

BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN ZONE) BENCH AT PUNE
APPEAL NO. 622 OF 2025 (WZ)

BETWEEN

ALCHEMIST ASSET RECONSTRUCTION CO. LTD.

...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ANR.

...RESPONDENTS

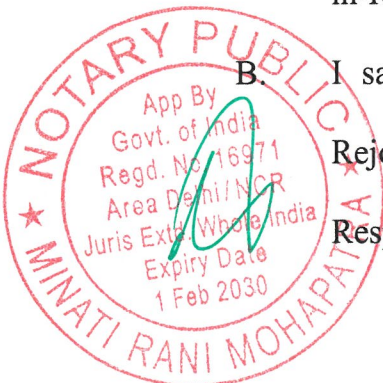
**AFFIDAVIT-IN-REJOINER ON BEHALF OF THE APPELLANT TO
THE AFFIDAVIT-IN-REPLY FILED BY THE RESPONDENT NO. 1**

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: -

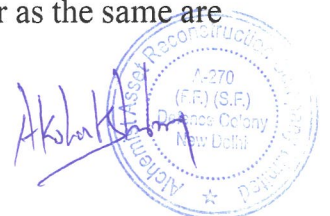
A. I say that I am the Authorised Representative of the Appellant in the captioned Appeal No. 622 of 2025 (WZ), and as such, I am well conversant with the facts and circumstances of the present case and, in view thereof, am competent to sign, verify and file the present Affidavit-in-Rejoinder.

B. I say that the Appellant herein is filing the present Affidavit-in-Rejoinder to the Affidavit-in-Reply dated 18.03.2026 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



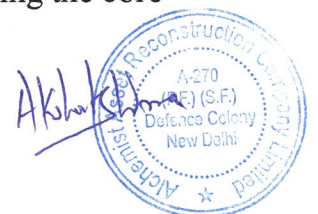
not being repeated for the sake of brevity. However, the Appellant craves leave of this Hon'ble Tribunal to rely upon and refer to the same, as and when required.

- F. Without prejudice, I say that the *locus standi* of the Appellant has been duly explained and detailed in Para 7 of the captioned appeal read with Annexure A-5 (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.

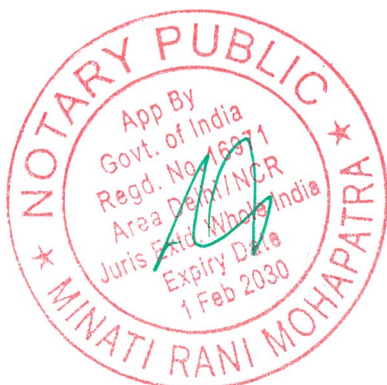
- H. The Respondent No. 1 has also not preferred any separate reply to the Application [I.A. No. 847 of 2025] filed by the Appellant under Section 5 of the Limitation Act, 1963 seeking condonation of 15 days in filing of the captioned Appeal. In absence of any such specific reply, the contents of the 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 partially discharged the Show Cause Notice dated 17.01.2025 to the extent of 19 huts and 01 shack, while *simplicitor* directing the Respondent No. 2 to demolish the other structures illegally erected within stipulated time. 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:

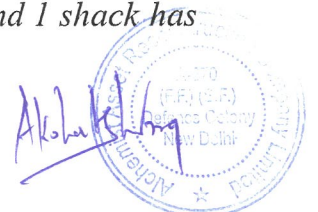
- 1) *For ignoring that all constructions, whether covered under Permission dated 20.05.2024 or not, were violative of the BCCR, as applicable to Agonda beach since the BCCR had assessed the carrying capacity of Agonda beach as Zero (Kindly refer to Para 55, read with Para 47 of the captioned Appeal);*
- 2) *For ignoring Condition/ Clause No. 21 of the Permission dated 20.05.2024 which stipulates that all structures shall be ground floor in nature (Kindly refer to Para 56 of the captioned Appeal), whereas the structures built on site are Ground Floor plus First Floor;*
- 3) *For ignoring Condition/ Clause No. 18 of the Permission dated 20.05.2024 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. 101/1 & 101/3 are 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. 101/1 & 101/3, 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 20.05.2024 ought to have been revoked forthwith (Kindly refer to Paras 37 to 43 and 68 of the captioned Appeal);

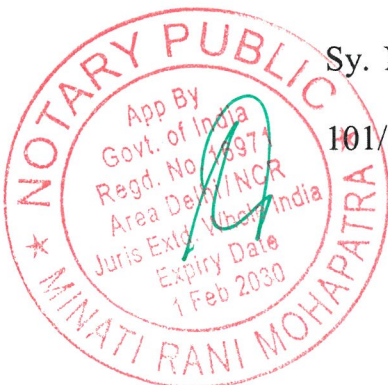
- 4) For ignoring impermissible permanent/ semi-permanent constructions and built-up area of about 1550 sq. mtrs., being in excess of the permitted constructed area of 508.33 sq. mtrs. [comprising 01 shack having total built-up area of 73.03 sq. mtrs. and 19 huts having total built-up area of 435.30 sq. mtrs] (Kindly refer to Para 47 & 57 of the captioned Appeal);
- 5) Blatantly ignoring the construction(s) on government land (Sy. No. 101/2) 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 19 huts and 1 shack has



been constructed in or upon Survey No. 101/2. 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 59 to 61 of the captioned Appeal);

- 6) *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 20.05.2024 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 government land i.e. Sy. No. 101/2; (3) there exists a title dispute over Sy. Nos. 101/1 & 101/3; etc.



