

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE****AT PUNE****APPEAL NO.74 OF 2026 (WZ)****DEEPESH THAKORBHAI TANDEL ... APPELLANT****Versus****DAMAN DIU COASTAL ZONE****MANAGEMENT AUTHORITY AND ORS ... RESPONDENTS****INDEX**

SR NO	ANNE XURE	PARTICULARS	PAGE NO	
			From	To
1.		Index	360	361
2.		Rejoinder	362	379
3.		Affidavit in Support	380	381
4.	A-1	Copy of the map showing 20 RCC structures and photographs of structures	382	383
5.	A-2 Colly	Copy of the application of the Appellant dated 02.03.2026 and the order of the Respondent No.1 dated 30 th March 2026	384	391
6.	A-3	Copy of DDCZMA Minutes of Meeting dated 18.02.2026	392	394
7.	A-4	Copy of the Judgment Court of Chief Judicial Magistrate, Daman in RCC No.	395	418

		64/2001 in the matter of Collector versus M.G. Tandel (Partner of Hotel <i>Jazira</i>)		
8.	A-5	Copy of the Judgment of Court of Session Judge, Daman in CA No. 03/2015 in the matter of Collector versus M.G. Tandel (Partner of Hotel <i>Jazira</i>)	419	433
9.	A-6 Colly	Copy of appellant RTI application dated 30.03.2026, reply of MoEF dated 09.04.2026 and DDCDZMA reply to appellant dated 14.05.2026	434	436
10.	A-7	A Copy of Inspection report dated 30.01.2026	437	438
11.	A-8	A copy of Letter dated 30.01.2026		439
12.	A-9	Copy of the approved ODP-2003 map		440
		<u>LAST PAGE NO</u>		440

PUNE
DATE: 06/06/2026



ADVOCATE FOR APPELLANT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

APPEAL NO. 74 OF 2026 (WZ)

DEEPESH THAKORBHAI TANDEL

... APPELLANT

Versus

DAMAN DIU COASTAL ZONE MANAGEMENT
AUTHORITY AND ORS

... RESPONDENTS

REJOINDER TO THE COUNTER

AFFIDAVIT FILED BY

RESPONDENT NO. 1,2 AND 4

MAY IT PLEASE THE HON'BLE TRIBUNAL

Rejoinder on behalf of the abovenamed Appellant is as under: -

At the outset, the Appellant herein denies all the contentions and averments, made in the Affidavit in Reply. The Appellant, not dealing with any statements, shall not be deemed to be admitted. The Appellant most respectfully submits that this Rejoinder along with supporting documents to clarify the factual position regarding the said land and the structure.

PRELIMINARY SUBMISSIONS

1. At the outset, the Appellant denies each and every averment, contention, allegation and statement made in the Counter Affidavit filed by Respondent No.1 unless specifically admitted hereinbelow. The Appellant submits that mere non-traversal of any averment shall not be construed as admission thereof.

2. The Appellant submits that the Counter Affidavit filed by Respondent No. 1 is a one-sided, selective and misleading narration of facts designed to justify a grossly unlawful and procedurally infirm order dated 30.01.2026 ('Impugned Order') (**Refer Page 33 to 35 of Appeal paper book**). The Respondent has conveniently suppressed material facts and relied upon concocted characterizations of events which are directly contradicted by documentary evidence on record.
3. The Appellant further submits that the Counter Affidavit of Respondents does not rebut the substantive legal grounds raised in the Appeal and instead relies on an erroneous and distorted chronology of events to paint the Appellant in a false light before this Hon'ble Tribunal.

REPLY TO PRELIMINARY SUBMISSIONS OF RESPONDENT NO. 1,2 AND 4

4. In reply to the preliminary submissions of Respondent No. 1 (Para 3(i)), the Appellant denies that the present Appeal is an attempt to legitimize any violation of CRZ law. The Appellant states that the bungalow situated at Plot No. 27 is at 115 meters from the HTL.
5. In reply to Para 3(ii) of the Counter Affidavit, the Appellant does not dispute that CRZ-III designates the land up to 200 meters from the HTL as No Development Zone (NDZ). However, the Respondent has omitted to mention that the CRZ-2011 is not applicable to the Appellant and that the CRZ-1991 would be applicable to the Appellant.
6. In reply to Para 3(iii) of the Counter Affidavit (CRZ Violation), the Appellant submits as under:
 - (a). The CRZ Screening Committee's clearance dated 02.08.2006 (Case No. 11/06) granted permission for renovation and strengthening of

the existing old house. The condition imposed was that no extra structure other than what is already there should be allowed. The Appellant submits that the renovation and strengthening was carried out in accordance with the permissions granted, and no entirely new structure was constructed. **(Refer Page 75 to 76 of Appeal paper book)**

- (b). The Demolition Notice dated 30.10.2007 issued by Member Secretary, CRZ Screening Committee, does not, by its terms, explicitly revoke the CRZ Permission dated 10.08.2006 or 02.08.2006. Further the Demolition Notice dated 30.10.2007 by Member Secretary, CRZ Screening Committee issued without approval of CRZ Screening Committee/DDCZMA. The Respondent's claim that such permission 'effectively became null and void' is an ex-post-facto legal interpretation that has no basis in the language of the said notice.
- (c). The Appellant submits that the structure existing on Plot No. 27 has been in existence since Portuguese times i.e., prior to the enactment of the CRZ Notification, 1991. The said fact is also confirmed by Respondent **(Refer Page 282 of Appeal paper book/R-5)**. The structure is therefore a pre-existing structure and directing its complete demolition is a disproportionate and legally unsustainable measure.
- (d). The Appellant reiterates that there are more than 20 RCC structures in the surrounding area of the Appellant's plot, including those of hotels, against which no action has been taken by the Respondent. The selective and targeted action against the Appellant is arbitrary,

discriminatory, and violates Article 14 of the Constitution of India. The action of the Respondent No.1 clearly demonstrates bias against the Appellant. Copy of the map showing 20 RCC structures and photographs of structures are annexed hereto and marked as **ANNEXURE-A-1**

7. In reply to Para 3(iv) of the Counter Affidavit (Construction Permission and Occupancy Certificate), the Appellant submits as under:

- (a). The Appellant obtained the Occupancy Certificate dated 02.02.2009 from the Technical Officer / Assistant Engineer, PWD, Panchayat Subdivision, after due inspection of the structure. The Respondent's characterization that the Occupancy Certificate was obtained by fraud and misrepresentation is false, baseless and scandalous. **(Refer Page 82 of Appeal paper book)**. This clearly demonstrates that the structure of the Appellant was ready in 2009 and hence the provisions of CRZ-2011 would not be made applicable to the Appellant and that of CRZ-1991 would apply.
- (b). The Appellant was also re-granted permission on 27.01.2009 by the Marwad Group Gram Panchayat after a physical inspection by the Technical Officer / Asst. Engineer, PWD, District Panchayat & BDO, who certified that the structure was as per CRZ Norms, Notifications, and Permissions and all other building regulations of the Village and District Panchayat. **(Refer Page 167 of Appeal paper book)**
- (c). The Appellant submits that at the relevant time of the status report letter dated 27.02.2009 and the Occupancy Certificate dated 02.02.2009, the Appellant had not yet commenced hotel activity.

The Respondent's averment that the structure was used as a hotel at this stage is factually incorrect.

- (d). The Appellant was granted commercial permission on 24.04.2009 **(Refer Pg No.172 of Appeal Paper Book)** by the then Collector, Daman, who at the relevant time held the charge of Tourism, Daman and was also designated as the Monitoring and Enforcing Authority for CRZ Regulations. The fact that the very authority empowered to enforce CRZ norms granted commercial permission to the Appellant conclusively establishes that there was no CRZ violation.
- (e). The Director of Tourism has issued the Certificate of Registration of Hotel and the same has been renewed annually for over 16 years, the latest renewal being dated 19.11.2025. The Respondent's claim that the Tourism License is null and void is an attempt to retroactively revoke permissions granted by coordinate authorities of the Government. **(Refer Pg No.170 to 176 of Appeal Paper Book.)**
8. The Appellant submits that vide registered Sale Deeds dated 20.01.2005, Mr. Sam Maneksha Bilimoria sold, conveyed & transferred the subject property along with bungalow structure to the Mr. Amirali Damania and Mrs. Farida Damania. Then after Appellant along with his partner purchased the said property by registered Sale Deeds dated 18.08.2005 and the Appellant's ownership was duly recorded in the revenue records. The Appellant received CRZ clearance on 02.08.2006 and he received sanction construction plan on 26.09.2006, the Appellant received the Occupancy Certificate on 02.02.2009. The Appellant further submits that the at the time when all above mentioned

permission were granted CRZ Notification 1991 was in place and hence the CRZ Notification 2011 cannot be made applicable to the Appellant.

