survey No. 102/3, for the limited purpose of repair and renovations only, and not for running commercial establishment.

It is submitted that, the Impugned Direction merely records in passing the submissions advanced on behalf of the Appellant in this regard, without dealing with or adjudicating upon the same. The

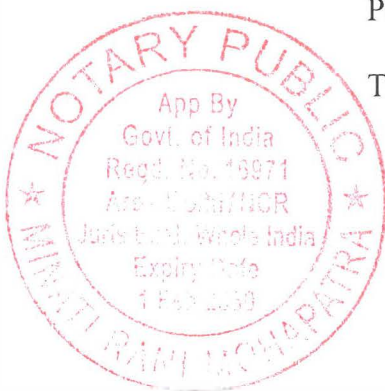


Respondent No. 1 has thus proceeded mechanically, without undertaking any detailed examination of the issues involved, and has thereby failed to discharge its statutory obligations. It is further submitted that the Appellant has rightly impugned the said Direction in the present Appeal, being a separate and independent order in law. For the sake of record, it is submitted that, the Appellant had independently challenged the Permission dated 06.02.2019 and extension dated 07.02.2024 by way of filing an Appeal No. 142/2025 before this Hon'ble Tribunal. However, the said appeal was dismissed by this Tribunal *vide* order dated 12.01.2026 on the ground of being barred by limitation. Pertinently, the said Order dated 12.01.2026 passed by this Hon'ble Tribunal in Appeal No. 142/2025 has been challenged by the Appellant by filing Civil Appeal No. 6530/2026 in the Hon'ble Supreme Court, which is pending adjudication as on date. Without prejudice to the aforesaid, it is respectfully submitted that it is well settled that a dismissal by a court of law on the ground of limitation does not constitute an adjudication on the merits of the case.

13 & 14 I say that the contents of Para Nos. 13 and 14 are denied being incorrect and misleading. It is submitted that there is a miniscule delay of only 04 days in preferring the present captioned appeal, which period is well within the domain of this Hon'ble Tribunal to be condoned in favour of the Appellant. It is submitted that the Appellant has laid out a proper



explanation in its corresponding application [I.A. No. 826/2025] to explain the reasons for the said inadvertent and miniscule delay. It is further submitted that, the Respondent No. 1 has an incorrect understanding of law and is convoluting issues. The challenge to permission dated 06.02.2019 and extension dated 07.03.2024 has no relation to the I.A. No. 826/2025. Moreover, it is submitted that the Permisison/NOC dated 03.02.2020 is with respect to repair of an existing house and that too in a different Survey Number i.e. Sy. No. 102/3. The said Application No. 826/2025 simply seeks condonation from this Hon'ble Court in filing appeal challenging the impugned direction dated 29.09.2025. Any alternate understanding on the part of the Respondent No. 1 is completely without basis as well as erroneous and unwarranted. Furthermore, the grounds on which the captioned appeal has been preferred have been detailed in the said appeal memo, contents whereof are not being repeated for the sake of brevity. For the sake of record, it is submitted that, the Appellant had independently challenged the Permission dated 06.02.2019 and the extension dated 07.03.2024 by way of filing an Appeal No. 142/2025 before this Hon'ble Tribunal. However, the said appeal was dismissed by this Tribunal *vide* order dated 12.01.2026 on the ground of being barred by limitation. Pertinently, the said Order dated 12.01.2026 passed by this Hon'ble Tribunal in Appeal No. 142/2025 has been challenged by the Appellant

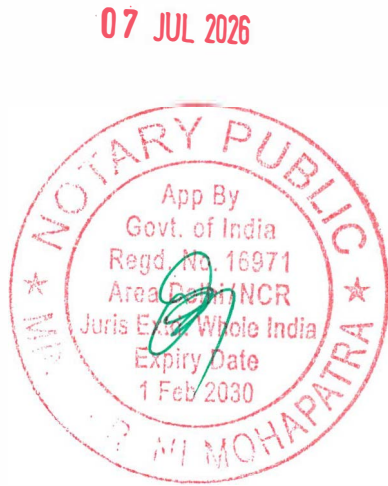


by filing Civil Appeal No. 6530/2026 in the Hon'ble Supreme Court,
which is pending adjudication as on date.

15. I say that the contents of the Para 15 of the Reply merit no response.
- N. I say that the present Affidavit-in-Rejoinder is *bona fide* and is being
filed in the interest of justice.
- O. In view of the submissions made in the captioned Appeal as also the
Affidavit-in-Rejoinder, it is most humbly prayed that the captioned
Application may kindly be allowed in terms of the prayers sought by the
Appellant.


IDENTIFIED

Place: New Delhi
Date: 07.07.2026



ATTESTED

MINATI RANI MOHAPATRA
NOTARY DELHI-R-16971
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No. 