L. I say that, as per the Permission/ Approval dated 20.05.2024, the Respondent No. 2 was granted approval for erection of *temporary 01 shack having total built up area of 73.03 sq. mtrs. and 19 huts having total built up area of 435.30 sq. mtrs* in property bearing Survey No. 101/1 and 101/3, 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 not only on Survey Nos. 101/1 and 101/3, but also made constructions on Survey No. 101/2, which is a government land. The following list of structures erected by the Respondent No. 2 were detailed in the Show Cause Notice dated 17.01.2025:

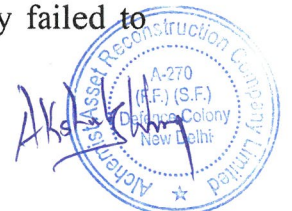
- 2 nos. DG set on **permanent base** with temporary roof
- 1 no borewell
- 1 no. **permanent platform** for water tank
- 1 no. OHT on metal frame
- 1 no. **permanent structure** (shops)
- 1 no. **permanent structures** with G.I sheet roof (Electrical room)
- 1 no. **permanent structure** (utility room)
- 1 no. temporary reception with part **permanent counter**
- 1 no. temporary sitting area
- 1 no. **permanent structure** with mangalore tile roof (staff toilet)
- 18 nos. temporary huts
- 1 no. temporary restaurant with attached kitchen & toilet
- 3 nos. **temporary huts erected above the restaurant on first floor**
- Temporary steps extending into the beach
- masonry compound wall on north site



- *kadappa pathway as access*

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.* 19 huts and 01 shack were erected on Government Land i.e. Su. No. 101/2.

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 existing permission dated 20.05.2024, not only failed to

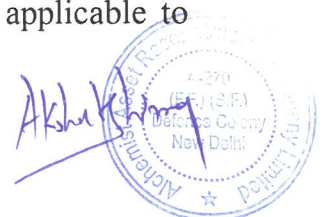


check the adherence of the permission *qua* the Beach Carrying Capacity Report but amounts to wrongful ratification/approval the said permission dated 20.05.2024.

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. 101/1 & 101/3, 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.

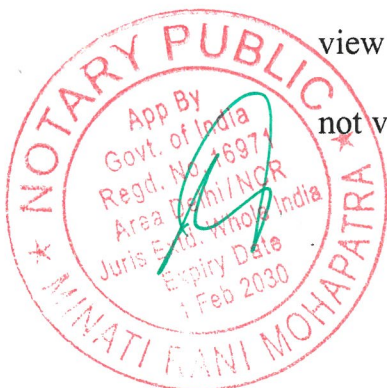
Without prejudice, the Impugned Direction, in effect, partially discharges the Show Cause Notice on the basis of Permission dated 20.05.2024, which is *ex facie void ab initio* being contrary to the CRZ Notification, 2011 and the BCCR recommendations as applicable to



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 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. 101/1, 101/2 (Government land) and 101/3, 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 19 huts and 1 shack has been constructed in or upon Survey No. 101/2. In the event such encroachment is found, the Respondent No. 1 ought to have consequently passed appropriate orders directing demolition of the offending structures.

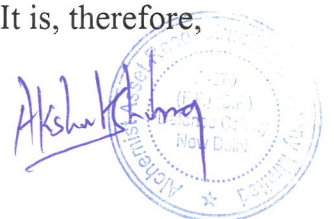
Furthermore, while allowing one Shack and 19 huts to remain in view of the permission dated 20.05.2024, the Impugned Direction does not verify and confirm whether the permitted built-up area of 73.03 sq.



mtrs. for the Shack and 435.30 sq. mtrs. for 19 huts had been complied with or exceeded. To that extent, the Impugned Direction is both defective and incomplete.

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 20.05.2024 which could not have been issued in the first place. Hence, the present statutory appeal.

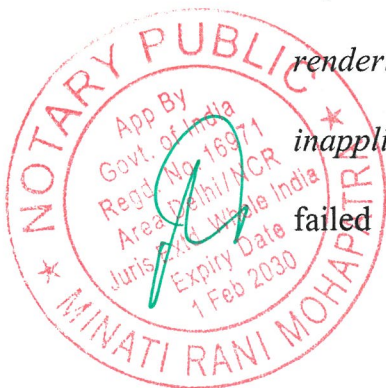
4. I say that the contents of Para 4 of the Reply are denied as being wrong, misleading and incorrect, because the Impugned Direction has been passed without due and proper consideration/ examination of the written and oral submissions made by the Appellant. It is submitted that the Impugned Direction issued by Respondent No. 1 is based on the presumption that the Permission dated 20.05.2024 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. 101/1 & 101/3 as well as the illegalities committed by the Respondent No. 2, by misusing the Permission dated 20.05.2024 *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. 101/2.

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 20.05.2024, 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*

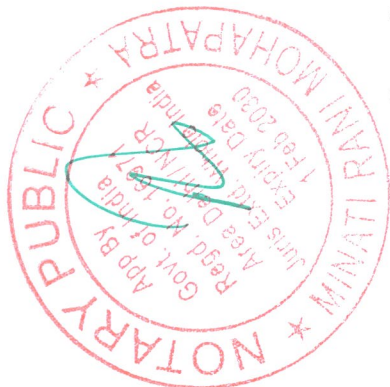


disregard of provisions of Coastal Regulation Zone Notification, 2011 (CRZ, 2011) read with the BCCR, as applicable to the Agonda beach.

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.