9. In reply to Para 3(v) of the Counter Affidavit (Forged/Tampered Documents), the Appellant submits as under:

(a). The Appellant denies having tampered with any Government record or survey document. It is the responsibility of the City Survey Department to prepare, maintain and issue Site Plans. The Appellant is not the custodian of Government records and cannot be held responsible for any discrepancy therein. The Appellant submits that till date no criminal action has been initiated by the Respondents in that regard would clearly demonstrate that this defence is an afterthought on behalf of the Respondents and that there is no material basis in the same.

(b). The Appellant's Site Plan dated 13.09.2005 (**Refer Page 74 of Appeal paper book**), issued by the Enquiry Officer, City Survey Dept., Daman, reflects a plinth area of 400 sq. mtrs. which is the same as the previous owner's (Mr. Amirali Damania & Mrs. Farida Damania) Site Plan dated 24.02.2005 (**Refer Page 73 of Appeal paper book**). Above mentioned Site plans were issued after conduction of field survey by Field surveyor & Head surveyor. The Respondent's claim that the original plinth area was 150 sq. mtrs. is based on a record dated 1968 and does not account for subsequent surveys and official plans.

(c). The Appellant further submits that the Renovation & Strengthening Plan dated 26.09.2006 was technically verified by the Assistant Engineer and Technical Officer, PWD and approved by the

Department of Planning & Architecture. Nowhere in this plan was it mentioned that the structure height is more than 9 meters. The Respondent's claim to the contrary is an afterthought. (**Refer Page 78 to 81 of Appeal paper book**)

(d). As regards the basement, the Appellant draws the attention of this Hon'ble Tribunal to the fact that the Comprehensive Inquiry Report prepared by Member Secretary, PDA, dated 31.07.2025 (**Refer Page 324 to 329 / Annexure-R-27 of the Counter Affidavit**) does not mention any basement in its findings regarding the Appellant's structure. The Respondent cannot rely upon the alleged existence of a basement to justify the Impugned Order when the Respondent's own inquiry report is silent on this aspect.

(e). The Plot Book annexed by the Respondent as Annexure R-6 is not authorized as it is not endorsed with any sign of authority. It cannot be relied upon as evidence of the original plinth area. (**Refer Page 284 / Annexure-R-6 of the Counter Affidavit**)

REPLY TO CHRONOLOGY OF EVENTS

10. The Appellant submits that the Respondent has presented a selective and distorted Chronology of Events to paint the Appellant as a fraudster. The Appellant responds to the key events as under:

(a). Event of 02.08.2006 (CRZ Committee Clearance): The CRZ Committee cleared Case No. 11/06 for renovation as per CRZ-III regulations. The Appellant acted in full conformity with the permissions granted. The Panchayat / District Panchayat was assigned responsibility to ensure compliance with CRZ norms.

- (b). Event of 10.04.2007 (PWD Letter): The Appellant denies that the nature of work carried out was totally changed. The Appellant submits that the renovation and strengthening was carried out as per the approved plan. Any discrepancies observed were addressed in subsequent inspections and certifications by competent authorities.
- (c). Events of 16.10.2007 and 25.10.2007 (Demolition Notices): The Appellant submits that the Collector, Daman, vacated the status quo on demolition notices dated 25.10.2007 and 16.10.2007 vide Order dated 02.11.2007 in Revision No. 1/2007. The Appellant further states that while the Revision Application was dismissed, the Collector's order disposed of the matter in accordance with law. Further, the subsequent re-grant of permission by the Panchayat on 27.01.2009 after physical inspection shows that the issue was resolved to the satisfaction of the competent authority.
- (d). Events of 15.10.2007 (Partnership Deed): The Appellant submits that the execution of a Partnership Deed on 15.10.2007 does not evidence that the hotel was operational at that time. The Appellant's partner filled the prescribed Application Form for registration of Hotel (Form II) on 10.09.2007, after which Tourism Department conducted a Joint Inspection through six officers. Hotel Registration Certificate was issued only on 24.04.2009.
- (e). Events of 27.01.2009 and 02.02.2009 (Panchayat Permission and Occupancy Certificate): The Appellant submits that these permissions were granted after physical inspection by competent authorities, who certified that the structure as conforming to CRZ norms & notification. The Respondent's characterization of these

permissions as 'null and void' is legally untenable, as it is well-settled that an authority having jurisdiction to grant permission cannot be treated as a nullity unless set aside in due process of law.

- (f). Events of 28.06.2017 (Withdrawal of Notice dated 29.05.2017 by PDA) (**Refer Page 85 of Appeal paper book**): The Appellant draws the attention of this Hon'ble Tribunal to the fact that the Member Secretary, Planning and Development Authority, expressly stated in the withdrawal letter that the reply and other related documents and plans submitted by the Appellant were verified with the actual construction and found satisfactory and acceptable. This amounts to a solemn acknowledgment by the competent authority that the Appellant's structure was in order. The Respondent has completely suppressed this crucial fact.
- (g). Event of 09.10.2024 (Complaint by Soma Patel / **Refer Page 320 of Appeal paper book/R-23**) : The Appellant submits that this complaint was never received by the Appellant and its format is irregular and the complaint date is mentioned by the Authority instead of the Complainant, which raises serious questions about its authenticity and admissibility.
- (h) Event of dated Nil (Complaint by Rajesh R. Patel / **Refer Page 323 of Appeal paper book/R-26**) : The Appellant submits that this complaint was never received by the Appellant and its format is irregular and the complaint date and address both are not mentioned. Even the Authority also not mentioned the date when he received said complaint, which raises serious questions about its authenticity and admissibility.

REPLY TO PARA-WISE REPLY IN COUNTER AFFIDAVIT

11. In reply to the Respondent's claim (Para 5(ii)) that the Impugned Order dated 30.01.2026 is a reasoned order passed in accordance with law, the Appellant submits that the said order was passed in gross violation of Rule 4 of the Environment (Protection) Rules, 1986, specifically on following points:

- (a). The Appellant was not provided with a copy of the Comprehensive Inquiry Report dated 31.07.2025 prepared by the Member Secretary (PDA) before the Impugned Order was passed.
- (b). No copy of the complaint of Rajesh R. Patel and Soma Patel was furnished to the Appellant prior to the passing of the Impugned Order.
- (c). The DDCZMA notice dated 28.11.2024 did not disclose the nature of the alleged CRZ violation, nor did it contain any proposed directions under Rule 4 of the EP Rules.
- (d). The letter of Respondent No. 1 dated 09.12.2024 was not provided to the Appellant despite requests. The Respondent has not even annexed the said document in its Counter Affidavit.
- (e). As per EP Rules, 1986, Rule 4(4), upon receipt of the complaint and inquiry report, the Member Secretary (DDCZMA) was required to give the Appellant an opportunity to be heard and seek the Appellant's reply or objections within a prescribed 45-day period. Instead, approximately 170 days elapsed before the inquiry report was considered which is a gross violation of the mandatory procedure.

(f). The Appellant submits that the Respondent No. 1 discriminating in the similarity situated person's/entities. As per Rule 4 of The Environment (Protection) Rules, 1986 the authority before taking any action under section 5, must issue a notice mentioning the proposed direction which authority has decided to issue and then give the opportunity. The Respondent No. 1 issued show cause Notice under section 5 read with Rule 4 to M/s Al-Saad Terrace on 02/02/2026 (**Refer Page 142 to 144 of Appeal paper book**) and to Jagdish Tangal & Others on 10/02/2026 (**Refer Page 140 to 141 of Appeal paper book**) regarding alleged violation of CRZ Notification,2011.

(g). The Appellant submits that whereas the similar procedure of following the principal of natural justice is not followed in case of Appellant. Responder No. 1 directly issued impugned Order of demolition dated 30/01/2026 without issuing Show Cause Notice to Appellant. Thus, it is clear violation of principal of natural justice and discrimination by Respondent No. 1 in following the procedure established by law. This shows that the Appellant is being singled out in the process which has caused great prejudice to appellant.

12. The Appellant denies the Respondent's averment that the Panchayat has no authority to certify CRZ compliance. The Panchayat's certification was done jointly with the Technical Officer / Asst. Engineer, PWD, District Panchayat & BDO; all being officers of the competent District authority. The CRZ Committee itself assigned responsibility to the Panchayat/District Panchayat to ensure CRZ compliance, and the certification issued by them is therefore binding.

