

BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN ZONE) BENCH AT PUNE
APPEAL NO. 619 OF 2025 (WZ)

BETWEEN

ALCHEMIST ASSET RECONSTRUCTION CO. LTD.

...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ANR.

...RESPONDENTS

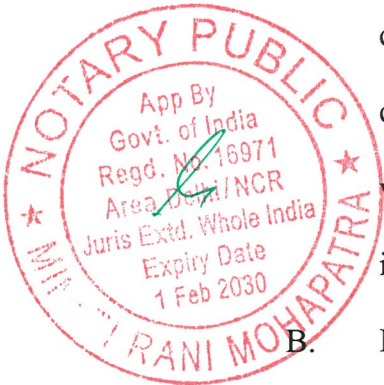
**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPELLANT TO
THE AFFIDAVIT-IN-REPLY FILED BY THE RESPONDENT NO. 1**

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. 619 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 16.04.2026 filed by the Respondent No. 1 to captioned appeal to clarify its position, and leave



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 7-8 of the captioned appeal read with Annexure A-9 (Colly) attached thereto and the contents whereof are reiterated in *toto*.

PRELIMINARY SUBMISSIONS

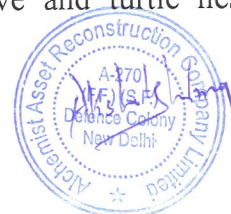
Before proceedings with the para-wise Rejoinder to the Reply filed by the Respondent No. 1, the Appellant humbly submits the following preliminary submissions for the kind consideration of this Hon'ble Tribunal. These submissions are made to place certain crucial facts, legal aspects, and the nature 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.

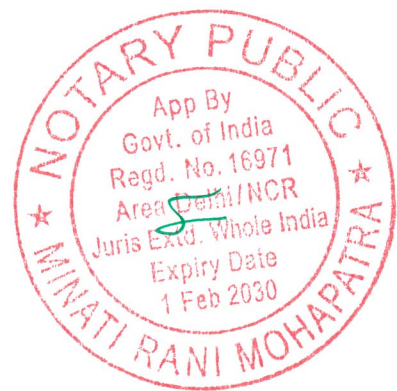
- H. The Respondent No. 1 has also not preferred any separate reply to the Application [I.A. No. 843 of 2025] filed by the Appellant under Section 5 of the Limitation Act, 1963 seeking condonation of 12 days in filing of the captioned Appeal. In absence of any such specific reply, the contents of the 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 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 *simplicitor* discharged the Show Cause Notice dated 17.01.2025 without identifying/distinguishing between approval and unapproved/illegal structures. It is 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 02.09.2024 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 28-31, read with Para 47 of the captioned Appeal);*
- 2) *For ignoring Condition/ Clause No. 21 of the Permission dated 02.09.2024 which stipulates that all structures shall be ground floor in nature (Kindly refer to Para 61 of the captioned Appeal), whereas the structures built on site are Ground Floor plus First Floor;*
- 3) *For ignoring impermissible permanent/ semi-permanent constructions and built-up area of about 1877 sq. mtrs (119 sq. mtrs. in Survey No. 102/1 and 758 sq. mtrs. in Survey No. 102/3), being hugely in excess of the permitted constructed area of 285.6 sq. mtrs. [comprising 11 huts having total built-up area of 243.60 sq. mtrs. and 01 Restaurant having total built-up area of 42 sq. mtrs] (Kindly refer to Para 4 & 58 of the captioned Appeal);*



- 4) *Blatantly ignoring the extended construction(s) in other Survey numbers including Survey Nos. 102/1 and 102/3 (being land principally belonging to DPDCL and mortgaged to the Appellant) for which no permission exists. It is submitted that the Impugned Direction fails to undertake even a basic ascertainment of the actual area constructed on the ground so as to verify whether any portion of the 11 huts and 1 restaurant has been constructed in or upon Survey No. 102/1 or 102/3. 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 62 of the captioned Appeal);*
- 5) *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 other 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 02.09.2024 without examining and adjudicating upon the submission of the Appellant *inter-alia* that: (1) the

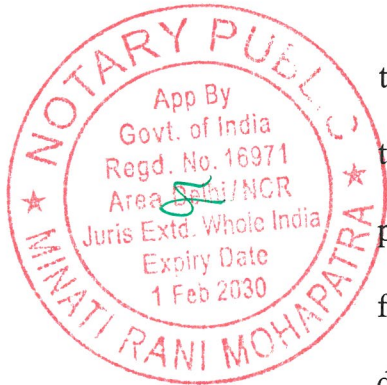


said permission/ approval could not have been issued in the first place in view of the saturation of the Agonda beach and the beach having *zero* carrying capacity as far back as in the year 2016, as brought out unambiguously in the Beach Carrying Capacity Report; (2) the illegal constructions by the Respondent No. 2 extend to *Survey No. 102/1, 102/3 and 118/23* whereas the permission is available for erection of 11 huts and one restaurant in Survey No. 102/1-B only; (3) the actual built-up area which is 1877 sq. mtrs. is hugely in excess of the permitted built-up area *viz. 285.60 sq. mtrs.*; and (4) there exists a title dispute over Sy. No. 102/1, 102/3 etc.

- L. I say that, as per the Permission/ Approval dated 02.09.2024, the Respondent No. 2 was granted approval for erection of *temporary 11 huts having total built up area of 243.60 sq. mtrs.* and *01 restaurant having total built up area of 42 sq. mtrs* in property bearing *Survey No. 102/1-B, Agonda, Canacona, Goa.*

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 a number of semi-permanent as well as permanent structures on *Survey Nos. 102/1, 102/3 and 118/23*. The following list of structures erected by the Respondent No. 2 were detailed in the Show Cause Notice dated 17.01.2025:

- *1 no. G+1 temporary structure (huts).*
- *metal steps to access beach*



- 1 no. temporary restaurant
- 1 no. temporary kitchen on **permanent base**
- 1 no. OHT on M.S fabricated framed structure.
- 6 nos. temporary huts.
- 1 no. temporary structure (store room).
- 1 no. **permanent structure** (toilet).
- 1 no. temporary structure under construction.
- 1 no. temporary entrance Arc
- masonry compound wall on east.
- 1no. **G+1 permanent structure.**
- masonry compound wall on all sides.