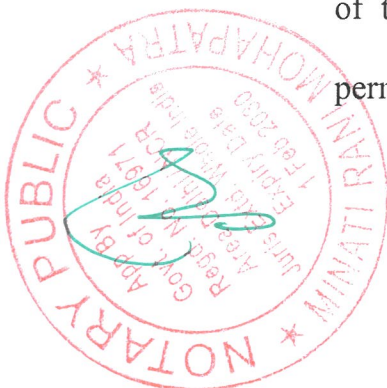
7. I say that the contents of Para No. 7 of the Reply are denied being wrong, erroneous, incorrect and misleading. It is submitted that by accepting the BCCR as applicable to Agonda beach, the Respondent No. 2 recognised that the beach carrying capacity of Agonda beach had been exceeded and, in order 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-11 attached thereto refers in this regard*). In fact, by issuing the Permission dated 20.05.2024 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 20.05.2024 was granted to the Respondent No. 2 for construction of shacks and huts in Sy. Nos. 101/1 & 101/3, 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. 101/2 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.

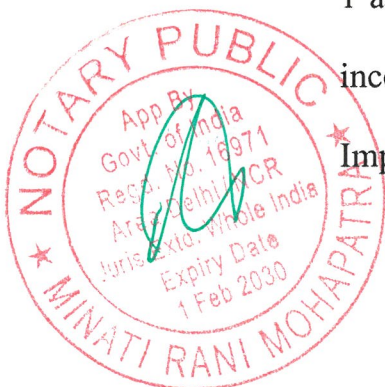
8. I say that the contents of Para 8 of the Reply, though a matter of record, suppress the fact that in Para 9 of the Appellant's Complaint dated 07.02.2024, it was specifically mentioned that all illegal constructions/commercial operations on the Agonda beach were within the No Development Zone and 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 in 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 in 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 an NOC dated 25.02.2025 purportedly issued by the Village Panchayat of Agonda. The Impugned Direction further makes reference to certain documents such as a house tax receipt bearing H. No. 396/J, an electricity bill dated 02.01.1991, and Excise and Trade Licenses allegedly issued for sale of liquor at the said premises.



However, save and except the first two documents, none of the aforesaid materials were either disclosed in the Reply filed by Respondent No. 2 to the Show Cause Notice or furnished to the Appellant at any stage. Such reliance on undisclosed material is in gross violation of the principles of natural justice, rendering the Impugned Direction vitiated.

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.

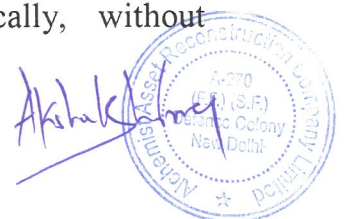
Despite the same, Respondent No. 1 has failed to consider these material deficiencies and has mechanically proceeded without examining the validity, subsistence, or scope of the alleged permissions. No finding has been returned on the crucial issue as to whether Respondent No. 2 had obtained all mandatory approvals prior to commencement of operations, as required under the permission dated 20.05.2024. 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 the Government land comprising Survey No. 101/2 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.

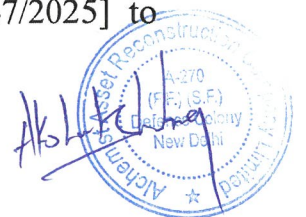
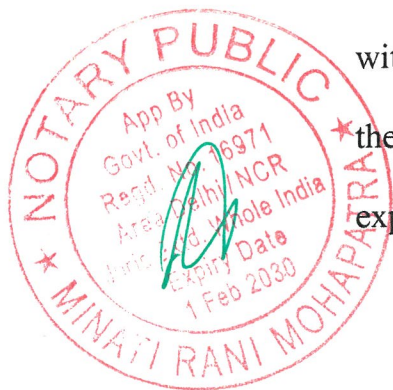
12. I say that the contents of Para No. 12 are denied being erroneous and misconceived. It is respectfully submitted that the Impugned Direction has been passed without due consideration of the BCCR as applicable to Agonda Beach. At the outset it is submitted that while the purported Permission dated 20.05.2024 was granted to the Respondent No. 2 for construction of shacks and huts in Sy. Nos. 101/1 & 101/3, 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. 101/2 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 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 20.05.2024 by way of filing an Appeal No. 137/2025 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. 137/2025 has been challenged by the Appellant by filing Civil Appeal Diary No. 20399/2025 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 15 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. 847/2025] 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 20.05.2024 has no relation to the I.A. No. 847/2025. 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 20.05.2024 by way of filing an Appeal No. 137/2025 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. 137/2025 has been challenged by the Appellant by filing Civil Appeal Diary No. 20399/2025 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.

P. I say that the contents of Paras A to F, G(p), H(p), I to M, Paras 1 to 15 and Paras N to O are true to my knowledge, and, the contents of Paras G(p) and H(p) are based on legal advice, which I believe to be true. The Annexure(s) annexed are true copies of the originals.

[Signature]
IDENTIFIED

[Signature]
Appellant
A. C. 70
IFFA (S.F.)
Defence Colony
New Delhi

[Signature]
Advocate for the Appellant

Place: New Delhi
Date: 16-04-2026

16 APR 2026

NOTARY PUBLIC
App By
Govt. of India
Regd. No. 16971
Area Delhi/NCR
Juris Extd. Whole India
Expiry Date
1 Feb 2030
MINATI RANI MOHAPATRA