13. The Appellant submits that the Respondent's reliance on the judgment in S.P. Chengalvaraya Naidu vs. Jagannath (1994) regarding fraud on the Court is entirely misconceived and inapplicable to the facts of the present case. The Appellant has not suppressed any material documents. On the contrary, it is the Respondent who has selectively presented documents while suppressing the withdrawal letter of PDA dated 28.06.2017, the annual renewal of Hotel Registration up to 19.11.2026 and the commercial permission granted by the Collector on 24.04.2009.
14. The Appellant submits that the environmental compensation formula derived from the judgment in Paryavaran Suraksha Samiti vs. Union of India (OA No. 593/2017) cannot be applied to the Appellant's case as the Appellant runs a hotel and not an industrial establishment. The said formula and the Pollution Index (PI) of 30 applied by the Respondent is applicable to industrial establishments and cannot be mechanically applied to a hospitality business. Infact, prior to issuance of the impugned order, no notice, no hearing was afforded to the Appellant. There is no justification given to come to the conclusion of the amount of the Environmental Damage Compensation (EDC).
15. The Appellant submits that Respondent No. 1 in its RTI response dated 30.03.2026 to the Appellant's RTI application dated 02.03.2026, provided only a one-word response 'Yes' when asked about CRZ violation complaints and refused to provide copies of complaints, orders and notices. This arbitrary and incomplete response further establishes that the Respondent's proceedings were vitiated by a lack of fair procedure and transparency. Copy of the application of the Appellant dated 02.03.2026 and the order of the Respondent No.1

dated 30th March 2026 is annexed hereto and marked as **ANNEXURE-A-2 (Colly)**.

ON THE QUESTION OF NATURAL JUSTICE

16. In reply to the Respondent's averments regarding the minutes of the meeting of DDCZMA dated 20.01.2026, the Appellant submits that the Impugned Order was passed on 30.01.2026 without the minutes of the meeting dated 20.01.2026 being approved. The said minutes were approved only in the DDCZMA meeting dated 18.02.2026 i.e. after the Impugned Order was passed. This establishes that the Impugned Order was passed in deliberate and undue haste, vitiating its legality. Copy of DDCZMA Minutes of Meeting dated 18.02.2026 is annexed hereto and marked as **ANNEXURE-A-3**.

17. The Respondent's claim (Para 5(ii) of Counter Affidavit) that the Appellant was 'fully aware' of the subject matter and was an 'experienced public figure' is not a substitute for due compliance with the statutory procedure mandated by Rule 4 of the EP Rules, 1986, and the DDCZMA's own order dated 25.07.2023. Knowledge of past proceedings cannot validate non-compliance with the procedure prescribed for the present proceedings.

ON THE QUESTION OF DEMOLITION

18. The Appellant submits that the structure at Plot No. 27 has been in existence since Portuguese times i.e. before the enactment of the CRZ Notification, 1991. Nowhere in the CRZ Notification is it mentioned that a pre-existing structure conducting commercial activity can be demolished. The direction for demolition of the structure is therefore

far-stretched and constitutes an overreach of the powers of the Respondent.

19. The Appellant further submit that during the tenure between year 2006 to year 2009, when appellant obtained the plan approval of renovation of existing structure on 26.09.2006, an occupancy certificate on 02.02.2009 issued by PWD and commenced Hotel activity on 24.04.2009 after certificate issued by Collector/Director Toursim, the CRZ Notification, 1991 is in forced.

The provision 3(3)(iii) of Regulation of Permissible Activities of CRZ Notification, 1991 is as

“in the interim period till the Coastal Zone Management Plans mentioned in para 3(3)(i) above are prepared and approved, all developments and activities within CRZ shall not violate the provisions of this Notification.”

The Appellant submits that Coastal Regulation Zone Management Plan (CZMP) in accordance with CRZ Notification, 1991 is not approved nor High Tide Line (HTL) line is demarcated and therefore the developments and activities within CRZ shall not violate the provisions of this Notification.

20. The Appellant submits that the Para 27 of Judgment Court of Chief Judicial Magistrate, Daman in RCC No. 64/2001 between Collector versus M.G. Tandel (Partner of Hotel *Jazira*) is as :

“On perusal of evidence of prosecution witness it appear that, there is no evidence about demarcation of High Tide Line in order to measure the distance of 500 meter or 200 meter which require for

the determination of the Coastal Regulation Zone. The witness Dr. Surya Prakash (PW.4, Deputy Conservator of Forest) in his cross examination in-chief itself stated that the determination of high tide line and low tide line are crucial for determination of are under C.R.Z. He further stated that their Administration referred this matter to Naval Hydrographer office for fixation of high tide line and low tide line in Daman. The Naval Department prepared map with only one line which was not sufficient for determination of HTL and LTL. The prime witness complainant Manish Gupta (PW 1, Collector-Daman) in his cross examination stated that, he did not come across any approved map of Coastal Zone Management Plan for Daman district. Even at the time of filing complaint he had not received any approved plan”

“All these facts go to show that the allegation of violation of Notification in respect of Coastal Regulation Zone is without demarcation of High Tide Line, without referring any approved Coastal Zone Management Plan (CZMP) and without ascertaining the identification, classification of Coastal Regulation Zone. Therefore it cannot be said that the allegation act of making construction by the accused was within coastal Regulation Zone.”

Copy of the Judgment Court of Chief Judicial Magistrate, Daman in RCC No. 64/2001 in the matter of Collector versus M.G. Tandel (Partner of Hotel Jazira) is annexed hereto and marked as **ANNEXURE-A-4**

21.The Appellant further submits that the Para 20 (Page No.14) of Judgment of Court of Session Judge, Daman in CA No. 03/2015

between Collector versus M.G. Tandel (Partner of Hotel Jazira) concluded as :-

“Without demarcating of High Tinde Line (HTL) and without any approval of Coastal Zone Management Plan and without ascertaining the identification of Coastal Regulation Zone the prosecution has been initiated. Thus the complainant-prosecution has failed to show the construction was carried out within 200 meter of high tide line”

Thus the Appellant submit that para 3,3(iii) is applicable to his case as High Tide Line (HTL) is not demarcated nor CZMP is approved in accordance with CRZ Notification, 1991. Therefore *all developments and activities within CRZ shall not violate the provisions of this Notification.*” Copy of the Judgment of Court of Session Judge, Daman in CA No. 03/2015 in the matter of Collector versus M.G. Tandel (Partner of Hotel Jazira) is annexed hereto and marked as **ANNEXURE-A-5**

22.The Appellant further submits that, CZMP is not approved in accordance with CRZ Notification, 1991. the same is evident based on the reply received by Appellant from Respondent No.1 on 14.05.2026, which states that

“detailed and diligent search of the records available in the office of the Daman & Diu Costal Zone Management Authority (DDCZMA) has been carried out, However, the records pertaining to the approval of CZMP under the CRZ Notification, 1991 are not available in the custody of this office, the same cannot be furnished.”

Copy of appellant RTI application dated 30.03.2026, reply of MoEF dated 09.04.2026 and DDCDZMA reply to appellant dated 14.05.2026 are annexed hereto and marked as **ANNEXURE-A-6(Colly)**.

Thus, the Appellant submits that para 3.3(iii) of CRZ Notification-1991 is applicable to his case as approved CZMP in accordance with CRZ Notification, 1991 is not available with Respondent No.1 nor Respondent No.1 can furnish the copy of approved CZMP. Therefore, *all developments and activities within CRZ shall not violate the provisions of this Notification.*”

23.The Appellant submits that the Respondent No.1 relied on the approved Outline Development Plan (ODP), 2023 to measure distance of structure from High Tide Line (HTL) for alleged violation of provisions of CRZ Notification, 2011 in the case of Al-Saad Terrace As per approved ODP, 2023 of Daman District, No Development Zone (NDZ) line of CRZ is demarcated at 50 meters from High Tide Line (HTL). The Respondent No. 2 (i.e Collector, Daman/Chairman (DDCZMA) is delivered the message that this “ODP is removing ambiguity in CRZ regulation implementation” while published ODP in year 2023. A Copy of Inspection report dated 30.01.2026 is as annexed hereto and marked as **ANNEXURE A-7.**

24.That on 30.01.2026 Chief Officer DMC informed DDCZMA that no CRZ clearance or permission was subrnitted or applied lbr in respect of the said building during the process of grant of the said building during the process of grant of construction permission. A copy of

Letter dated 30.01.2026 is as annexed hereto and marked as **ANNEXURE A-8.**

25. The Appellant submits that, if the Respondent No.1 considers and relies on the Outline Development Plan (ODP), 2023, in which “No Development Zone” (NDZ) line of CRZ is demarcated at 50 meters from High Tide Line (HTL) in case of Appellant, then the Appellant’s structure which is at 115 meters from the HTL does not fall under the “No Development Zone” (NDZ). therefore, the activity beyond “No Development Zone” (NDZ) is not prohibited activity and thus it is not a violation of CRZ Notification. Copy of the approved ODP-2003 map is annexed hereto and marked as **ANNEXURE-A-9**

PRAYER

26. In view of the foregoing submissions, the Appellant most respectfully prays that this Hon'ble Tribunal may be pleased to:

- (a). Reject and disregard the Counter Affidavit filed by Respondent No. 1 as being misleading, selective and contrary to the record;
- (b). Quash and set aside the Impugned Order dated 30.01.2026;
- (c). Set aside the Environmental Damage Compensation (EDC) as calculated and imposed by the Respondent; and
- (d). Grant such other and further reliefs as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

Place: Pune
Date: 06/06/2026



Advocate for the Appellant



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

AT PUNE

APPEAL NO. 74 OF 2026 (WZ)

DEEPESH THAKORBHAI TANDEL

... **Appellant**

Versus

**DAMAN DIU COASTAL ZONE
MANAGEMENT AUTHORITY and Ors**

... **Respondents**

A F F I D A V I T

MAY IT PLEASE THE HON'BLE TRIBUNAL:

I, Deepesh Thakorbhai Tandel, adult, Occu.: business, having address at Hotel Ocean Panorama, Devka, Nani Damam – 396210 do hereby state on solemn affirmation as under: -

I am the Appellant above named and responsible for day to day administration of my business. As such, I have gone through the Rejoinder and annexure thereto being filed today. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief. In witness whereof I have signed hereunder at

Daman on 8th day of June 2026.