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 of the SCN dated 17.01.2025, did not bother to check whether any of the so-called permitted structures viz. 11 huts and 01 restaurant were erected on land numbered as *Survey No. 102/1* and *102/3*, which are owned by DPDCL and mortgaged to the Appellant.

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 existing permission dated 02.09.2024, not only failed to check the adherence of the permission *qua* the Beach Carrying Capacity Report but amounts to wrongful ratification/approval the said permission dated 02.09.2024.

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 & 102/3* (wherein the construction has been undertaken by the Respondent No. 2), 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, discharges the Show Cause Notice on the basis of Permission dated 02.09.2024, 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.

The Impugned Direction fails to undertake even a basic ascertainment of the actual area constructed on the ground so as to verify whether any portion of the 11 huts and 01 restaurant has been constructed in or upon Survey No. 102/1 and 102/3. 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 11 huts and 01 restaurant to remain in view of the permission dated 02.09.2024, the Impugned Direction



does not verify and confirm whether the permitted built-up area of 243.60 sq. mtrs. for the 11 huts and 42 sq. mtrs. for 01 restaurant had been complied with or exceeded. To that extent, the Impugned Direction is both defective and incomplete.

The Respondent No. 1 has attempted to justify the discharge of SCN on the grounds that the structures were erected pursuant to permission dated 02.09.2024 and that other houses/structure existed prior to 1991. However, no documents have been shown/furnished to the Appellant, either in the Respondent No. 2's reply to SCN or in the court of hearing, which proves the (alleged) existence of any structures prior to 1991. The Respondent No. 1 has also failed to verify rights, title and *locus standi* of the Respondent No. 2 in relation to *Survey No. 102/1* and *102/3*.

The Impugned Direction, thus, fails to address the Appellant's objections, including the prohibition on new constructions on Agonda Beach under the BCCR, and instead improperly relies upon and effectively ratifies the Permission dated 02.09.2024 which could not have been issued in the first place. Hence, the present statutory appeal.

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 02.09.2024 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.

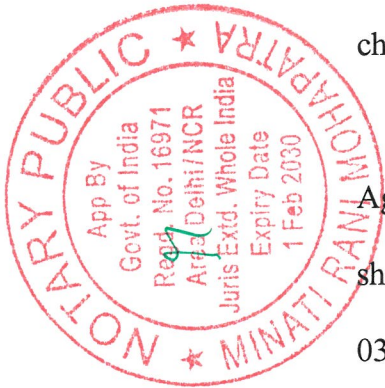
The Respondent No.1 has also consciously not taken due cognizance of the Appellant’s submissions as regards the existence of a title dispute over *Sy. Nos. 102/1 & 102/3* as well as the illegalities committed by the Respondent No. 2, by misusing the Permission dated 02.09.2024 *inter alia* by way of (a) erecting permanent/ semi-permanent structures; (b) erecting G+1 structures; (c) exceeding the permissible built-up area; and (d) encroaching upon other land comprising *Survey No. 102/1, 102/3 and 118/23*.



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 02.09.2024, 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.

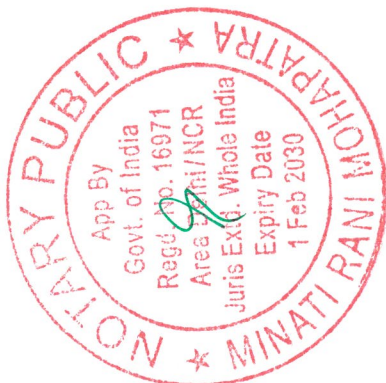
7. I say that the contents of Para No. 7 of the Reply are denied being wrong, erroneous, incorrect and misleading. It is submitted that by accepting the BCCR as applicable to Agonda beach, the Respondent No. 2 recognised that the beach carrying capacity of Agonda beach had been exceeded and, in order 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 22 of the Appeal read with Annexure A-15 attached thereto refers in this regard*). In fact, by issuing the Permission dated 02.09.2024 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.

Without prejudice to the above, it is submitted that while the purported Permission dated 02.09.2024 was granted to the Respondent No. 2 for construction of shacks and huts in Sy. Nos. 102/1-B, 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. 102/1 and 102/3 (which is the land owned by DPDCL, and solely mortgaged to the Appellant). Despite having knowledge about 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.

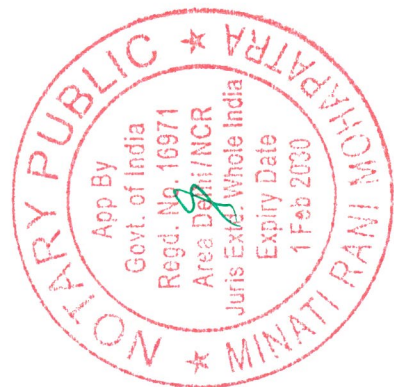
8. I say that the contents of Para 8 of the Reply, though a matter of record, suppress the fact that in Para 9 of the Appellant's Complaint dated 07.02.2024, it was specifically mentioned that all illegal constructions/ commercial operations on the Agonda beach were within the No Development Zone and 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, but 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 Department, Directorate of Health Services, Directorate of Fire and Emergency Services, the Goa State Pollution Control Board (GSPCB), as well as the Excise Department issued Licence dated 18.10.1984. The Impugned Direction further makes reference to certain documents such as a house tax receipt for House No. 396.

However, purported Consent to Operate came to be issued by the Goa State Pollution Control Board (“GSPCB”) only on 10.03.2025, which clearly and amply demonstrates that the commercial venture (Dersy The Dream Land Agonda Beach Resort) of Respondent No. 2 was operating without the said requisite and necessary consent for nearly 6 months (02.09.2024 to 09.03.2025). Similarly, the NOCs came to be issued by the Directorate of Health Services on 23.01.2025 and by the Directorate of Fire and Emergency Services only on 28.01.2025, and the Resort was being operated without the same for over 5 months.