NOTARY PUBLIC
16 APR 2026
NOTARIAL
Date
30

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

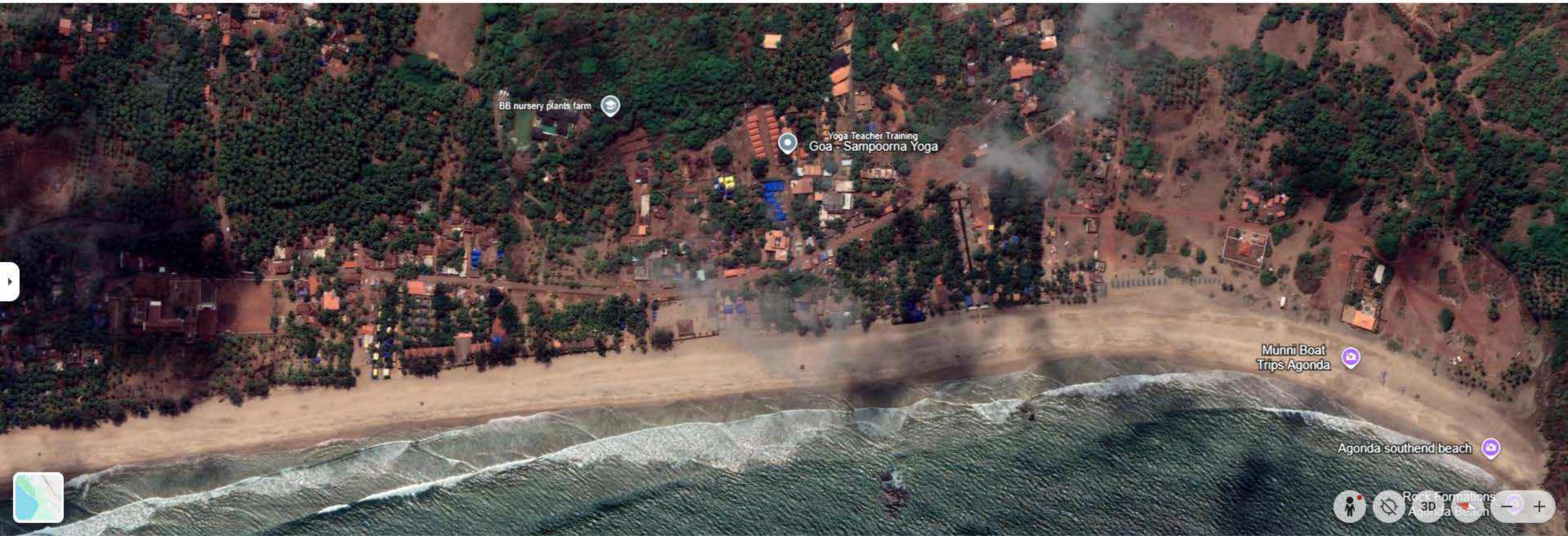
NOTARY
Minati Rani
Mohapatra
Delhi
Regd. No. 16971
SL./No.
GOVT. OF INDIA

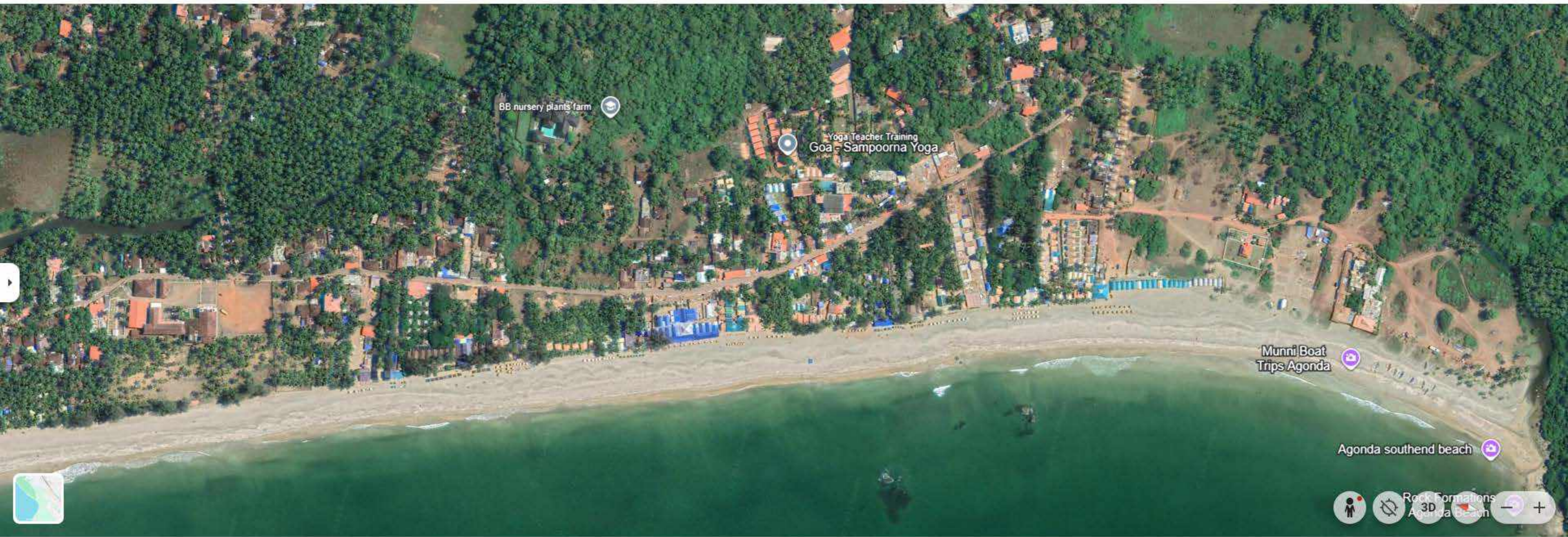
[Signature]
MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob. No.: 8130128457