DEEPESH THAKORBHAI TANDEL
DEPONENT

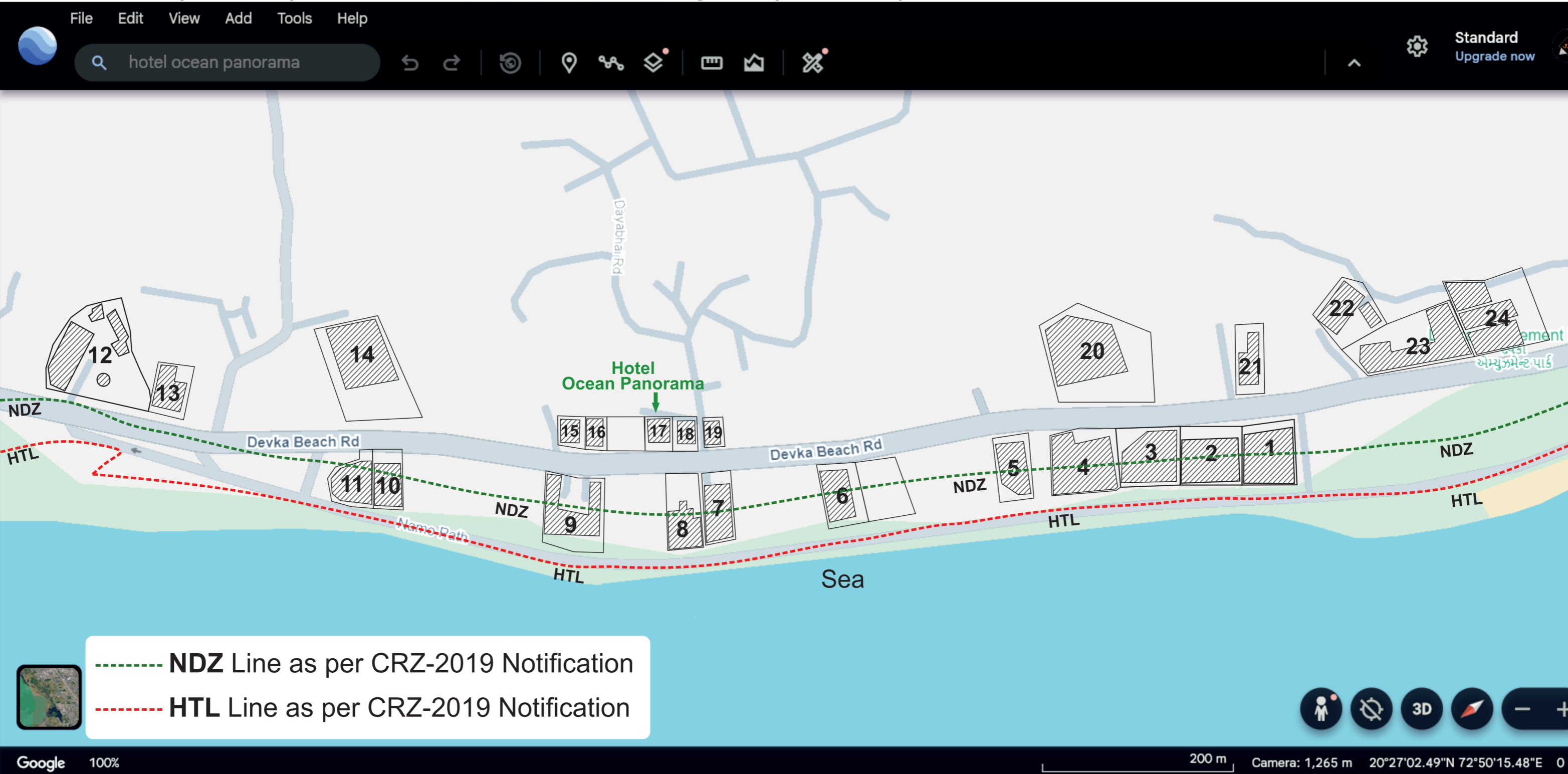


1. Hotel Cidade de Daman (HTL - 18)
2. Hotel Sea Rock Inn (HTL - 20)
3. Hotel Gold Beach Resort (HTL -20)
4. Hotel Miramar (HTL - 20)
5. Hotel Sea Rock Villa (HTL - 20)
6. Private Bungalow (HTL - 25)
7. Hotel Jazira (HTL - 20)
8. Hotel Sea View (HTL - 15)
9. Hotel Duke (HTL - 26)

10. Hotel Ocean Inn (HTL - 17) 382
11. Hotel Princess Park (HTL - 12)
12. Hotel Sandy Resort (HTL - 112)
13. Private Bungalow (HTL - 115)
14. Hotel (HTL - 130)
15. Private Bungalow (HTL - 115)
16. Private Bungalow (HTL - 115)
17. Hotel Ocean Panorama (HTL - 115)
18. Private Bungalow (HTL - 115)

19. Private Bungalow (HTL - 115)
20. Hotel Miramar (HTL - 115)
21. Hotel Dariya Darshan (HTL - 99)
22. Hotel Tanya Sea Rock Inn (HTL - 156)
23. Hotel Ashoka Palace (HTL - 118)
24. Hotel Shilton (HTL - 112)

ANNEXURE-A-1



Hotels in NDZ (CRZ-III) Area at Devka Beach, Daman



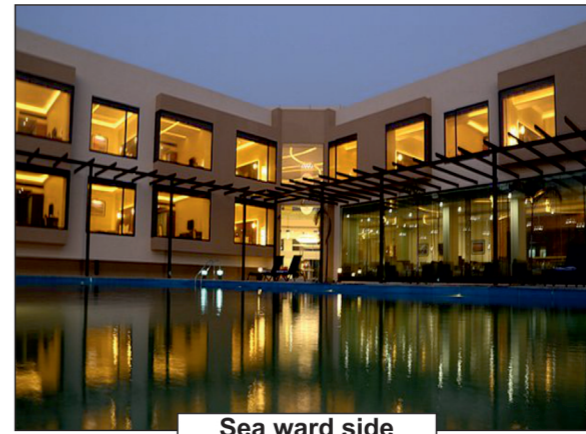
Land ward side
115 mtr (HTL)



Land ward side
118 mtr (HTL)



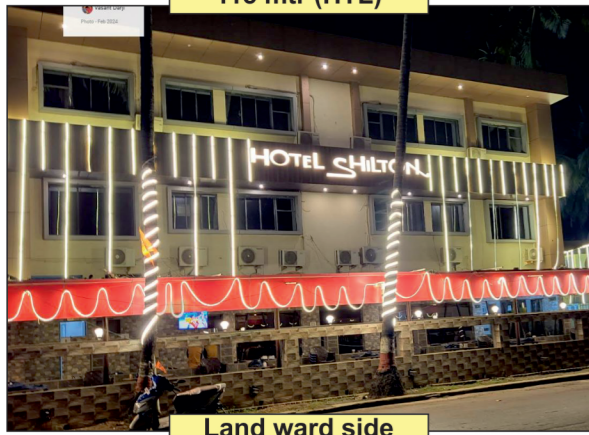
Sea ward side
20 mtr (HTL)



Sea ward side
20 mtr (HTL)



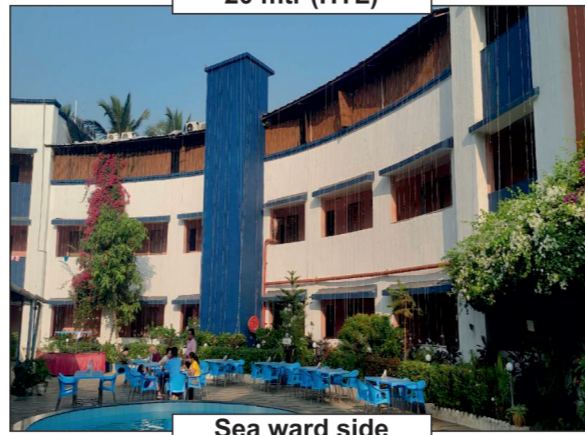
Sea ward side
156 mtr (HTL)



Land ward side
112 mtr (HTL)



Sea ward side
12 mtr (HTL)



