

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

APPEAL NO. 63/2016 (WZ)

M/s. Shree Par Fragrance ... Appellant

Versus

Goa Coastal Zone

Management Authority & Anr. ... Respondents

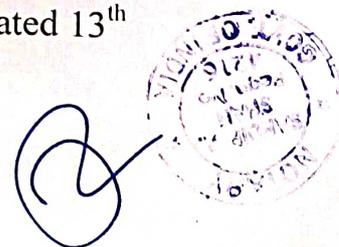
AFFIDAVIT IN REJOINDER.

I, Mr. Rajiv Bhatt, son of Shri Ashok Bhatt, aged about 49 years, Director of the Appellant abovenamed, having address at Fahrenheit Hotel, S. No. 239/15 and 239/16, Cobrawado, Calangute, Goa, do hereby state on solemn affirmation as follows:-

1. I have been read over and explained the contents of Affidavit-in-Reply filed by Dr. Sneha S. Gitte (IAS), for and on behalf of Respondent No. 1 and in Rejoinder thereto states as follows:-

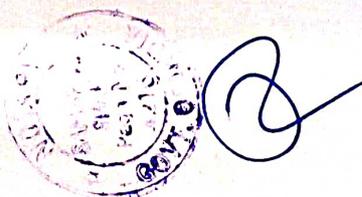


2. At the outset, I say and submit that by virtue of order dated 14th March, 2023, I am not dealing with the paras 1 to 18 and 33 to 35 as the same are in defiance and disobedience of order dated 14th March, 2023. Hence, I am restricting my Rejoinder to paras 19 to 32 and in Rejoinder thereto states as follows:-
3. With reference to paras 19 and 20, I maintain that I shall maintain the said structure as a temporary shack as per the permission dated 13th December 2021 granted by the Authorities. I admit that the same are approved as a temporary shack as per the order annexed and I shall maintain the same.
4. With reference to para 21, I wish to clarify that the said permission is for temporary usage as per the permission dated 13th December, 2021. I say that it is our contention that by granting the permission of erection of the temporary shack being the structure earmarked at A in the plan at page 280, it is deemed to have been regularized as the structure now stands is as per the permission dated 13th

A handwritten signature in blue ink is written over a circular official stamp. The stamp contains text in Hindi, including 'सि.स.स.स.स.' and 'सि.स.स.स.स.'.

December, 2021. Hence it is not required to be demolished.

5. With reference to paras 22 and 23, I say that nothing prevented the Respondent No.1 for verification and/or as in view of the independent line being drawn, it clearly shows that the swimming pool is beyond 200 mtrs. from HTL.
6. With reference to paras 24 and 25, I say that even after six years the Respondent No. 1 did not file any reply. As per of the orders of this Hon'ble Tribunal they cannot now go on seeking time after time for verification. Noting prevented them from doing so in last more than six years.
7. With reference to paras 24 to 28, I say that there is no report produced by the Respondents contrary to the report produced by the Appellant. The Respondents have all the machineries with them to carry out such report. I deny that it is wrongly mentioned that the order with swimming pool is complied with. I say that the structure standing thereon is of the type which is as per the permission



granted on 13th December, 2021. Hence it is deemed to be regularized. I maintain that I shall construct the swimming pool with permission. I deny that the swimming pool as existing earlier was without any permission as alleged. I say that it was as per the permission dated 21st January, 1992. I deny that Appellant has not removed the structure. I deny that other structures which are subject matter of the impugned order needs to be removed or demolished.

8. With reference to remaining paras, I deny that the authorities have arrived at the conclusion based on the documents produced by the Appellant. I say that the Respondents have adopted the attitude of "pick and choose". Adjoining structure which are well within the HTL, no notice of any nature whatsoever is given to them, as if the law is only meant for the Appellant and not to other adjoining persons. I say that the Respondents and the authority cannot pick and choose and issue notice only to selected persons. I say that the notification issued by CRZ has the provisions with regard to erection of shacks,





toilets, washrooms, change rooms, etc. including interlocking paver blocks. I crave leave to refer to and rely upon the gazette of India, Extraordinary, issued by Ministry of Environment, Forest & Climate Change notification dated 18th January, 2019 when produced. I say that in view of the permission, granted to them for erection of temporary shack, it is deemed to be regularized. Hence it is not required to be demolished as the shack standing thereon is as per the provisions of CRZ and in confirmatory thereto. I say that the said letter is for granting approval and not "permission for approval" as is alleged by the Respondents. I deny that it is "mere approval". I say that it is permission for erection of the temporary structure. I deny that all the structures mentioned in the impugned order must be removed or demolished as alleged.

9. Under the circumstances, I pray that the Appeal filed by the Appellant be allowed and the Order dated 21st July, 2016 be set aside and quashed. I say that in view of the subsequent development, the order dated 21st July, 2016





be modified in accordance with the permission dated 13th

December, 2021 granted by the Respondent No. 1.



Solemnly affirmed at Pune)

This 21st day of July, 2023)

Annaa Jeeval
Advocates for the Appellant

Before me:

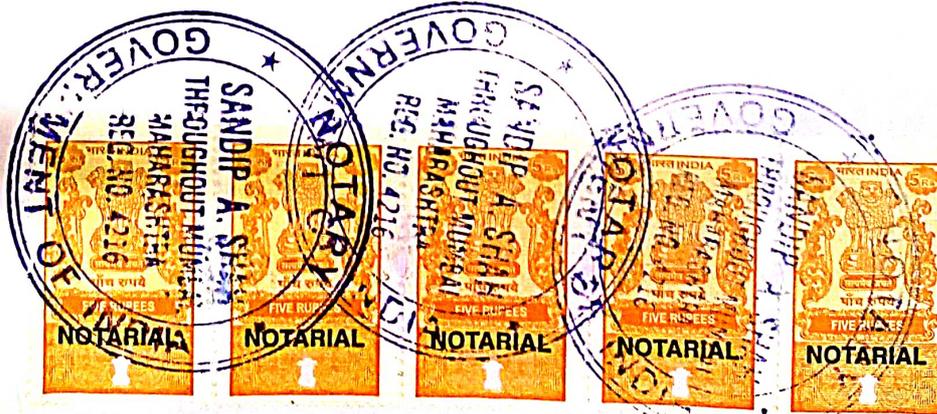
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Seen As per
no 832420448917
of the document
Sandip A. Shah



21 JUL 2023

Serial/Register No.	2119/2023
Date	21-7-2023



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M/s. Shree Par Fragrance

... Appellant

versus

Goa Coastal Zone Management
Authority & Anr, ... Respondents

AFFIDAVIT IN REJOINDER.

Dated this 21st day of July, 2023



MR. GAURISH AGNI,
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