16 APR 2026

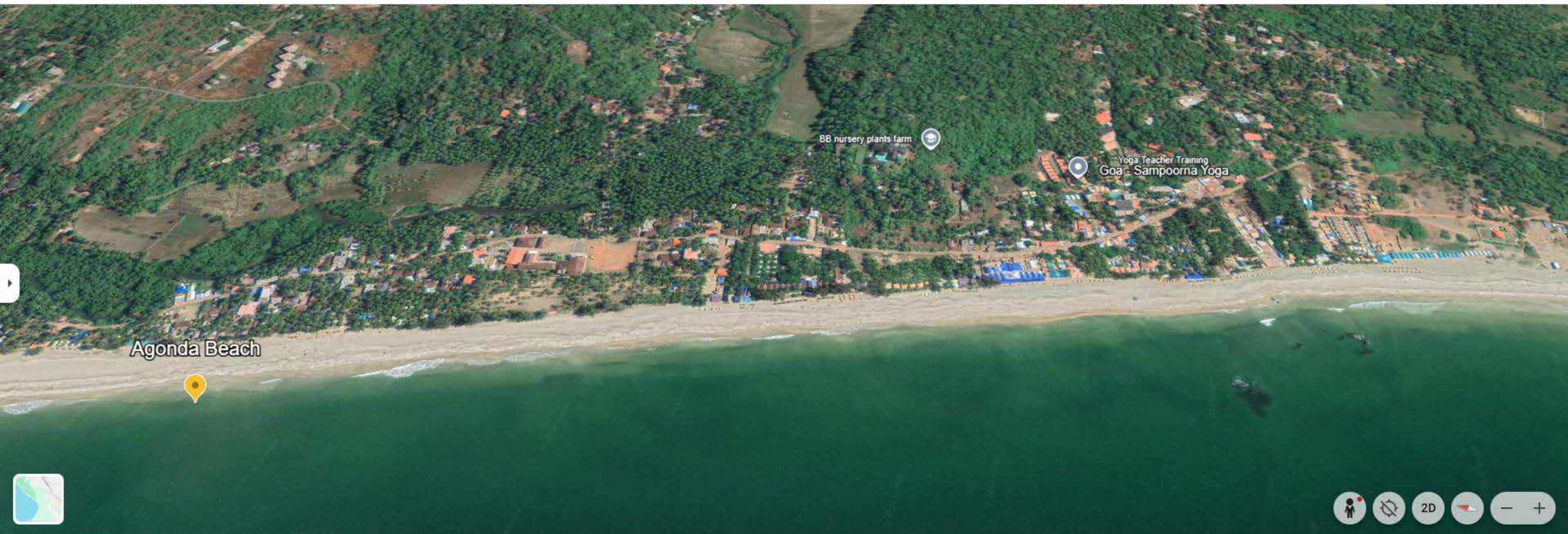
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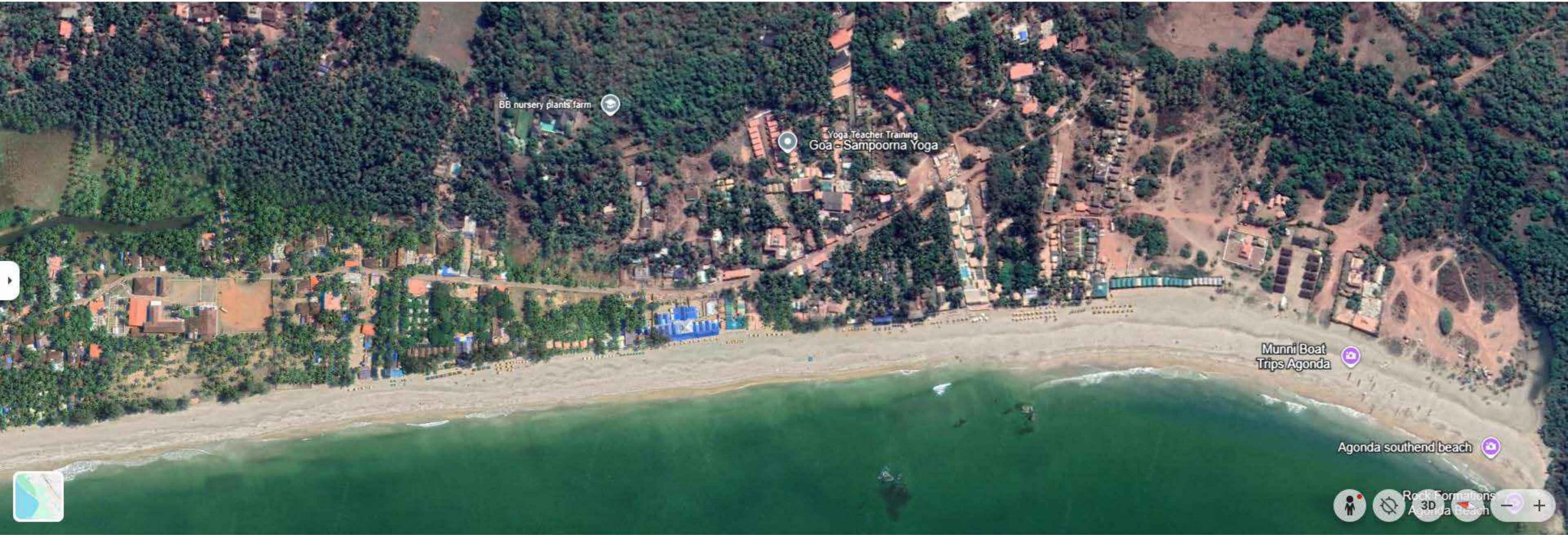