It is further submitted that the documents on record reveal that the Registration Certificate issued by the Tourism Department on 23.01.2023 (based on approval dated 10.12.2018) was valid only up to 31.05.2023. There is nothing on record to demonstrate that Respondent No. 2 possessed a valid trade license from the Village Panchayat or a valid Consent to Operate from GSPCB, thereby clearly establishing that

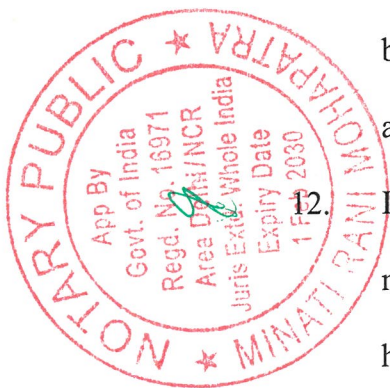


the resort had been operating without requisite statutory approvals. Additionally, all the NOCs reveals that they pertain exclusively to Survey No. 102/1-B, and not to Survey No. 102/1 and 102/3.

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 02.09.2024. Instead, Respondent No. 1 has merely accepted bald assertions of Respondent No. 2 without any independent verification, thereby demonstrating complete non-application of mind.

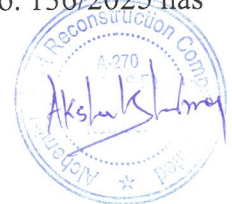
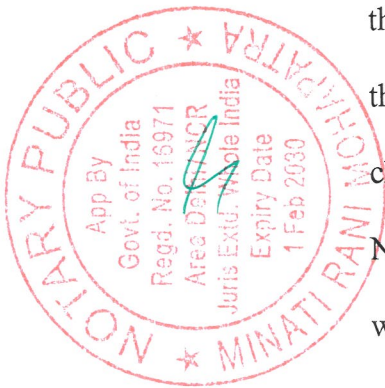
That Respondent No. 1 has also dealt with the issue of encroachments made by the Respondent No. 2 on other land comprising Survey No. 102/1 and 102/3 in a routine and lackadaisical manner. No punitive measure, like imposing a fine and/ or blacklisting the Respondent No. 2 for running any commercial operations on Agonda beach, have been taken. This *inter alia* demonstrates complete abdication of statutory responsibility on the part of Respondent No. 1.

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. It is submitted that while the purported Permission dated 02.09.2024 was granted to the Respondent No. 2 for construction of shacks and huts in Sy. Nos. 102/1-B, 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. 102/1 and 102/3 as well, the title of which is disputed and the same was pointed out time and again by the Appellant. Despite noting the same, the Respondent No. 1 failed to take any immediate steps regarding the same.

It is submitted that, the Impugned Direction either ignores or 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 20.05.2024 by way of filing an Appeal No. 136/2025 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. 136/2025 has



been challenged by the Appellant by filing Civil Appeal No. 4419/2026 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 12 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. 843/2025] 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 NoC/permission dated 02.09.2024 has no relation to the I.A. No. 843/2025. The said application 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

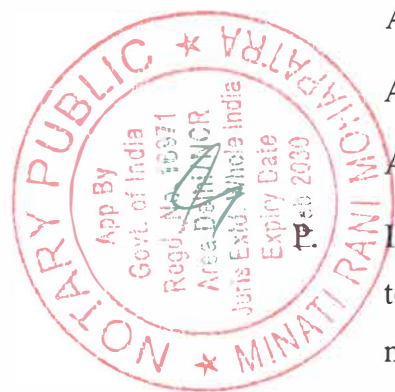




Permission dated 02.09.2024 by way of filing an Appeal No. 136/2025 before this Hon'ble Tribunal. However, the said appeal was dismissed by this Tribunal *vide* order dated 12.01.2026 on the ground of being barred by limitation. Pertinently, the said Order dated 12.01.2026 passed by this Hon'ble Tribunal in Appeal No. 136/2025 has been challenged by the Appellant by filing Civil Appeal No. 4419/2026 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 Appeal may kindly be allowed in terms of the prayers sought by the Appellant.

I say that the contents of Paras A to F, G(p), H(p), I(p), J to L, Paras 1 to 3, 4(p), 5 to 11, 12(p), 13(p), 14(p), 15 and Paras M to N are true to my knowledge, and, the contents of Paras G(p), H(p), I(p) 4(p), 12(p), 13(p) & 14(p) are based on legal advice, which I believe to be true. The Annexure(s) are true copies of the originals.



Signature
IDENTIFIED

05 JUN 2026

Signature
Advocate for the Appellant

Place: New Delhi
Date: 05.06.2026

ATTESTED

MINATI RANI MOHAPATRA
NOTARY DELHI-R-16971
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No. 2

05 JUN 2026

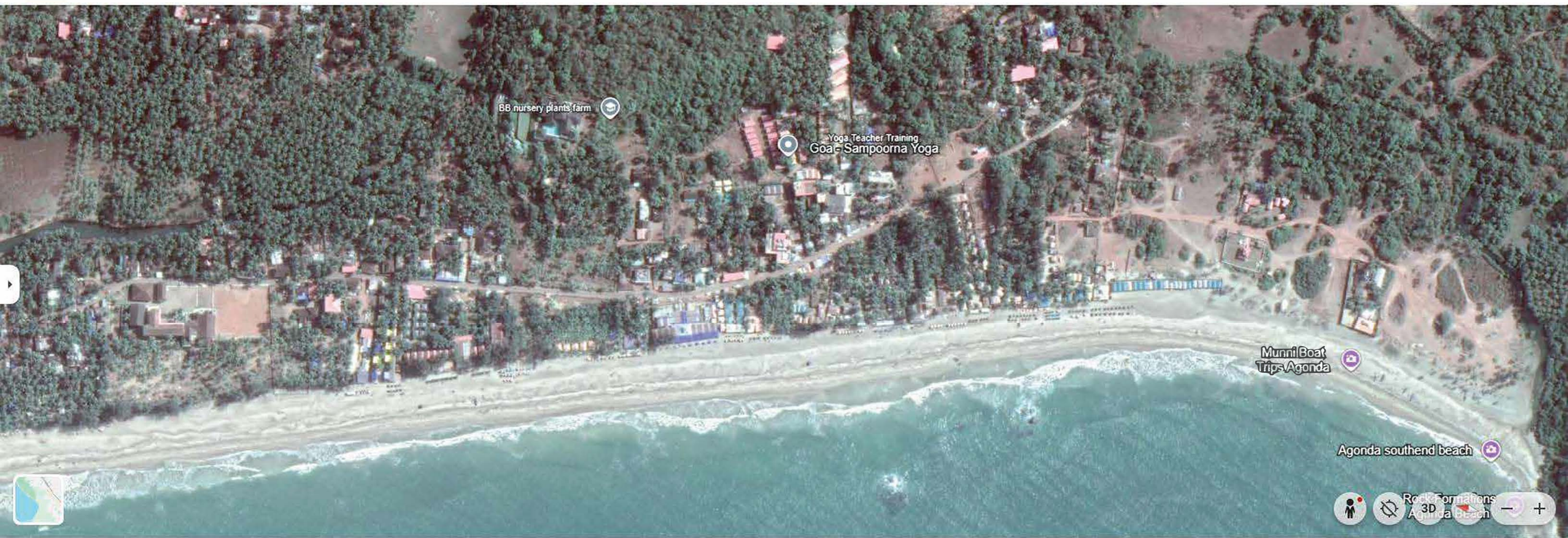
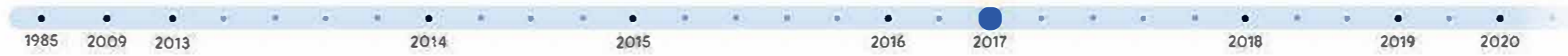
Signature
MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob. No.: 8130128457