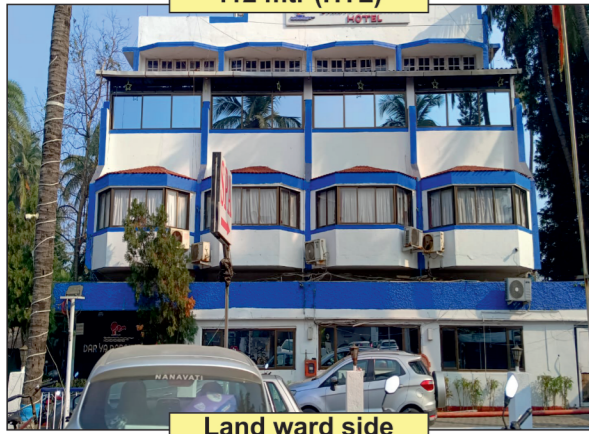
Sea ward side
20 mtr (HTL)



Sea ward side
20 mtr (HTL)



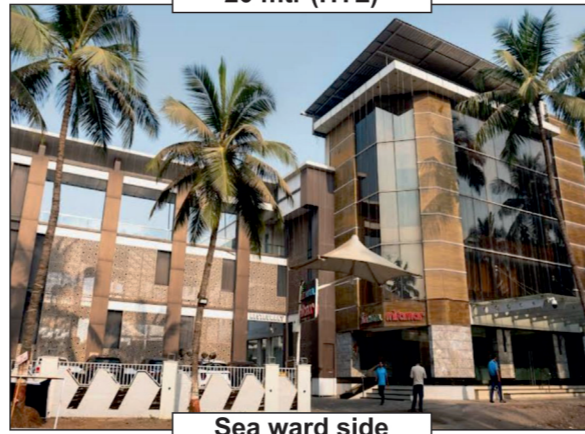
Sea ward side
20 mtr (HTL)



Land ward side
99 mtr (HTL)



Sea ward side
17 mtr (HTL)



Sea ward side
20 mtr (HTL)



Sea ward side
18 mtr (HTL)



Sea ward side
20 mtr (HTL)



Hotel Building Photos in NDZ (CRZ-III) with HTL Dimension at Devka Beach, Daman

384

FORM - I - A

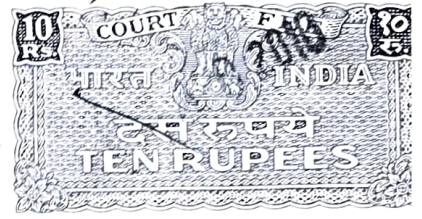
APPLICATION FORM FOR INFORMATION

(To be filled in English / Hindi / Regional Language)

Dated : 02/03/2026

ANNEXURE-A-2-Colly

To,
Member Secretary (DDCZMA)
Office of Director-cum-Deputy Secretary (Forest, Environment & Wildlif.
Fort Area, Moti Daman – 396220.



(a) PARTICULARS OF THE APPLICANT :

NAME : Deepesh Thakorbhai Tandel (9825127082)

AGE : 54 Year

ADDRESS : House No.: 14-77/D-1/F-1, Krishna Kunj, Lane No. 6, Dilip Nagar, Daman.

(b) Details of the Information sought:-

(Please indicate the subject matter/file/record etc.)

1> Whether, Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee received any compliant against Buildings/Structure's/Hotel's situated at village Devka /Marwad of Daman district established within 100 Meter from HTL and fall under No Development Zone (NDZ) of CRZ-III or fall under CRZ-1A for Violation of CRZ Notification, 2011 ? If yes Provide the copies of Compliant and copy of Notices/Orders issued by Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee.

2> If Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee not received any compliant against Buildings/Structure's/Hotels situated at village Devka /Marwad of Daman district established within 100 Meter from HTL and fall under No Development Zone (NDZ) of CRZ-III or fall under CRZ-1A for Violation of CRZ Notification, 2011 then whether Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee initiated Suo-Moto action against those Buildings/Structure's/Hotels ? if yes Kindly provide copy of Notices/Orders issued by Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee.

(i) The period of which the Information pertains (20) years prior to date of application.

(c) Form/format in which the Information sought :

(i) Photo copy ✓

(ii) Floppy; etc.

(d) INSPECTION OF RECORDS :

(i) Does the request pertain to inspection of record ? (Yes / No)

(ii) If yes, the number of days the applicant may take in inspecting the relevant record: _____ days.

RECEIVED

Secretary (Forest, Evn. & WL)
2/13 DNH & DD

Signature of the Applicant

Daman & Diu Coastal Zone Management Authority
Office of the Director - cum-Deputy Secretary,
Forest, Environment and Wild life,
DNH & DD, Fort Area,
Moti Daman.
Daman-396220

385

No. PCC/DDCZMA/RTI/2019-20/ 67

Dated : 30 /03/2026.

Sub : Application for information – reg

Ref : Your application dated 02.03.2026

With reference to your application dated 02.03.2026 for the following information are as under;

1.	Whether, Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee received any complaint against Buildings/structure's/ Hotel's situated at village Devka/Marwad of Daman district established within 100 Meter from HTL and fall under No Development Zone (NDZ) of CRZ-III or fall under CRZ-1A for violation of CRZ Notification, 2011? If yes provide the copies of complaint and copy of Notices/orders issued by Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee.	Yes --
2.	If Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee not received any complaint against Buildings/structure's/ Hotel's situated at village Devka/Marwad of Daman district established within 100 Meter from HTL and fall under No Development Zone (NDZ) of CRZ-III or fall under CRZ-1A for violation of CRZ Notification, 2011 then whether Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee initiated Suo-Moto action against those buildings/Structure's/Hotel's ? if yes provide copy of Notices/Orders issued by Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee	Yes --

Member Secretary,
Daman & Diu
Coastal Zone Management Authority,
Daman

To,
Shri Deepesh Thakorbbhai Tandel,
H. No. 14-77/D-1/F-1,
Krishna Kunj, Lane No. 6,
Dilip Nagar, Daman.

386
FIRST APPEAL UNDER SECTION 19(1) OF THE RIGHT TO INFORMATION ACT, 2005.

I.D No.

To,
Chairman (DDCZMA) / Hon'ble Collector
Office of Collector, Moti Daman – 396 220.

1. Name of the Applicant : **Deepesh Thakorbbhai Tandel**
2. Address of the Applicant : **House No. 14-77/D-1/F-1, Lane No. :6, Dilip Nagar, Daman.**
3. Particulars of the Central/ State Public Information Officer:

- (a) Name : **Puneet Kulshreshtha, Member Secretary (DDCZMA)**
- (b) Address: **Office of Director-cum-Deputy Secretary (Forest, Environment & Wild life)
Fort Area, Moti Daman – 396220.**

4. Date of submission of application for seeking information : 02/03/2026

5. Date on which 30 days from submission of application are over: 01/04/2026

6. Reasons for appeal: (Please indicate separately for each question)

- (a) No response received within the specified period:
- (b) Aggrieved by the response received within the specified period:
- (c) Grounds for appeal: **Not satisfied as reply is incomplete.**

As far Concern Sr. No.1> MS(DDCZMA) is not provided the copies of Compliant received and Copies of Notices/Orders issued by DDCZMA/CRZ Screening Committee/CRZ violation Reporting Committee.

As far concern Sr. No. 2> MS(DDCZMA) is not provided the Copies of Notices/Orders issued by DDCZMA/CRZ Screening Committee/CRZ violation Reporting Committee.

7. Last date for filing the appeal : 30/04/2026

8. Particulars of Information :

- (a) Information requested : **As per attached RTI Application dated 02/03/2026.**
- (b) Subject : **As mentioned in attached RTI Application dated 02/03/2026.**
- (c) Period : **As mentioned in attached RTI Application dated 02/03/2026.**

9. A fee of Rs 10/- for appeal is paid by LPO vide Receipt No. 146008 Dated 7/03/26 is attached herewith


Signature of Appellant

Date : 10/04/2026, Place : Daman

Enclosed : (a) Copy of RTI application dated 02/03/2026 to Member Secretary(DDCZMA)
(b) Copy of the response received from Member Secretary (DDCZMA) with which the appellant is aggrieved.

Received an Appeal acknowledgement from **Mr.Deepesh Thakorbbhai Tandel** resident of **Daman** under section **19** of RTI Act,2005.

प्राप्त किया / RECEIPT

10/04/2026
समाहता कार्यालय

Signature/Stamp of Receipt Clerk
Appellant Authority

Office of the Collector

FN. 953 12:20 PM

387

U.T. ADMINISTRATION OF DADRA & NAGAR HAVELI AND DAMAN & DIU
OFFICE OF THE CHAIRMAN (DDCZMA)/ FIRST APPELLATE AUTHORITY/
COLLECTOR, DAMAN / COLLECTORATE,
DHOLAR, MOTI DAMAN - 396 220.