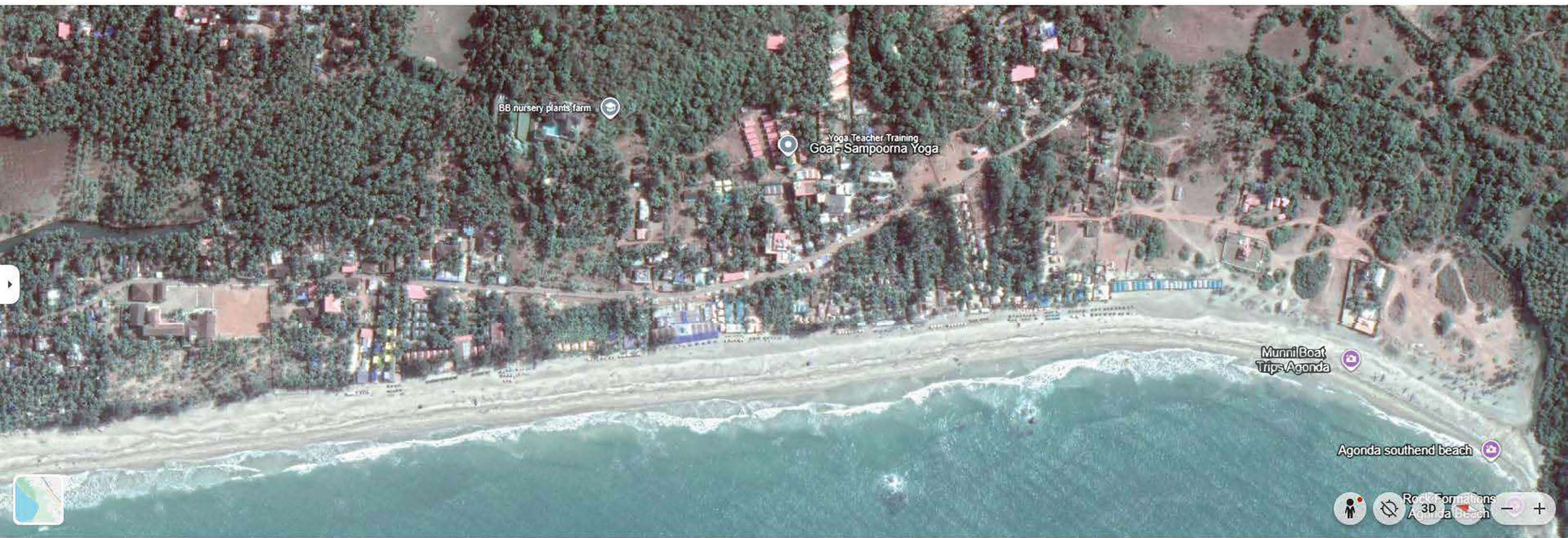

MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob. No.: 8130128457

07 JUL 2026




Advocate for the Appellant







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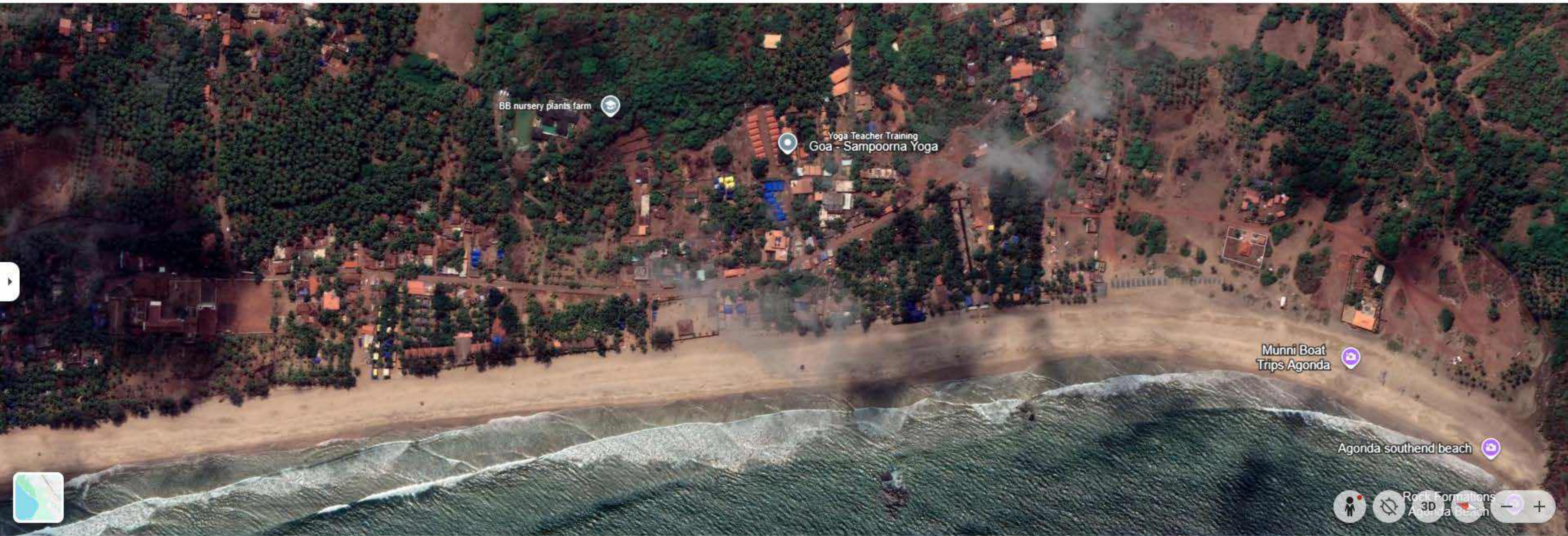