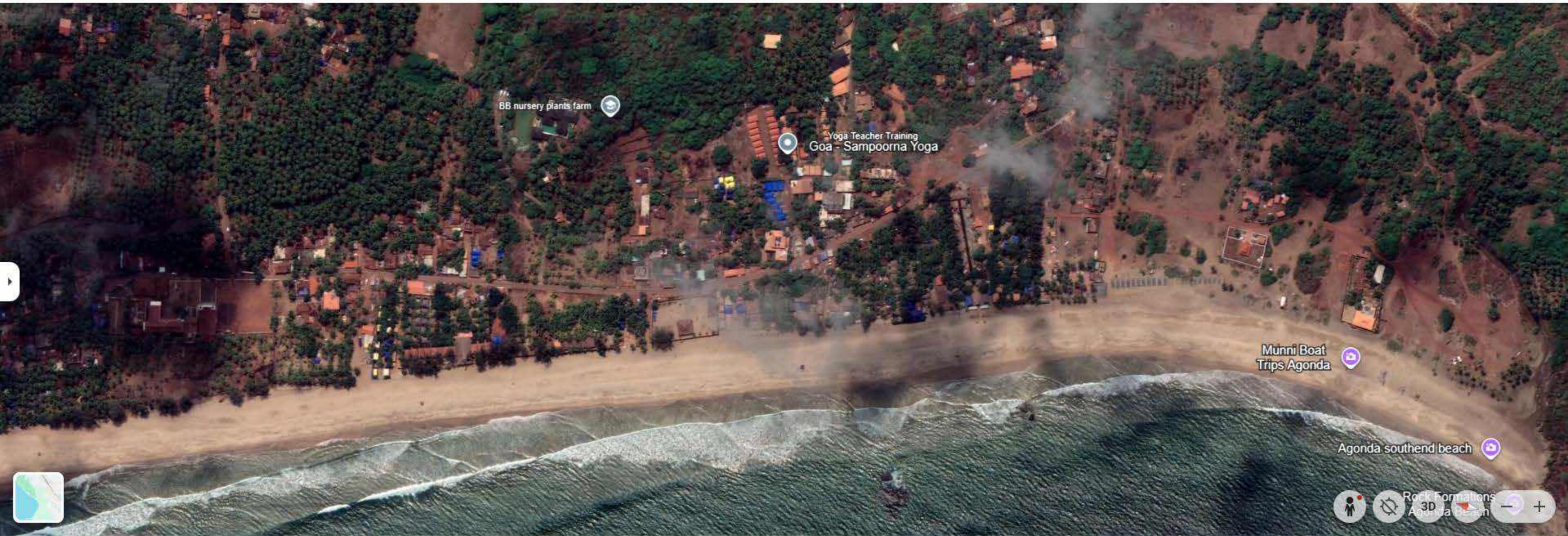
Agonda Beach, Agonda, Goa