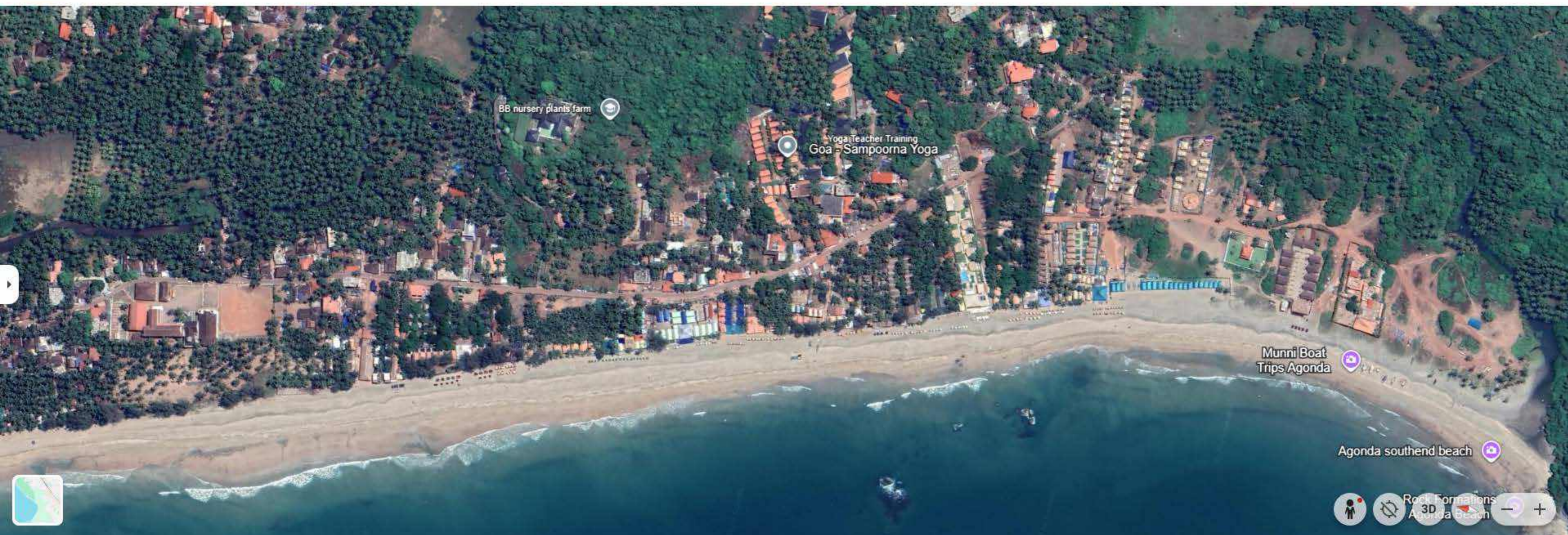


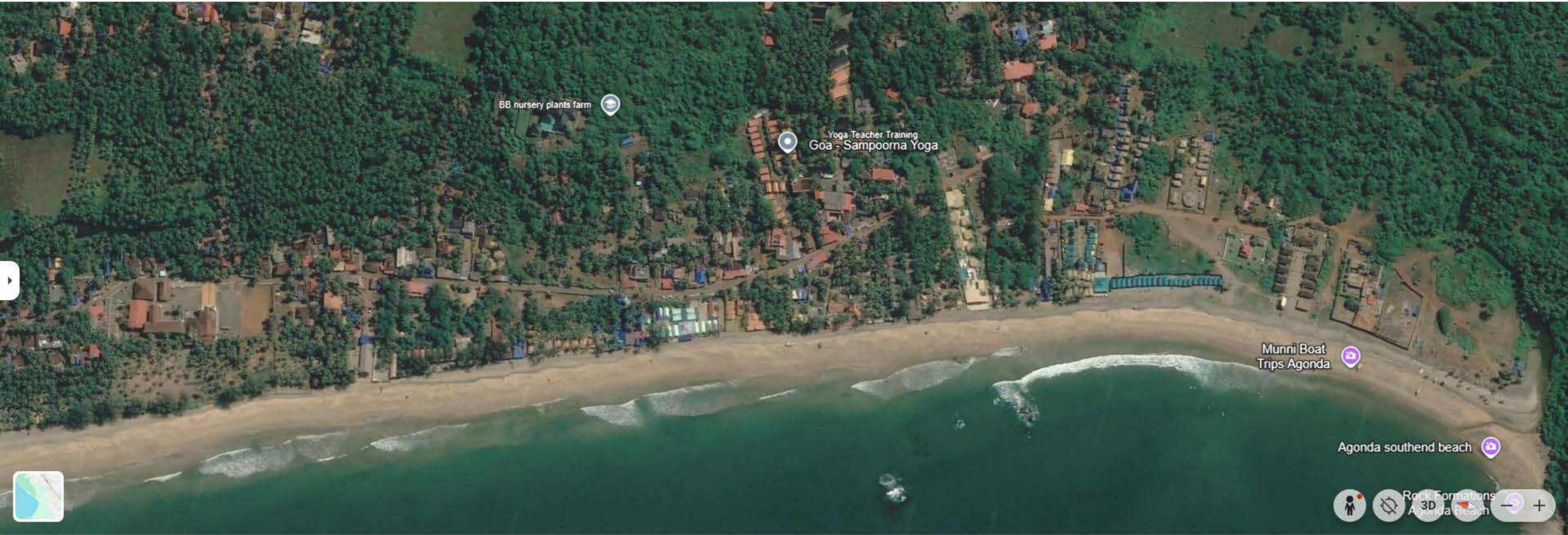


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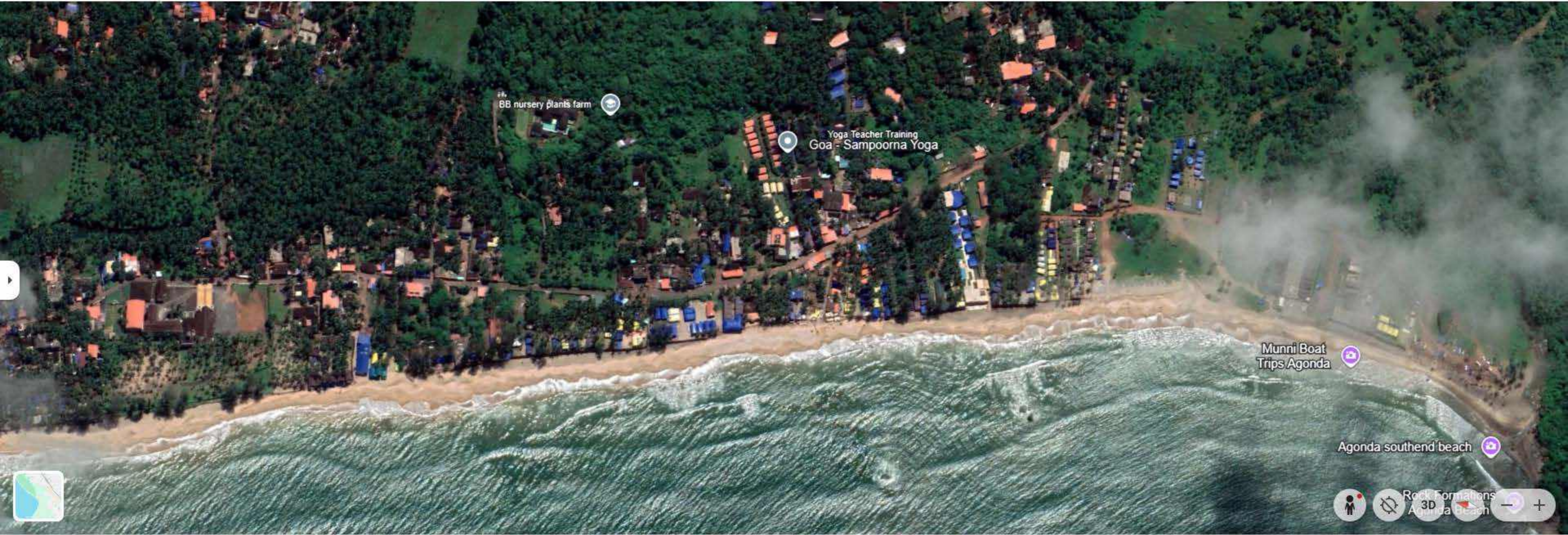