Standard Upgrade now

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Agonda Beach, Agonda, Goa

Historical Imagery < May 16, 2017 > >|



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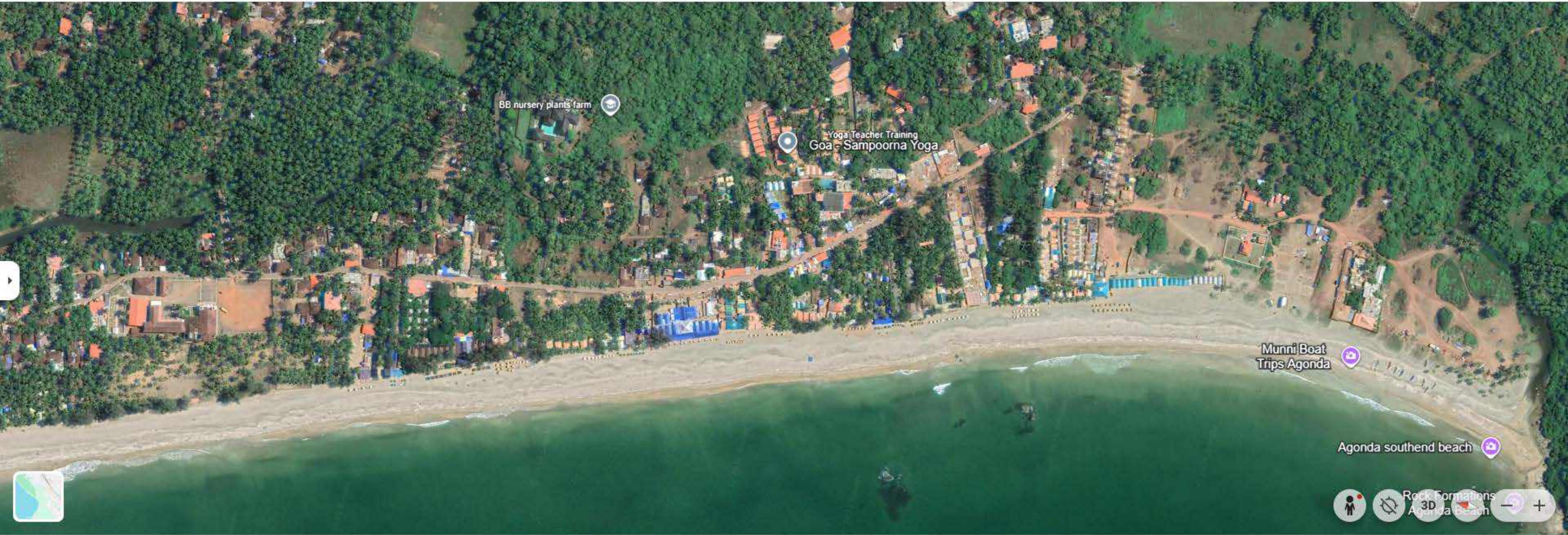
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Agonda Beach, Agonda, Goa

Historical Imagery

Nov 22, 2017

Agonda Beach

BB nursery plants farm

Yoga Teacher Training Goa - Sampoorna Yoga

Agonda Beach

31°

Search

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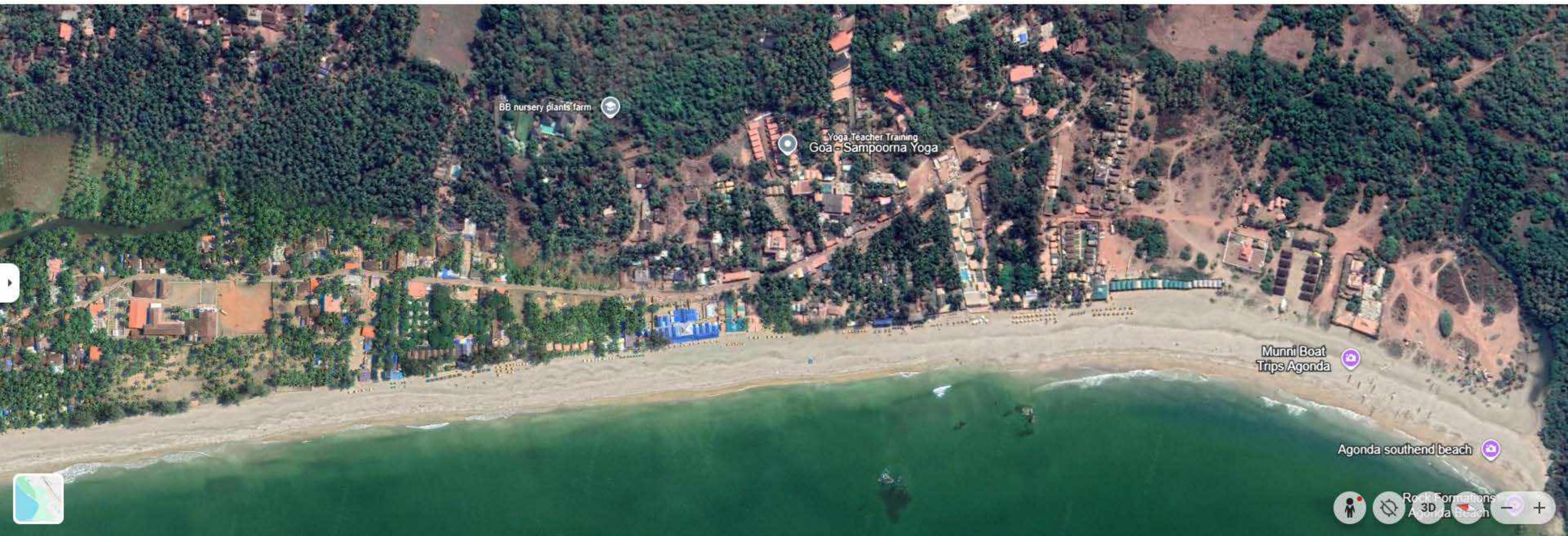
Agonda Beach, Agonda, Goa