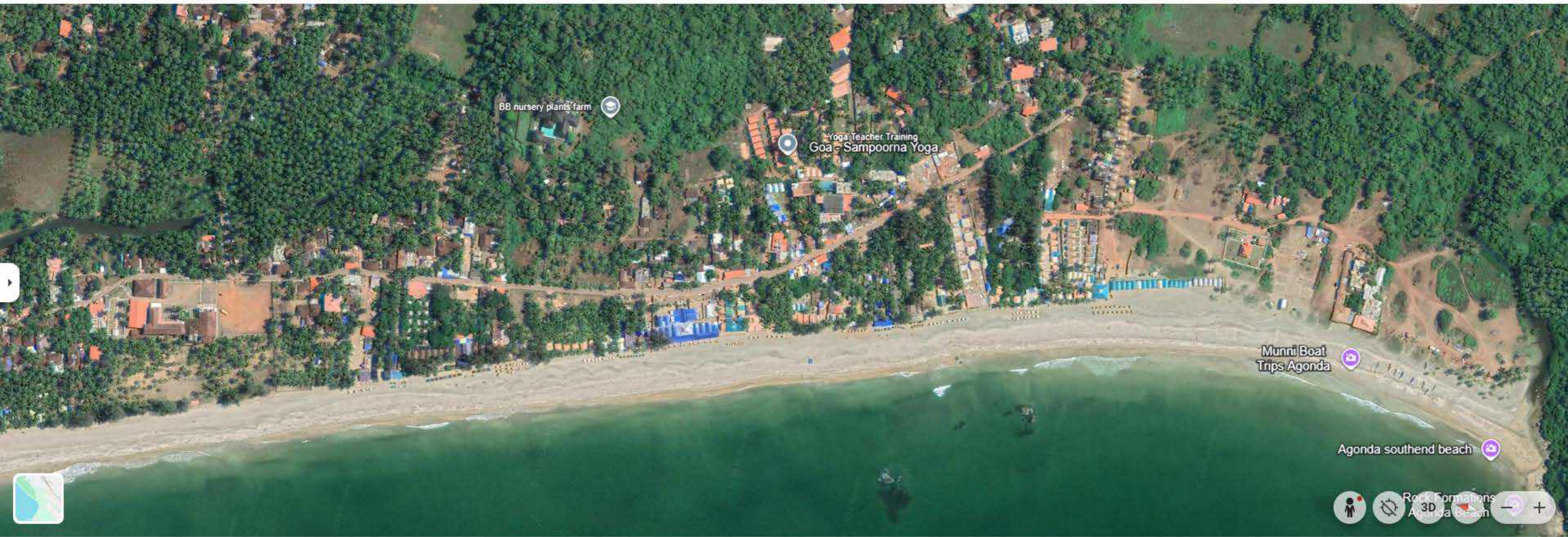


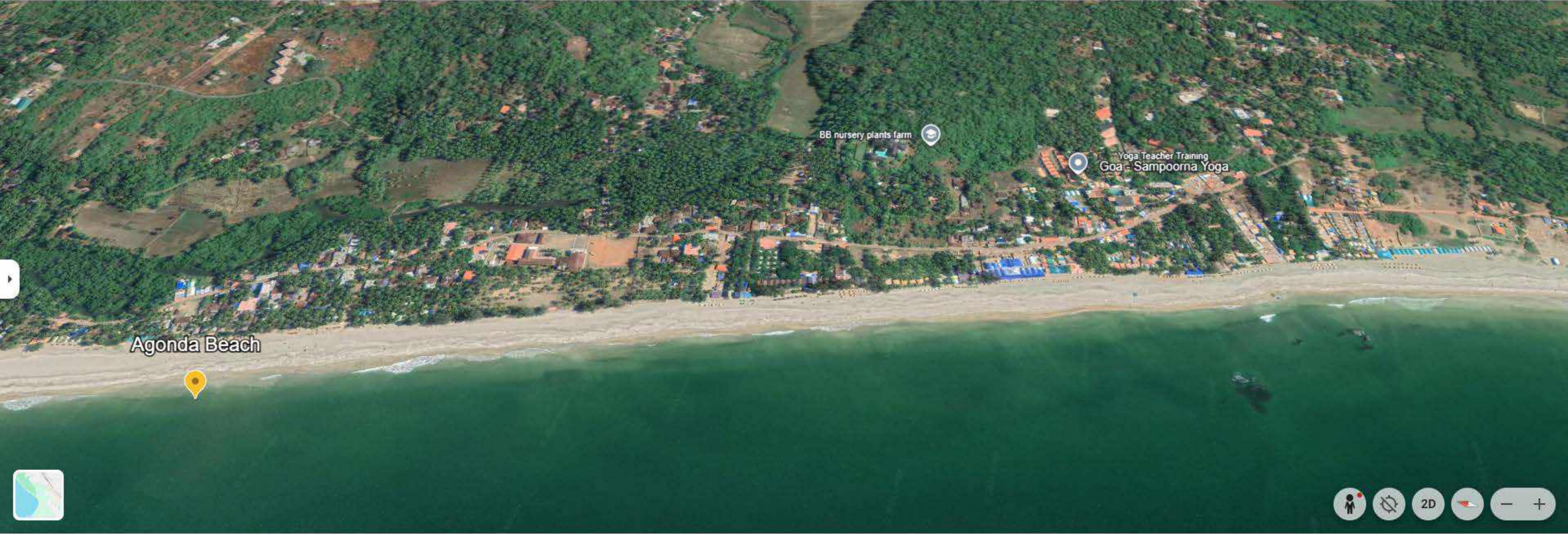
ANNEXURE A (COLLY)