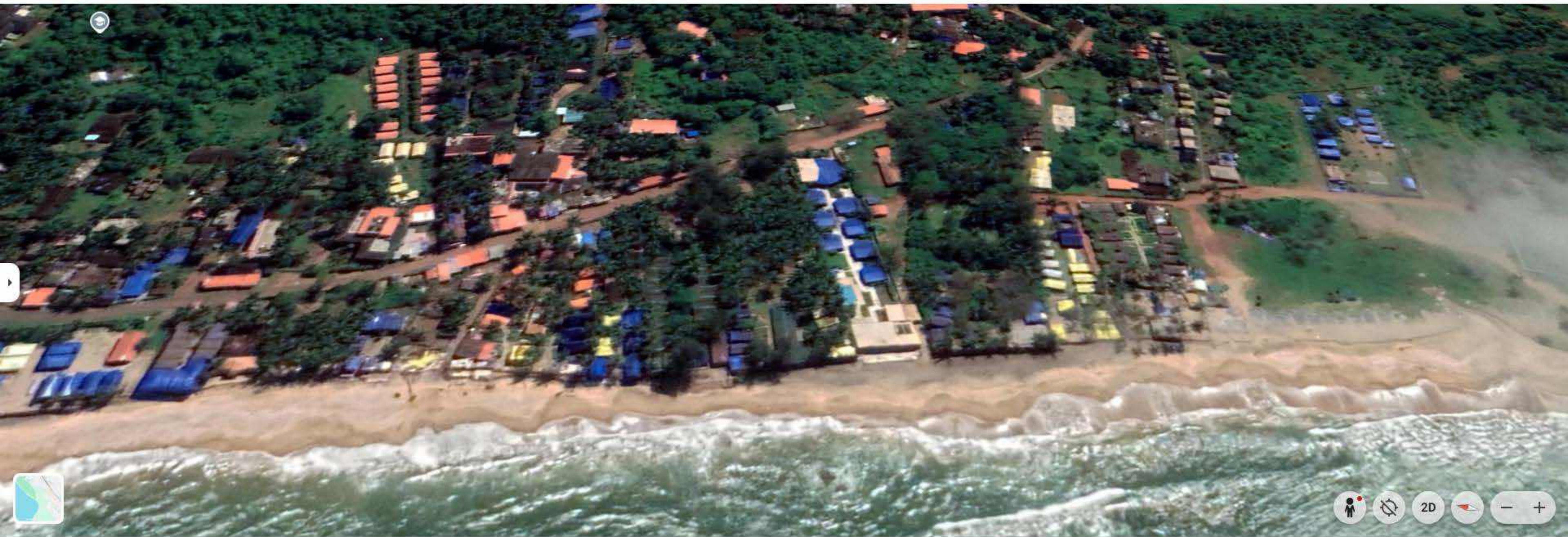
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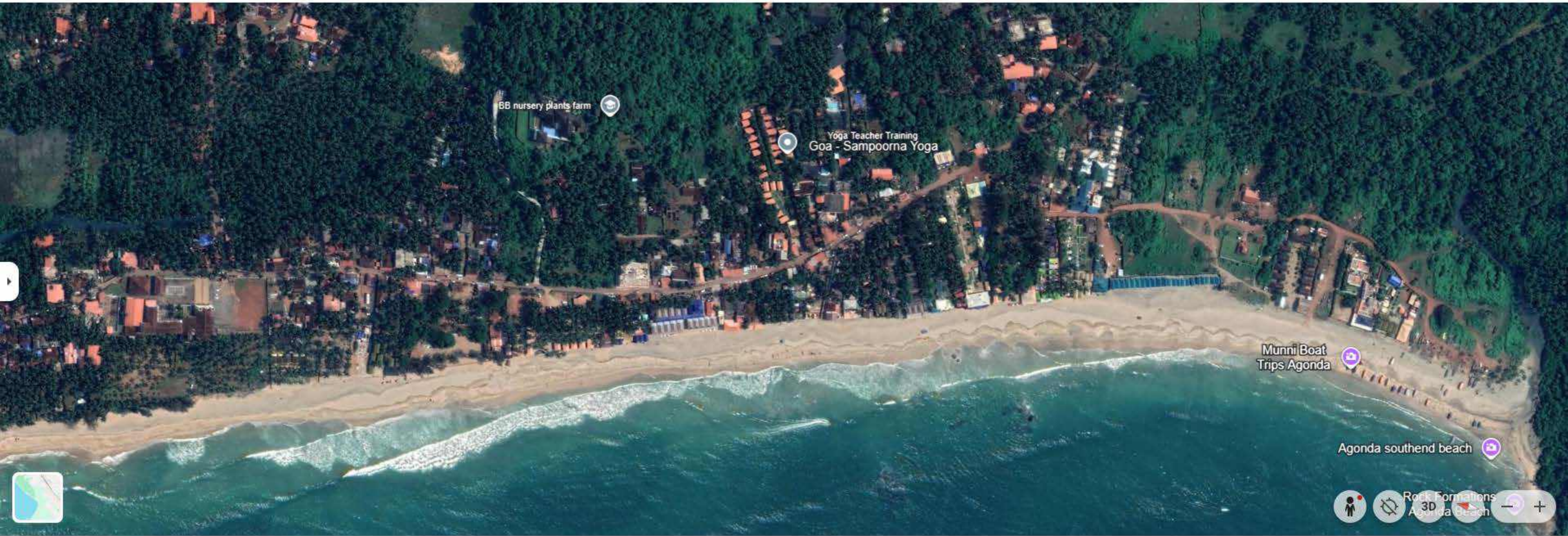