Historical Imagery

< Feb 14, 2018 >

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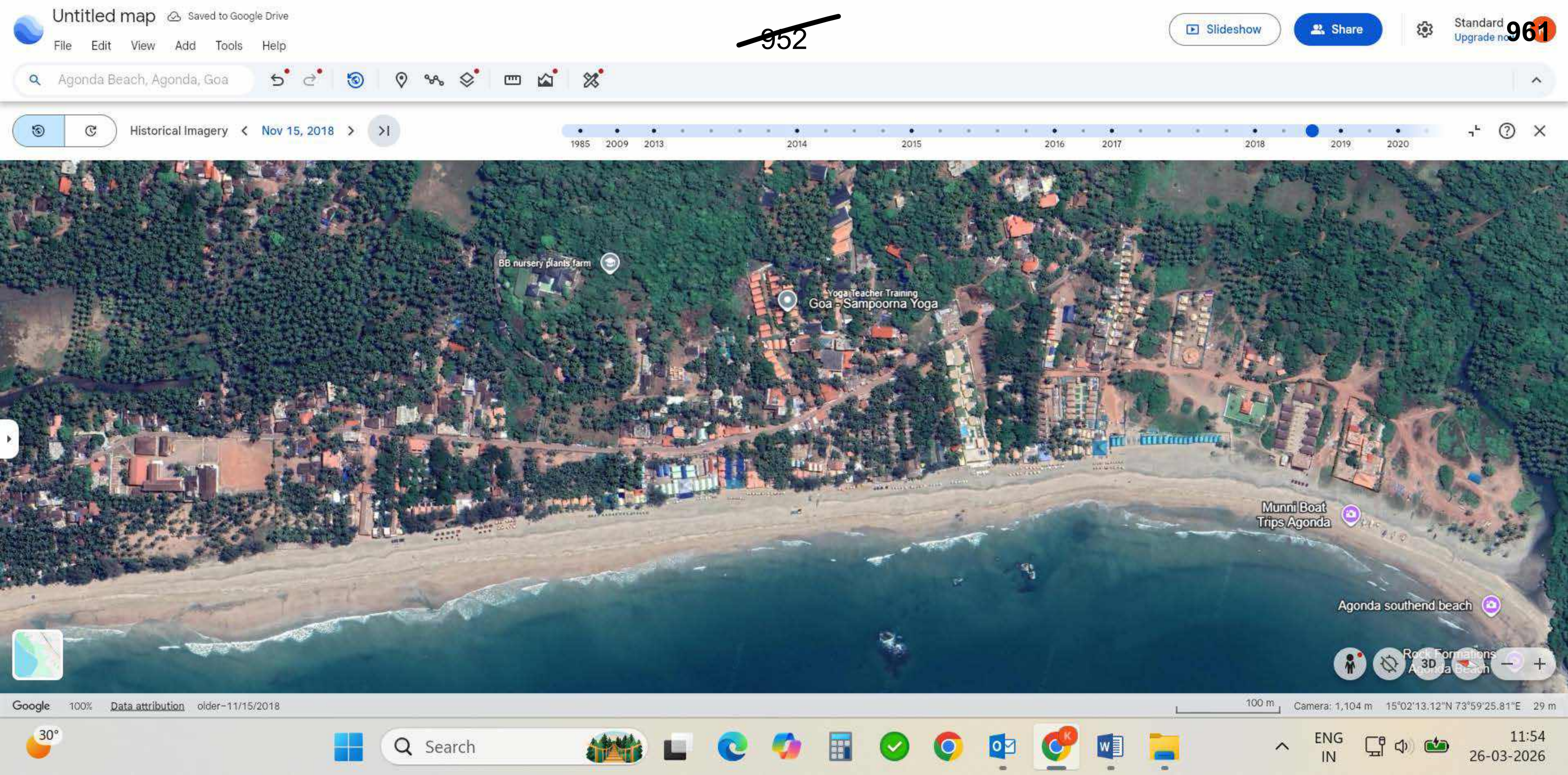