First Appeal under the RTI Act, 2005
Appeal No. 02/2026

To,
Shri Deepesh Thakorbbhai Tandel,
House No. 14-77/D-1/F-1, Krishna Kunj, Lane No. 6,
Dilip Nagar, Daman - 396 210.
(Mob. No. 9825127082).


Sub:- First Appeal under the RTI Act, 2005.
Ref:- Your RTI Appeal dated 10/04/2026.

Sir,

With reference to above cited subject, I am directed to inform you that a hearing in the matter is fixed **on 24.04.2026 at 12.30 p.m.** in the chamber of the Chairman (DDCZMA)/ Collector, Daman/ First Appellate Authority, Collectorate, Dholar, Moti Daman, Daman - 396 220.

You are requested to remain present for the said hearing at the above mentioned date, time and place.

Yours faithfully,


(P.A. to Collector, Daman)
Collectorate, Daman

No. COL/DMN/RTI/APPEAL/02/2026/1065
Dated: - 17/04/2026.

Copy to: -

The C.P.I.O. / Member Secretary (DDCZMA), O/o. the Director – cum- Deputy Secretary (Forest, Environment and Wild life), Fort Area, Moti Daman – 396 220 with a request to remain present for the above mentioned hearing along with the details of the said appeal/ written submissions/ relevant documents etc. please.

U.T. ADMINISTRATION OF DADRA & NAGAR HAVELI AND DAMAN & DIU
OFFICE OF THE CHAIRMAN (DDCZMA)/ FIRST APPELLATE AUTHORITY/
COLLECTOR, DAMAN / COLLECTORATE,
DHOLAR, MOTI DAMAN - 396 220.

No. COL/DMN/RTI/APPEAL/02/2026/ 112 7

Date: 24/04/2026

ORDER

Date of First Hearing	:	24/04/2026
Appellant	:	Shri Deepesh Thakorbbhai Tandel, House No. 14-77/D-1/F-1, Krishna Kunj, Lane No. 6, Dilip Nagar, Daman - 396 210. (Mob. No. 9825127082).
Respondent	:	PIO under RTI Act, 2005 i.e., Member Secretary (DDCZMA), O/o. the Director – cum- Deputy Secretary (Forest, Environment and Wild life), Fort Area, Moti Daman - 396 220.
First Appellate Authority	:	Chairman (DDCZMA)/ Collector, Daman.
First Appeal Filled on	:	10/04/2026 in the Office of the First Appellate Authority, Under RTI Act, 2005.
First appellant Authority (FAA) order on	:	24/04/2026.

INFORMATION SOUGHT:

The appellant / Shri Deepesh Thakorbbhai Tandel, House No. 14-77/D-1/F-1, Krishna Kunj, Lane No. 6, Dilip Nagar, Daman - 396 210. (Mob. No. 9825127082) seeking information under RTI Act, 2005 from the PIO / Member Secretary (DDCZMA), O/o. the Director - cum- Deputy Secretary (Forest, Environment and Wild life), Fort Area, Moti Daman - 396 220 and had sought the following information to which reply of the P.I.O./ Member Secretary (DDCZMA) given is as under: -

Sr. No.	Information sought	Reply by the Member Secretary (DDCZMA)/ C.P.I.O.
01.	Whether, Daman & Diu Coastal Zone Management Authority/ CRZ Screening Committee/ CRZ Violation Reporting Committee received any complaint against Buildings/ Structure's/ Hotel's situated at village Devka/ Marward of Daman district established within 100 Meter from HTL and fall under No Development Zone (NDZ) of CRZ-III or fall under CRZ-1A for violation of CRZ Notification, 2011? If yes provide the copies of complaint and copy of Notices/Orders issued by Daman & Diu Coastal Zone Management Authority/ CRZ Screening Committee/ CRZ Violation Reporting Committee	Yes --
02.	If Daman & Diu Coastal Zone Management Authority/ CRZ Screening Committee/ CRZ Violation Reporting Committee not received any complaint against Buildings/ Structure's/ Hotel's situated at village Devka/ Marward of Daman district established within 100 Meter from HTL and fall under No Development Zone (NDZ) of CRZ-III or fall under CRZ-1A for violation of CRZ Notification, 2011 then whether Daman & Diu Coastal Zone Management Authority/ CRZ Screening Committee/ CRZ Violation	Yes

Reporting Committee initiated suo moto action against those buildings/ Structure's/ Hotel's?	
If yes provide copy of Notices/Orders issued by Daman & Diu Coastal Zone Management Authority/ CRZ Screening Committee/ CRZ Violation Reporting Committee	--

Heard both sides.

The First Appellate Authority asked the Appellate regarding his dissatisfaction with the reply provided by the PIO/ Member Secretary (DDCZMA), Daman. The First Appellate Authority inquired / questioned to the PIO / Member Secretary (DDCZMA), Daman regarding the matter.

After discussion and hearing both sides, the Appellant admits that the respondent, i.e., PIO/ Member Secretary (DDCZMA) has provided incomplete answer and has not provided the details. The respondent claims that collation of such voluminous data is cumbersome and is outside of the purview of RTI act.

The said case is hereby remitted to respondent, i.e., PIO/ Member Secretary (DDCZMA) for a detailed reply to the Appellant.


(Saurabh Mishra)
 First Appellate Authority
 Under RTI Act, 2005 /
 Collector, Daman/ Chairman
 (DDCZMA).

To,

- ✓ 1. Shri Deepesh Thakorbbhai Tandel, House No. 14-77/D-1/F-1, Krishna Kunj, Lane No. 6, Dilip Nagar, Daman - 396 210. (Mob. No. 9825127082).
2. The P.I.O. / Member Secretary (DDCZMA), O/o. the Director – cum- Deputy Secretary (Forest, Environment and Wild life), Fort Area, Moti Daman - 396 220.

Daman & Diu Coastal Zone Management Authority
Office of the Director - cum-Deputy Secretary,
Forest, Environment and Wild life,
DNH & DD, Fort Area,
Moti Daman.

390

No. PCC/DDCZMA/RTI/2019-20/ 10

Dated : 22 /05/2026

Sub : Application for information – reg

- Ref :
1. Your application dated 02.03.2026
 2. This office Reply No. PCC/DDCZMA/RTI/2019-20/67 Dated 30.03.2026
 3. Your RTI Appeal dated 10.04.2026
 4. First Appellate Authority Order No. COL/DMN/Appeal/02/2026-2027/1127 dated 24.04.2026

With reference to your application dated 02.03.2026 for the following information are as under;

Sr. No.	Information sought	Reply
1.	<p>Whether, Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee received any complaint against Buildings/structure's/ Hotel's situated at village Devka/Marwad of Daman district established within 100 Meter from HTL and fall under No Development Zone (NDZ) of CRZ-III or fall under CRZ-1A for violation of CRZ Notification, 2011?</p> <p>If yes, provide the copies of complaint and copy of Notices/orders issued by Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee.</p>	<p>The information sought pertains to complaints, notices/orders and alleged CRZ violations relating to buildings/structures/hotels situated at Village Devka/Marwad, Daman for a period of twenty years preceding the date of the application.</p> <p>It is informed that no consolidated or compiled record is maintained by this office indicating complaints received, notices/orders issued, or suo motu actions initiated against buildings /structures /hotels situated in Village Devka/Marwad falling within CRZ-IA, CRZ-III or No Development Zone (NDZ) areas.</p> <p>Records relating to complaints, notices/orders and proceedings, wherever available, are maintained in individual files and are not indexed, classified or maintained in the manner sought in the application. Retrieval of the information sought would require identification of individual properties and examination of voluminous records spread across multiple files and years.</p>
2.	<p>If Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee not received any complaint against Buildings/structure's/ Hotel's situated at village Devka/Marwad of Daman district established within 100 Meter from HTL and fall under No Development Zone (NDZ) of CRZ-III or fall under CRZ-1A for violation of CRZ Notification, 2011 then whether</p>	<p>In this regard, attention is invited to Section 7(9) of the Right to Information Act, 2005. Further, the Hon'ble Supreme Court of India in Central Board of Secondary Education v. Aditya Bandopadhyay (Civil Appeal No. 6454 of 2011) has held that the RTI Act does not cast an obligation upon a public authority to collect, collate or create information which is not maintained in the ordinary course of its functioning.</p>

<p>Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee initiated Suo-Moto action against those buildings/Structure's/Hotel's ?</p> <p>if yes provide copy of Notices/Orders issued by Daman & Diu Coastal Zone Management Authority/CRZ Screening Committee/CRZ Violation Reporting Committee</p> <p>Period of which information pertains (20) Twenty years prior to date of application.</p>	<p>Accordingly, the information sought is not available in the form requested. The applicant may provide specific particulars such as the name of the property, survey number, complaint, notice, order or proceeding to facilitate identification of the relevant records, which shall be dealt with in accordance with the provisions of the RTI Act, 2005.</p>
---	---



Member Secretary,
Daman & Diu
Coastal Zone Management Authority,
Daman

To,
Shri Deepesh Thakorbbhai Tandel,
H. No. 14-77/D-1/F-1,
Krishna Kunj, Lane No. 6,
Dilip Nagar, Daman.