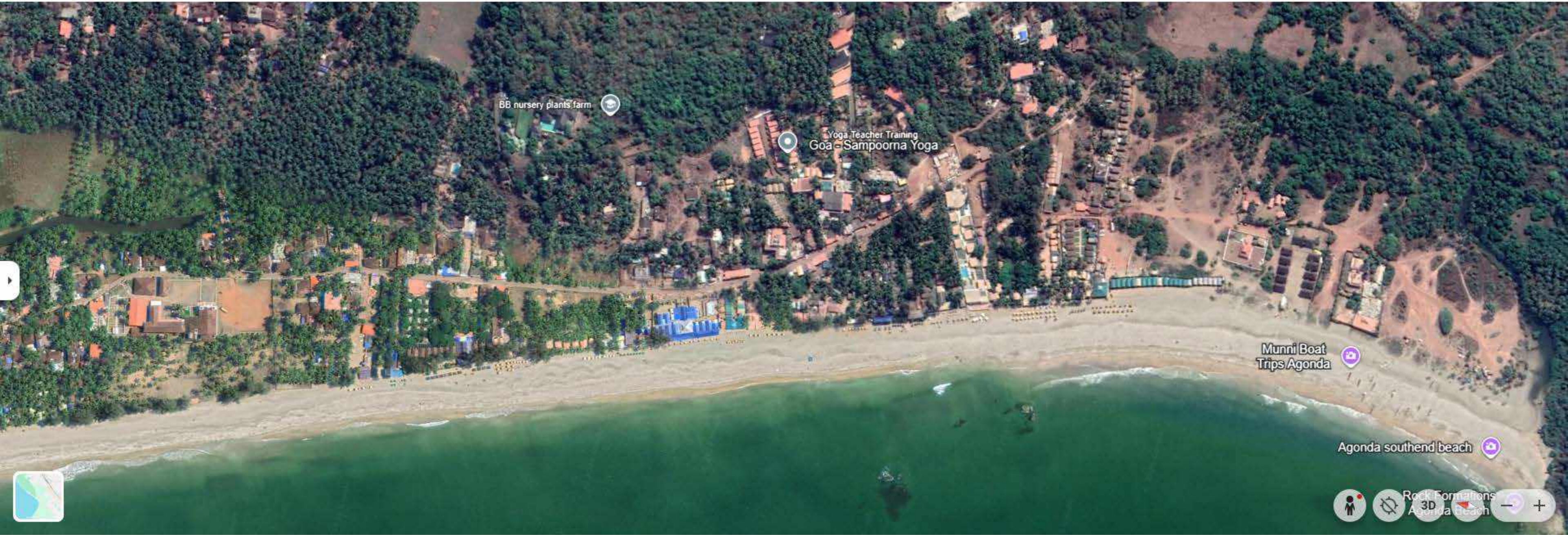
Historical Imagery < Jan 11, 2017 >









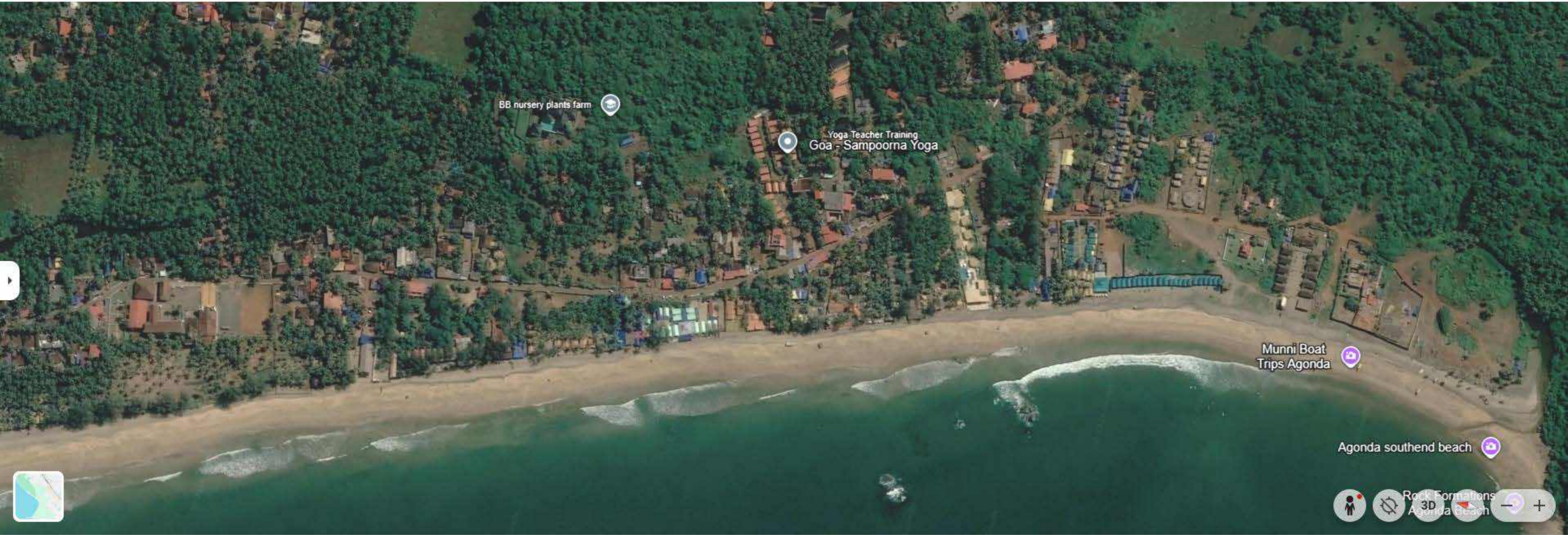


880

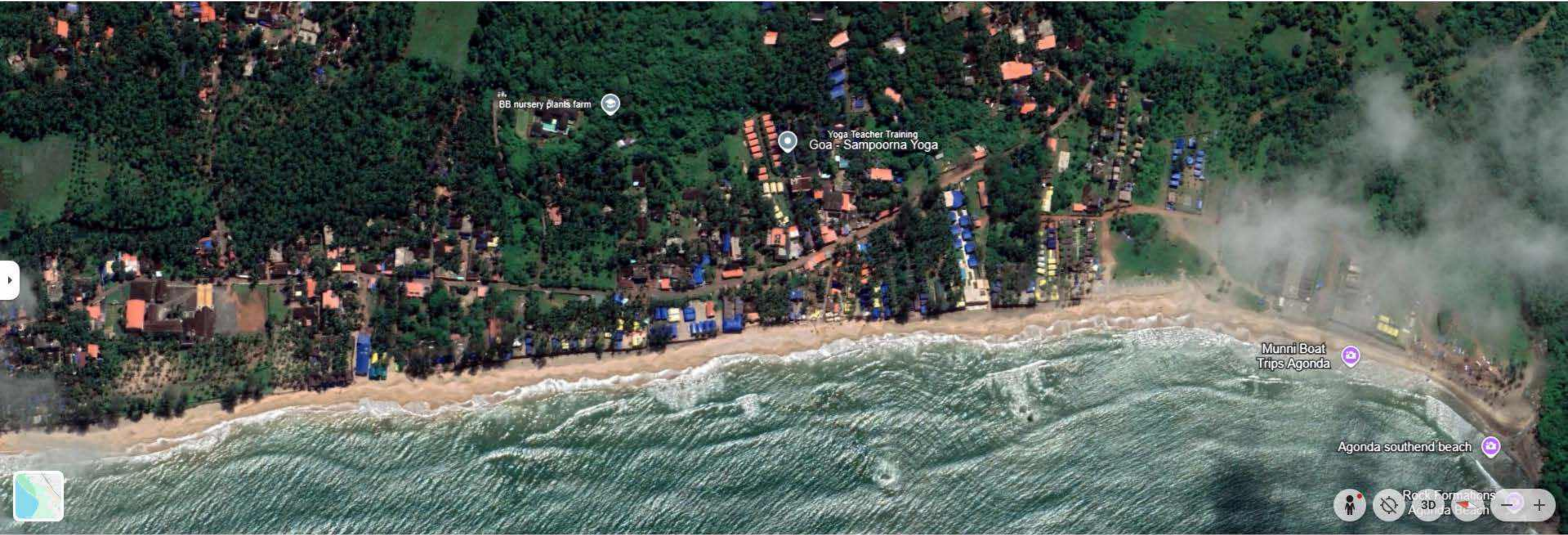