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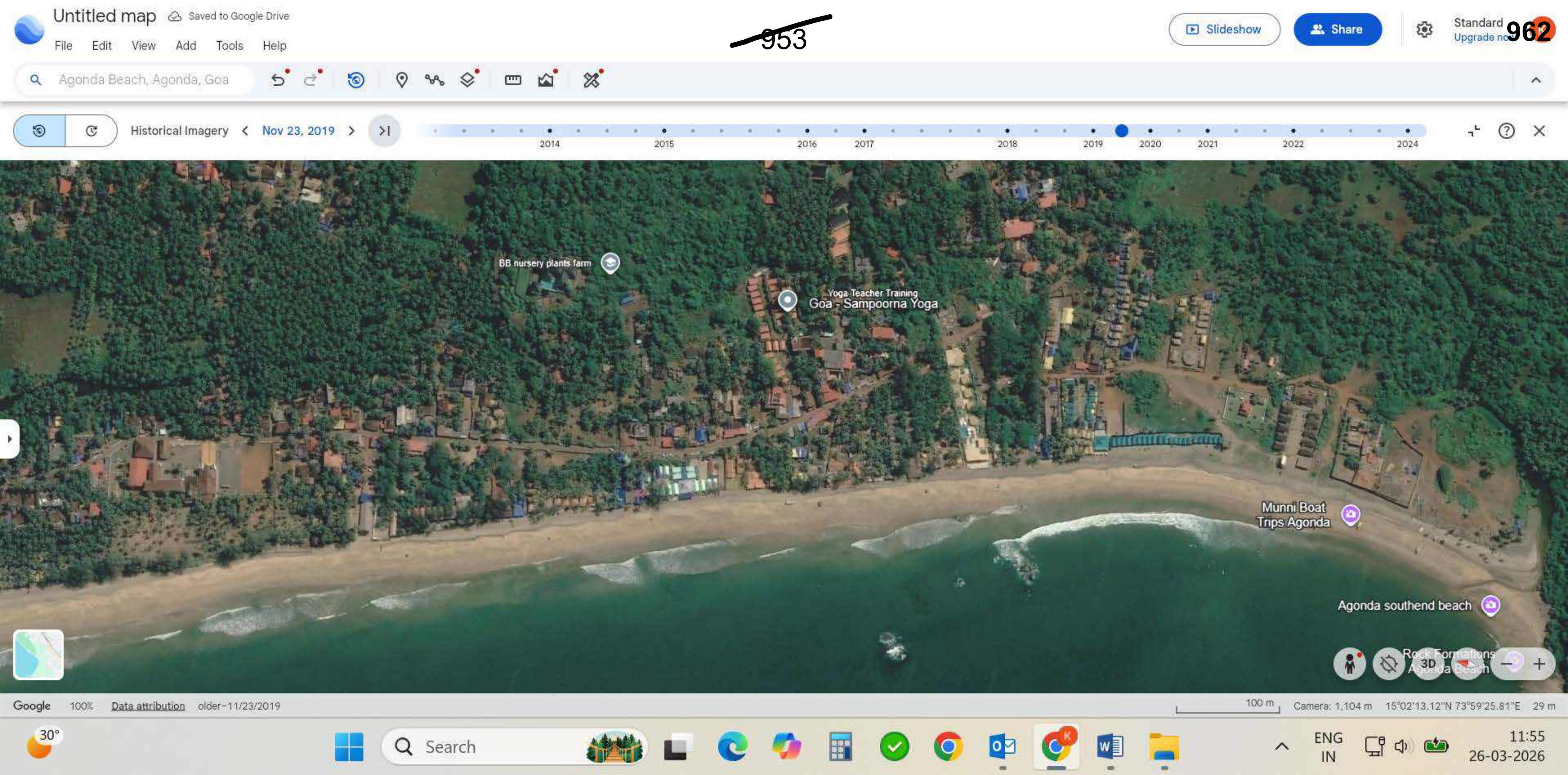