ANNEXURE-A-3

MINUTES OF THE MEETING OF DAMAN & DIU COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 16.02.2026 AT 12.30 PM.

The meeting of the Daman & Diu Coastal Zone Management Authority (DDCZMA) was held on 16.02.2026 at 12.30 PM in hybrid mode, under the Chairmanship of the Secretary (Environment & Forests), DNH & DD / Chairman, DDCZMA, at the Conference Hall, Collectorate, Daman.

Agenda:-

1. To deliberate upon the matter relating to the alleged violation of the provisions of the Coastal Regulation Zone Notification, 2011 by M/s Al-Saad Terrace building at Survey No. 50/130-H, I & K, Khariwad, Nani Daman
2. To discuss any other issue with permission of the Chairman, DDCZMA, DNH & DD.

Following Members/representatives/ invitees of Daman & Diu Coastal Zone Management Authority (DDCZMA) attended the meeting:

1. Shri Saurabh Mishra, Secretary (Environment & Forests), DNH & DD/Chairman, DDCZMA, DNH & DD/ Collector, Daman
2. Shri Sanjay K. Waradkar, IFS - Head of Department of Environment & Forests, DNH & DD/ Chief Conservator of Forests, DNH & DD.
3. Shri Shivam Teotia, DANICS- Director-cum Joint Secretary, Fisheries, DNH & DD
4. Shri Priyanshu Singh, Chief Town and Country Planner, Town Country Planning Department, Moti Daman.
5. Shri Puneet Kulshreshtha, DANICS- Director-Deputy Secretary (F, E & WL)/Member Secretary, DDCZMA, DNH & DD
6. Shri Ratheesh Representative, Space Application Centre, Ahmedabad, Jodhpur Tekra, Ambawadi Vistar, Ahmedabad, Gujarat.
7. Expert Member, Shri Nischal Joshi, B-2, Akshar Banglow, Opp. NID, Kudsan, Gandhinagar.
8. Expert Member, Shri Gaurang Trivedi, Plot No. 30-A, Shree Flat, 2nd floor, Sector-19, Gandhinagar
9. Dr. Vijay Kumar, Representative of Gujarat Institute of Desert Ecology

Invitees Members:

1. Shri Sujeetkumar Dongre, Chairman, Union Territory Level Expert Appraisal Committee (UTEAC), DNH & D
2. Shri B. Mohandaas – IFS Member Secretary, UTEAC, DNH & DD
3. Shri Sanjam Singh, DANICS, - Chief Officer, Daman Municipal Council, Daman

A

The Chairman, DDCZMA, welcomed all the Members and asked the Member Secretary to brief the Authority on the agenda and conduct the proceedings.

Minutes of the previous meeting held on 20.01.2026 were discussed and approved by all the Members present.

Agenda Item no.1 : To deliberate upon the matter relating to the alleged violation of the provisions of the Coastal Regulation Zone Notification, 2011 M/s Al-Saad Terrace building at Survey No. 50/130-H, I & K, Khariwad, Nani Daman

Background

The Authority was apprised that the Chief Officer, Daman Municipal Council (DMC), vide letter dated 15.01.2026, sought CRZ clearance for regularisation of the building known as "Al-Saad Terrace," stated to have been constructed pursuant to Licence No. 21/2012-13 dated 09.11.2012 (renewed on 13.04.2016) and completed in the year 2017.

It was further placed before the Authority that a joint site inspection was carried out on 30.01.2026 by officers of DMC, PDA, Mamlatdar and City Survey Office to ascertain the exact location of the building at Khariwad, Nani Daman. As per the inspection report, the structure is situated within 100 metres of the High Tide Line (HTL) of the Daman Ganga River.

It was further informed that vide letter dated 30.01.2026, the Chief Officer, DMC, categorically informed that no CRZ clearance or permission was submitted or applied for in respect of the said building during the process of grant of construction permission

As per the approved CZMP, 2011, the subject site falls under CRZ-IA (mangrove buffer zone), classified as a No Development Zone (NDZ), where no construction or developmental activity is permitted.

Accordingly, DDCZMA issued a Show Cause Notice dated 02.02.2026 under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules, 1986 calling upon the project proponent to explain why action should not be taken for undertaking prohibited construction in CRZ-IA (NDZ).

Hearing of the Project Proponent

Shri Javeduddin Z. Kazi and Shri Anand, Partner/Developer of M/s Al-Saad Builders & Developers, appeared before the Authority and were afforded an opportunity of personal hearing.

During the course of hearing, they submitted that they were unaware of the applicability of the CRZ Notification, 2011 to the subject property. A written representation dated 16.02.2026 was also tendered seeking six weeks' time to file a detailed reply. It was further stated that a reply dated 09.02.2026 had earlier been submitted requesting withdrawal of the Show Cause Notice.



The Authority took the submissions on record; however, it observed that lack of awareness of statutory provisions cannot be accepted as a valid defence, nor does it absolve liability for violations committed in areas where construction is expressly prohibited under law.

Findings of the Authority

Upon hearing the Project Proponent (Shri Javeduddin Z. Kazi and Shri Anand, Partner/Developer of M/s Al-Saad Builders & Developers) and upon examination of the inspection report, and records placed before it, the Authority noted the following findings:

1. The subject construction is located in CRZ-IA (mangrove buffer zone), designated as a No Development Zone (NDZ), where no construction is permissible under paragraph 8(1)(i) of the CRZ Notification, 2011.
2. No prior CRZ clearance was obtained before commencement or completion of construction.
3. The structure constitutes a prohibited and continuing violation of the CRZ Notification, 2011 issued under the provisions of the Environment (Protection) Act, 1986.
4. The plea of lack of knowledge is untenable in law and cannot be accepted as a defence against statutory non-compliance.

Decision

Accordingly, after due deliberation and in exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Authority unanimously resolved as follows:

1. A direction shall be issued to M/s Al-Saad Builders & Developers for demolition of the unauthorized construction at Survey No. 50/130-H, I & K, Kharwad, Nani Daman, within 15 days from receipt of the order. Failing to comply with the demolition order by the owner within 15 days, the SDM (HQ), Daman shall implement the order and recover the cost of demolition from the owner.
2. Environmental compensation shall be imposed upon the Project Proponent for damage caused to the coastal ecology, to be computed in accordance with the formula mandated by the Hon'ble National Green Tribunal.
3. The request for extension of time stands rejected in view of the admitted absence of prior CRZ clearance and the undisputed CRZ-IA (NDZ) classification of the site.

The meeting concluded with a vote of thanks to the Chair.

This is issued with the prior approval of Chairman, DDCZMA.



Member Secretary,
Daman & Diu
Coastal Zone Management
Authority (DDCZMA)

No. DDCZMA/CRZ/VIO/AST/2025-2026/58

Dated: 18/02/2026

Copy to all concerned.



CERTIFIED COPY

ANNEXURE-A-4

Received on : 29/09/2001
 Registered on : 29/09/2001
 Decided on : 31/08/2013
 Duration : **Yrs. Ms. Ds.**
11. 11. 02.

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
 DAMAN**

(Preceded over by Suresh P. Pol, Chief Judicial Magistrate, Damam)

REGULAR CRIMINAL CASE NO.64/2001.

Exh. No.85.

**THE COLLECTOR OF U.T., DAMAN AND
 DIU.**]
]
 Through the Complainant Shri Manish]
 Gupta, Collector, Damam.]
]
]
]
] **Complainant**

V/s.

(1) **M.G.Tandel**]
 Partner of Hotel Jazira, Devka, Nani]
 Damam.]
] **Accused**

CHARGE : THE OFFENCES PUNISHABLE UNDER
 SECTIONS 15 READ WITH 19 OF
 ENVIRONMENT (Protection) ACT,
 1986.

APPEARANCE :

Sp. ^{Prosecutor} P.P. SHRI J.G.Desai, FOR THE STATE.

ADVOCATE SHRI M.Lopes, FOR THE ACCUSED.

31-8-13
 S.S.M.

J U D G M E N T

[Delivered on 31/08/2013]

(1) The Accused M.G.Tandel has been prosecuted for the alleged offence punishable under section 15 R/W 19 of Environment (Protection) Act, 1986. The accused has faced trial for the above mentioned offence.

(2) The prosecution's case in brief as under:

That On 07/07/1997 a complaint of the complainant Shri Manish Gupta, collector, Daman was received from the Court vide letter No. JUD/F.Miscl/208/513/1997 directing to conduct investigation U/s 156 (3) of Cr.P.C in the above complaint against Shri M.G.Tandel R/o of Devka, Nani Daman for undertaking construction of a Hotel building on plot No.10 at Village Devka, which is within 200 mts. from High Tide Line and it is violation of coastal regulation Zone III area notification dated 19/02/1991 issued by the Govt. of India, Ministry of Environment of Forests.