Agonda Beach, Agonda, Goa

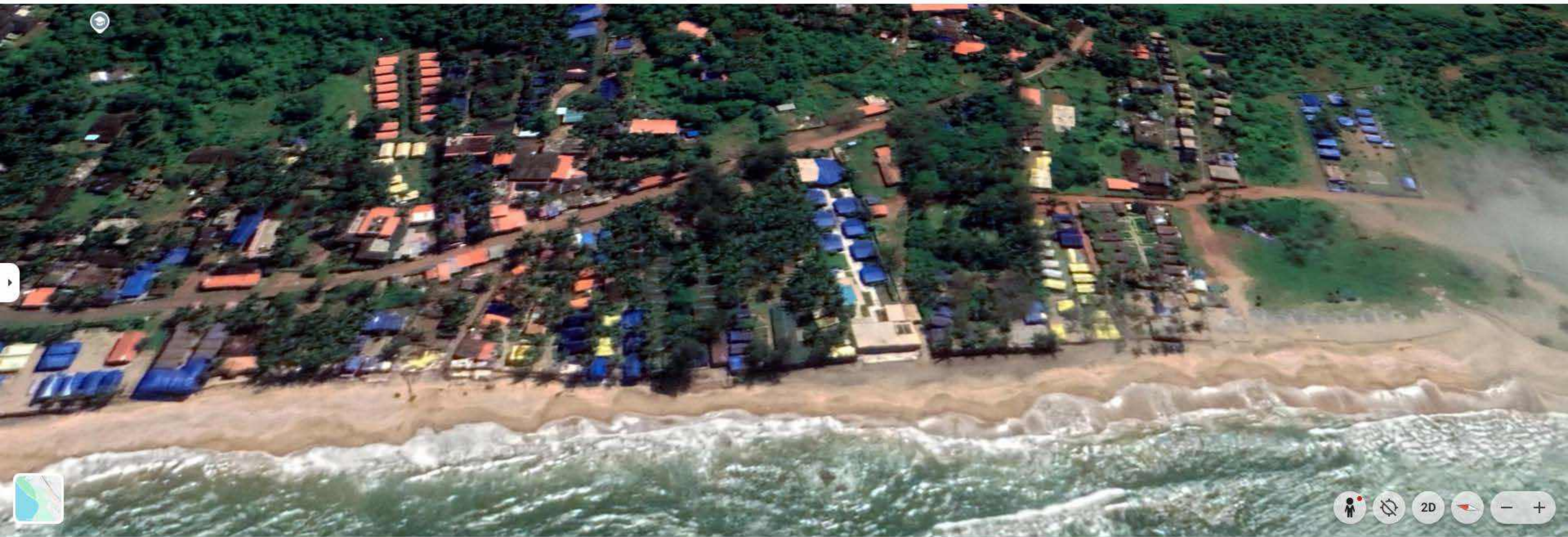
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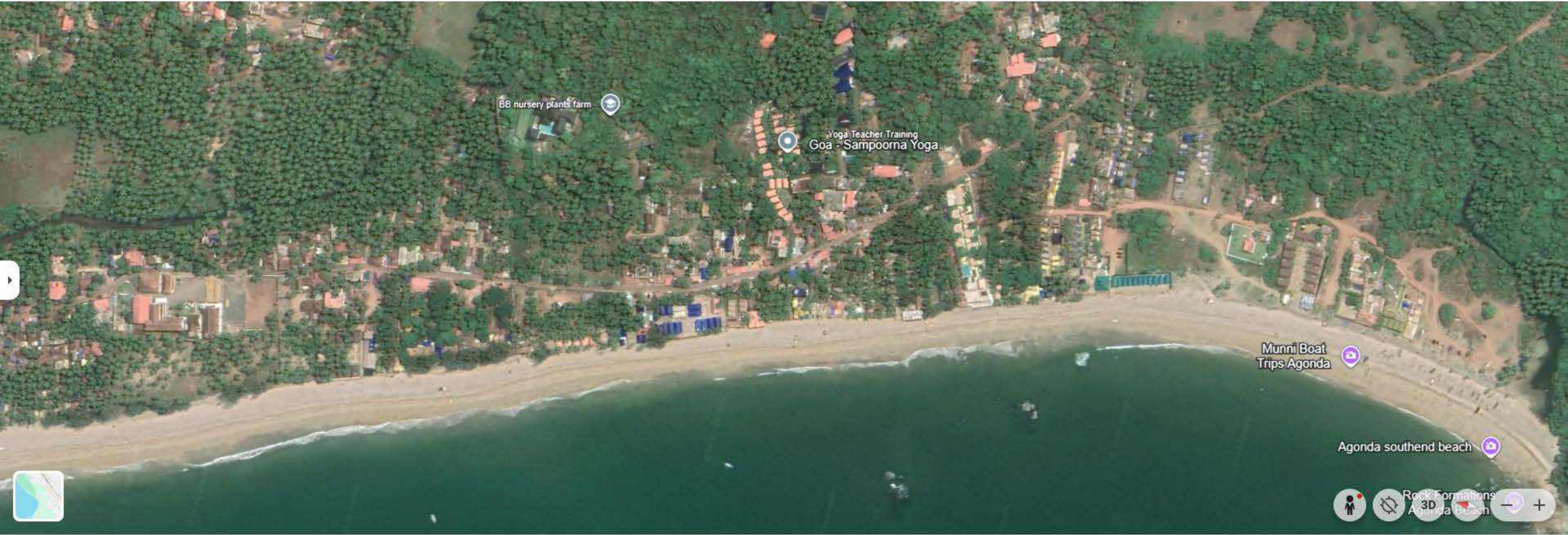