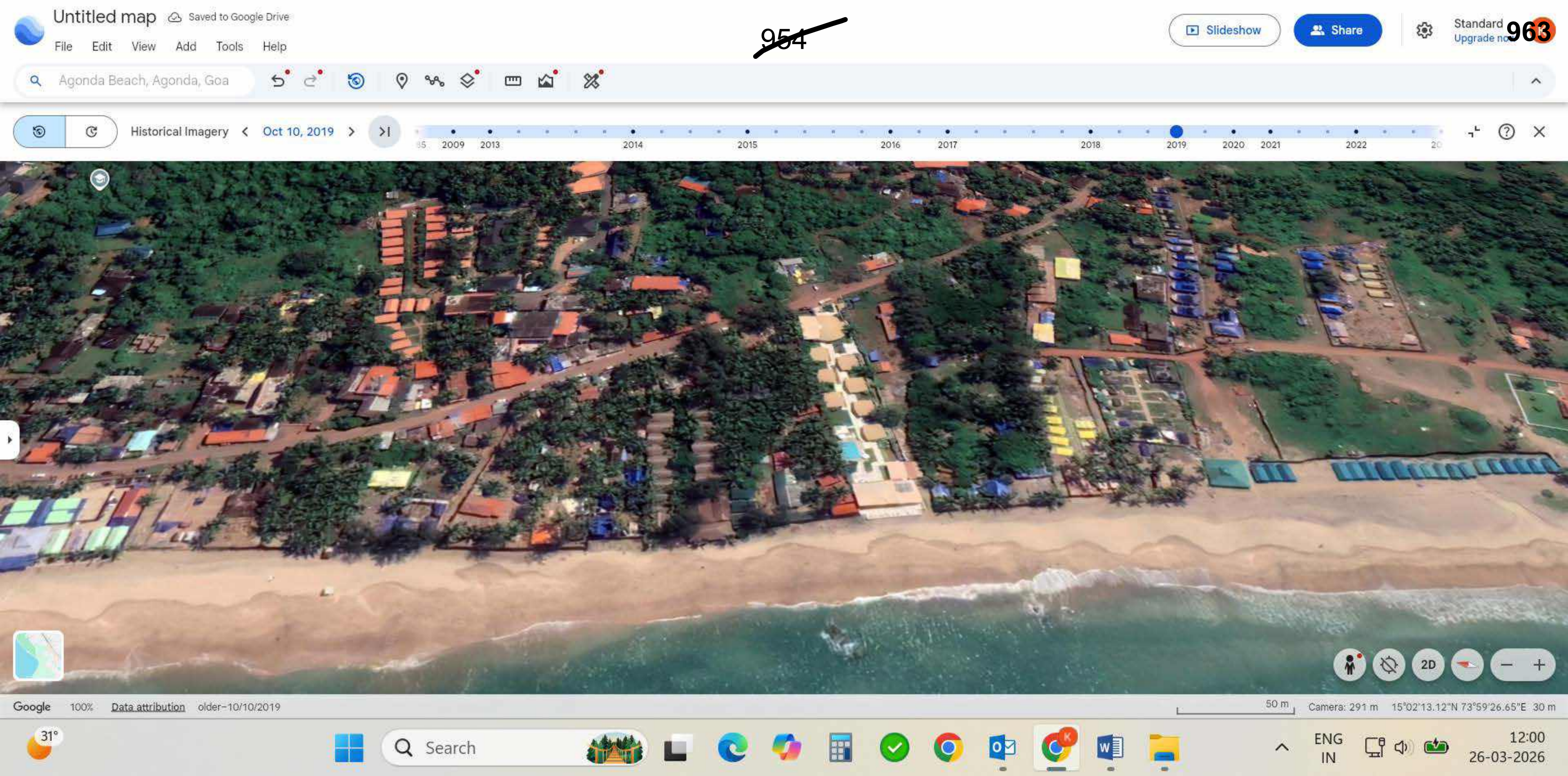
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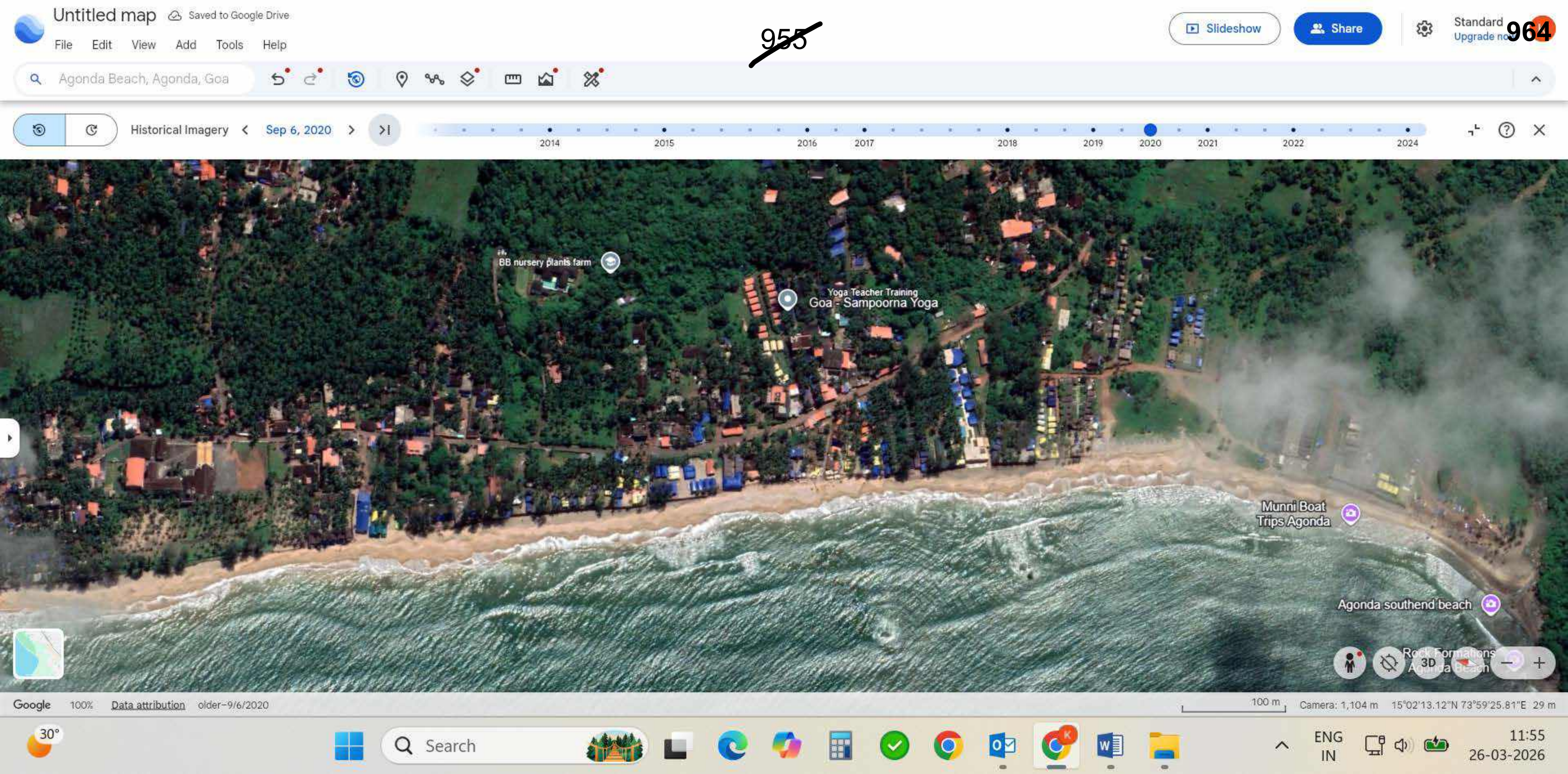