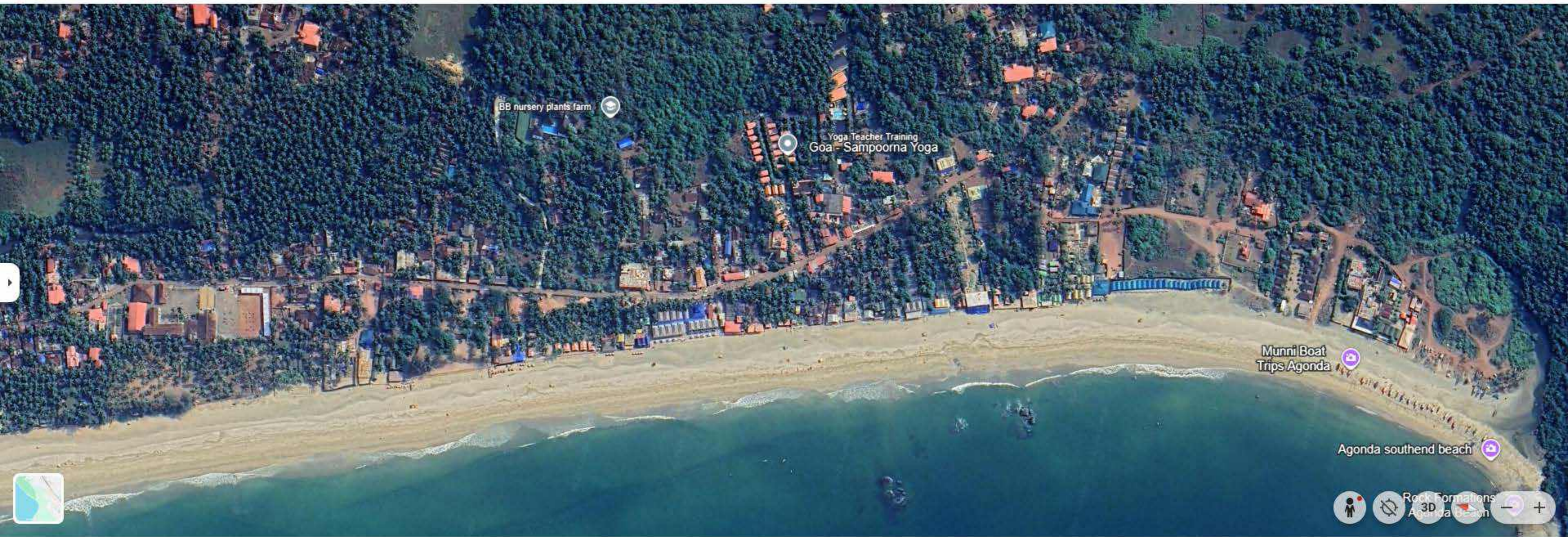
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Historical Imagery < Mar 6, 2024 > >|

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Historical Imagery < Mar 6, 2024 >

2015 2016 2017 2018 2019 2020 2021 2022 2024



Re: Replies on behalf of GCZMA

PROOF OF SERVICE

From: Karan Batura (karanbatura@yahoo.in)

To: shubhpri@yahoo.co.in

Date: Thursday, April 16, 2026 at 04:36 PM GMT+5:30

Mr. Priolkar,

Please find attached herewith the Rejoinder on behalf of the Appellant to the NGT Appeal No. 622 of 2025, for your records, reference and perusal.

Regards,

Karan Batura
Advocate-on-Record
Supreme Court of India

On Wednesday, March 18, 2026 at 11:32:20 PM GMT+5:30, shubham priolkar <shubhpri@yahoo.co.in> wrote:

Greetings

Please find replies on behalf of GCZMA in Appeal Nos 622/2025, 626/3935 & 627/2025.

Regards
Shubham Sinai Priolkar
Additional Government Advocate
Office of Advocate General, Goa



Rejoinder-in-reply-R-1 [Appeal No. 622 of 2025].pdf
16.9 MB