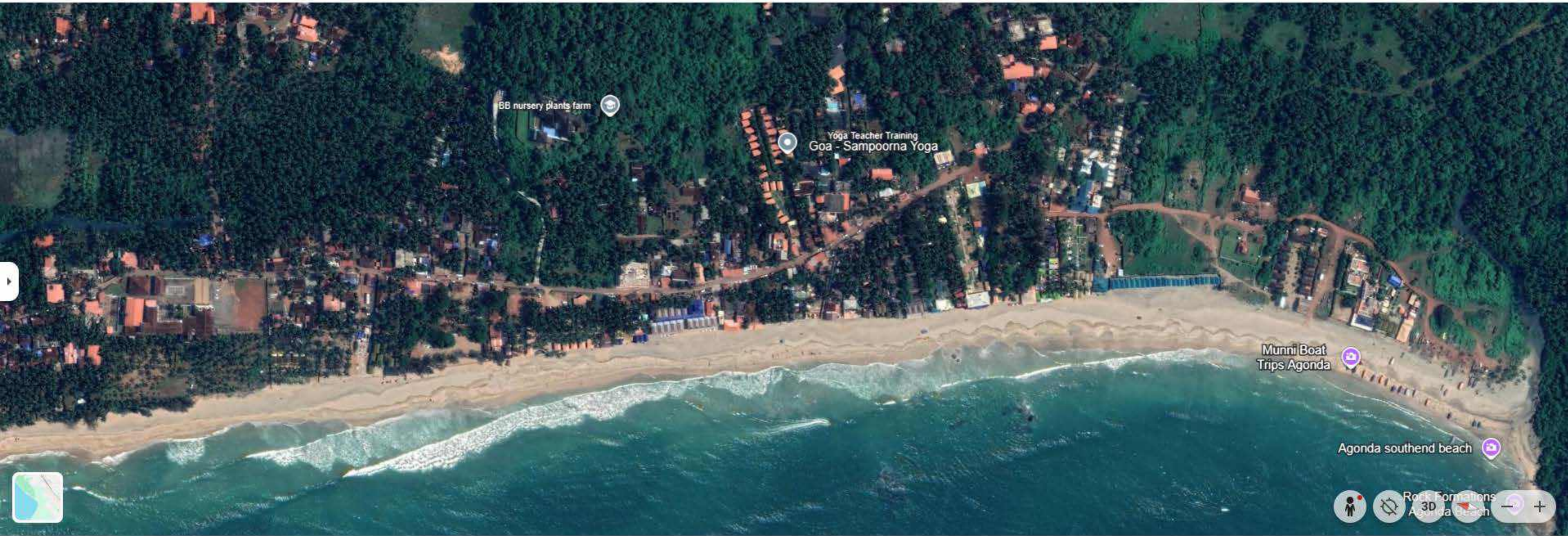


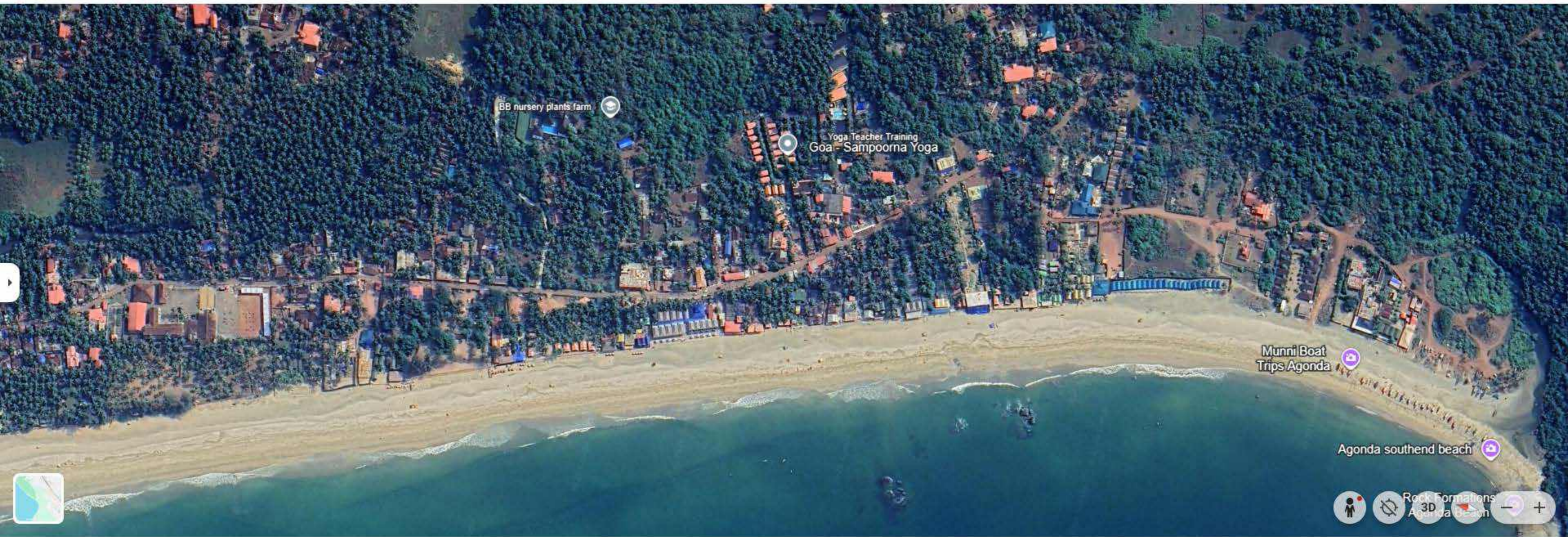


Historical Imagery < Jan 23, 2021 >

2014 2015 2016 2017 2018 2019 2020 2021 2022 2024







Historical Imagery < Dec 18, 2022 > >|

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891**PROOF OF SERVICE**Re: Reply of the GCZMA in Appeal no 619 f 2025

From: Karan Batura (karanbatura@yahoo.in)

To: shankar@chambers.net.in; goacoastalzone@gmail.com

Date: Friday, June 5, 2026 at 03:56 PM GMT+5:30

Dear All,

Please accept advance service of the Rejoinder being filed on behalf of the Appellant in the captioned matter.

Kindly acknowledge the receipt of the same.

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

On Friday, April 17, 2026 at 12:30:09 AM GMT+5:30, gczma gczma <goacoastalzone@gmail.com> wrote:

Please find annexed hereto copy of the reply filed by the GCZMA in the Appeal no 619 of 2025.

Regards

Legal Retainer

GCZMA



Rejoinder to Appeal 619 - AARC vs. GCZMA.pdf

16.1 MB