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Agonda Beach, Agonda, Goa



Historical Imagery

Sep 6, 2020



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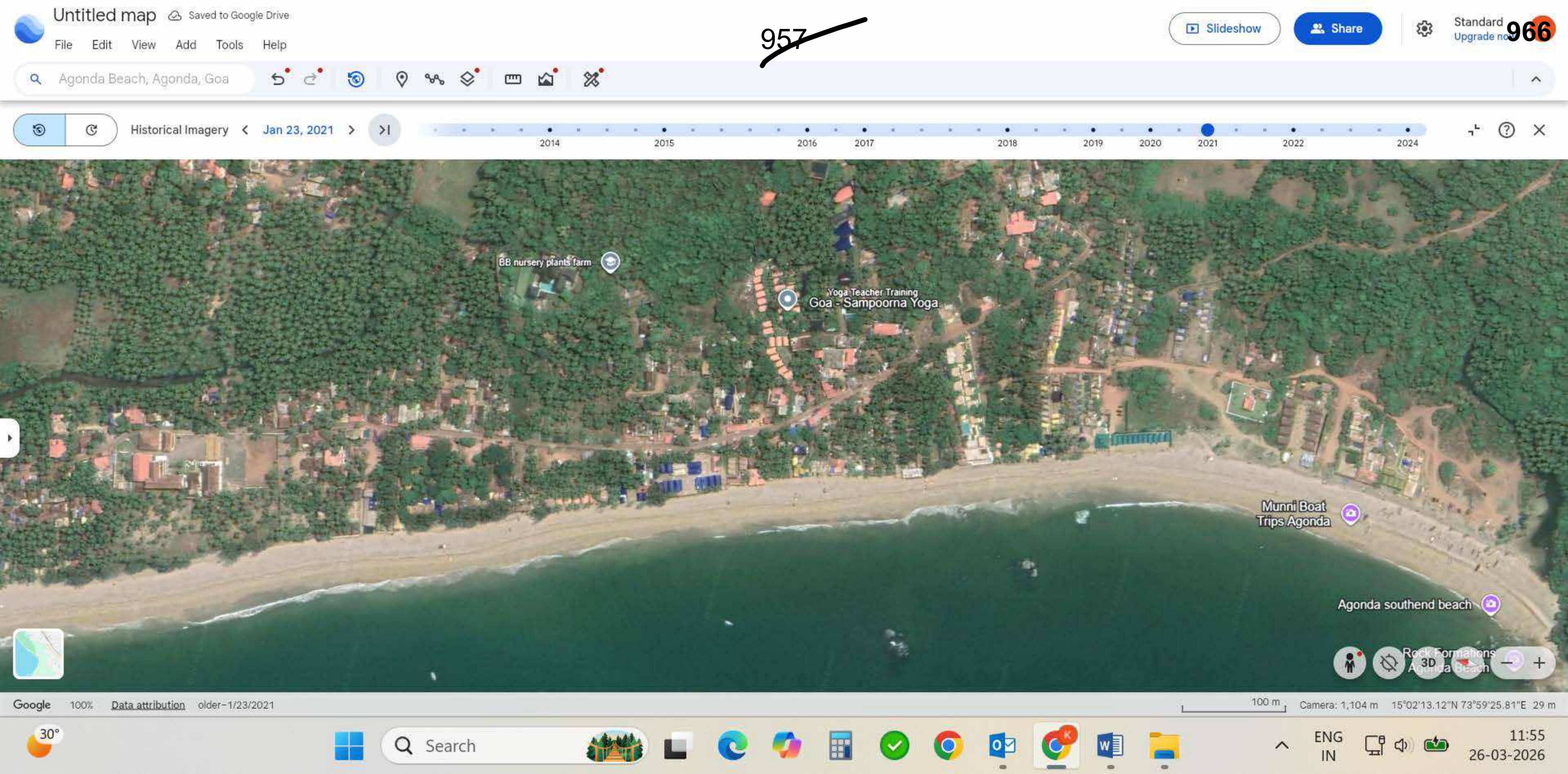


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Agonda Beach, Agonda, Goa

Historical Imagery < Dec 18, 2022 > >|

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Agonda Beach, Agonda, Goa



Historical Imagery

< Mar 6, 2024 >



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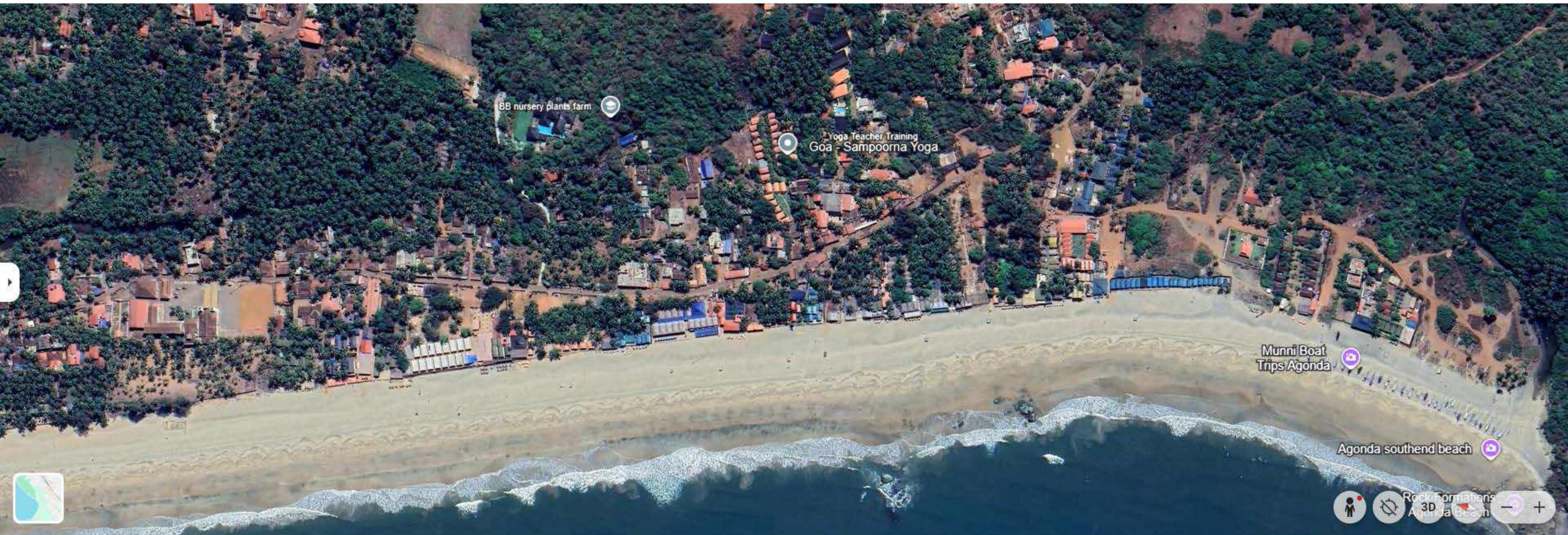
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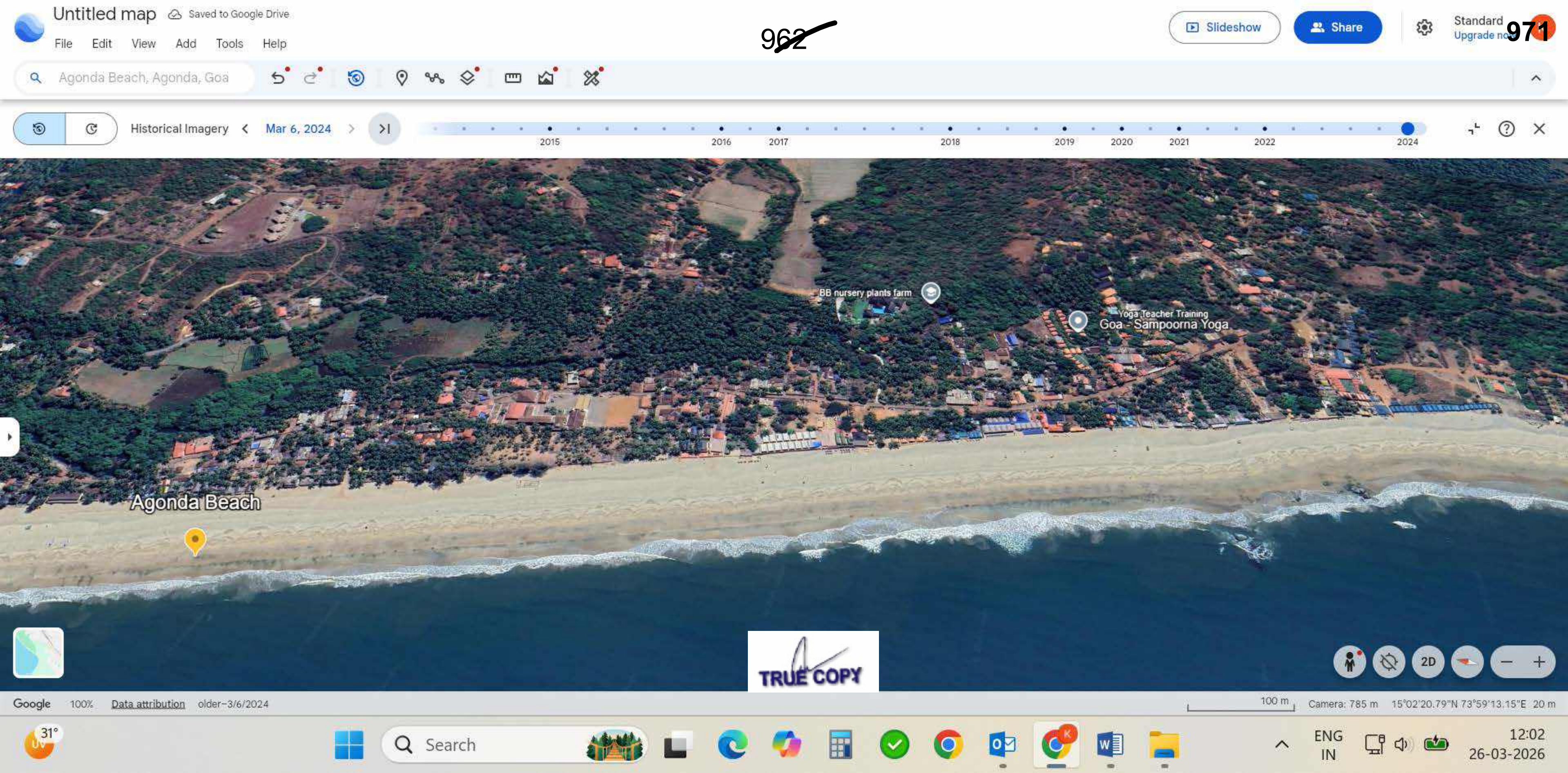
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Service of Rejoinder in NGT APPEAL/613/2025

From: Karan Batura (karanbatura@yahoo.in)

To: shubhpri@yahoo.co.in

Cc: advleonabarreto@gmail.com

Date: Tuesday, July 7, 2026 at 01:06 PM GMT+5:30

Dear All,

Kindly find attached herewith the Rejoinder on behalf of the Appellant to the Reply filed by Respondent No. 1 in the captioned matter.

Kindly acknowledge the receipt of the same.

Regards,

**Karan Batura
Advocate-on-Record
Supreme Court of India**



Rejoinder to Appeal 613 - FINAL.pdf
18.1 MB