(3) on the basis of this report lodged by the complainant, crime No 05/97 came to be registered for the offence punishable under sections 15 R/W 19 of Environment (Protection) Act, 1986. The investigation of the crime was carried out by D.M.Jadav, H.C. of Nani Daman Police Station. During course of investigation

panchnama of scene of offence was drawn in presence of two panch witnesses, statements of witnesses were recorded, by the investigation officer. As per the scene the plot No.10 belonging to Shri. M.G.Tandel where the Hotel Jazira exists on the western side of the main Tar road leading Daman to Devka facing towards eastern direction. There is one pacca structure total 15.20 x 5.80 mtrs and it is divided in two compartment i.e one kitchen and Bar & Restaurant. There is an underground basement on the northern part of the building and adjistance to the kitchen & Bar. After the main building, on the seashore side, there is one A/c PVC sheets roof shed with sitting platform of cement concrete having area of 17.60 x 28.80 mts. There is one more katcha shed of coconut leaves on the sea shore side without sitting platform of 9.15 x 26.75 mts in size and distance of the said building upto the last end of the sea side is only 5 mts. From the High tide line of the Arabian Sea. The measurement was taken by Shri Dhirubhai S. Prabhakar, Asst Engineer P.W.D. The photographs of the building was taken by Shri Paresh Bhavsar of Studio Kala Kinar, Daman.

(4) Then the I.O recorded the statement of Shri S.C.Hiremat, Executive Engineer P.W.D., Daman, wherein he stated that in the month of June 1994, he had received one confidential letter from the collector Daman directing him to

enquire in the matter of construction of hotel Jazira at Devka. Accordingly he alongwith Asst. Engineer and Junior Engineer visited the site for inspection, and after the said inspection submitted the report to the collector, Daman vide EE/PWD/DMN/REPORT/94-95/22 dated: 27/06/1994. Again in the year 1996 he was directed by the collector Daman to report on Hotel Jazira and as a Chairman of the CRZ Committee, he had submitted the report vide letter N.EE/PWD/EST/6.32-A dated: 07/03/1996.

(5) The Statement of Dr.M.Surya Prakash, Dy.Conservator of Forest, Daman was recorded. Who stated that the chairman of CRZ Committee, Daman had submitted a report stating that hotel Jazira was constructed after demolishing the old building and on report of the Executive Engg, Daman the ^{plinth}~~plintch~~ area has been exceeded. As per the existing CRZ guidelines it amounts to it's violation. The Executive Engg PWD in his capacity as a chairman CRZ violation committee recorded that there is an encroachment on the government land towards Arabian Sea.

(6) The statement of Shri J.R.Dadrewala Asstt. Engg, PWD, Daman and Shri Ashok Ramubhai Patel Jr.Engg, PWD, Daman were recorded. They stated that they were directed by the Executive Engineer PWD, Daman to accompany him and to

carryout the field survey of hotel Jazira at Devka for measurement of the said hotel building. Hence the measurement was carried out. The statement of Shri Ramubhai Dahyabhai Patel, Dy. Sarpanch, Marwad Group Gram Panchayat, was recorded who stated that during his tenure as sarpanch in the year 1991, the partner of Hotel Jazira has submitted the construction plan for approval in the panchayat and after all the office procedure on the basis of the plan technically approved by the Town Planning Department the panchayat had granted a construction licence in the matter. In the year 1994, he received a letter from BDO, Daman vide No.BDO/VPI/PLAN/94-95/92 Dated 09/12/1994 informing to take necessary action as per Goa, Daman and Diu village Panchayat Regulation, 1986. Accordingly he issued notice to the concerned party vide No.VP/Notice/ ill.const./94-95/484 dated: 19/01/1995 asking the explanation within 7 days in the above regards, but he has not received any reply from the party.

(7) The I.O has recorded the statement of Shri Bharat Gupta, Asst. Engineer P.W.D., Daman, who stated that he received a construction file of hotel Jazira at Devka in the month of November 1991 for Technical recommendation. Since the proposed plan was in the coastal area, he had consulted the Supdt.Engineer P.W.D., Daman regarding the applicability of relevant CRZ as

stipulated under the Coastal Regulation Act, 1986. Hence, after asserting the permissibility of construction the plan was Technically recommended by him on 24/12/1991. Thereafter on 09/03/1992 a detail report was asked by the collector regarding ongoing construction activities of Hotel Jazira. The report was submitted vide No.PWD/DMN/SUB-II/2271/92 Dated: 11/03/1992. Accordingly a meeting was called by the collector with the owner of Jazira to decide the issue and finally the collector had decided that the owner of hotel Jazira had to demolish/remove the additional construction area of plinth not stipulated in the approved plan. After completion of the investigation report came to be filed by the I.O vide No.PSI/DMN/CRIME/97/4404 dated: 30/07/1997.

(8) On the basis of the police report cognizance of the offence has been taken and accordingly process was issued against the accused. In response to the summons issued to the accused, he appeared before the court.

(9) My predecessor framed charge against accused vide Exh.22. The charge was read over to the accused to which he pleaded not guilty and claimed to be tried. The prosecution examined five witnesses. The statement of accused as per section

313 of code of criminal procedure has been recorded vide Exh.84. the defense raised by the accused is of total denial.

(10) Following points arise for determination and findings thereon are recorded for the reasons given there under:

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
(1)	Whether the prosecution proves that the accused partner of Hotel <u>Jaira</u> which is constructed on the plot No.10 within the limit of village Devka within the distance of 200 mts from the High tide line of the sea made additional construction illegally on 27/06/1994, Hence committed offence punishable under section 15 r/w 19 of Environment (Protection) Act, 1986.	In the Negative
(2)	What Order?	Accused is Acquitted

REASONS - As to points No 1.

(11) The prosecution examined in all 5 witnesses, in order to bring home the guilt of accused. The deposition of witness Manish Gupta (P.W.1) is at Exh.38, who is complainant. The deposition of witness Ashokkumar Patel (P.W.2) is at Exh.48. the deposition of witness Bharat Gupta (P.W.3) is at Exh.49. The deposition of Dr.Surya Prakash (P.W.4) is at Exh.67. the

deposition of Witness Danji Jadav (P.W.5) is at Exh.74., who is a investigating officer.

(12) The accused had not adduced oral or documentary evidence.

(13) Heard learned Special Prosecutor Shri J.G.Desai for the prosecution and learned Advocate Shri Mario Lopes for the accused. Perused the record and proceeding.

(14) It is the case of the prosecution, throughout the trial of this case, that the notification No. S.O. 114(6), dated 19/02/1991 issued by the Government of India, Ministry of Environment and Forest and Wild life, was amended by the Government of India in the year 1994, by Notification No. S.O. 595(E) dated 18/08/1994. However, the Hon'ble supreme Court in Writ Petition No. 664/1993 struck down the notification issued in the year 1994. Therefore, the notification of year 1991, prevails and any activity within a particular CRZ category has to be regulated in accordance with the provisions of the said notification. On the other hand the accused raised contention that the notification issued in the year 1994 by the Government of India made six amendments in the earlier notification issued in the year 1991, and the Hon'ble Supreme court in writ Petition No.

664/1993, as per judgement dated 18/04/1996, quashed only two amendments out of six amendments as mentioned above. Therefore the entire notification of 1994 is not quashed by the Hon'ble supreme Court as alleged by the prosecution.

(15) Therefore let us see what are the Notification of year 1991 and 1994. It is not in dispute that, the Central Government issued a notification dated 19-2-1991 in exercise of the powers conferred on it by clause (d) of sub-rule (3) of Rule 5 of the Environment Protection Rules, 1986. By this notification, it declared the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which were influenced by tidal action (in the landward side) up to 500 meters from the High Tide Line (hereinafter referred to as `HTL`) and the land between Low Tide Line (hereinafter referred to as `LTL`) and HTL as Regulation Zones. With regard to this area, it imposed, with effect from the date of the said notification, various restrictions on the setting up and expansion of industries, operation or processes etc. in the said Regulation Zones. It was clarified that for the purposes of this Notification that HTL was defined as the line up to which the highest high tide reaches at spring tide. This Notification provided for regulation of permissible activities. Furthermore, the coastal States and Union Territory Administrations were required to

prepare, within one year from the date of this Notification, Coastal Zone Management Plans identifying and clarifying the Regulation Zones areas within their respective territories in accordance with the guidelines contained in the notification and those plans were required to be approved, with or without modification, by the Central Government, Ministry of Environment and Forests. This notification also stipulated that within the framework of the approved Management Plans, all developments and activities within the Regulation Zones, except the prohibited activities and those which required environment clearance from Ministry of Environment and Forests, Government of India, were to be regulated by the State Government, Union Territory Administration or the local Authority, as the case may be, in accordance with the guidelines contained in Annexures I and II of this Notification. This notification also provides that till the Management Plans are prepared and approved, "all development and activities within CRZ shall not violate the provisions of this Notification". The State Governments and Union Territory Administrations were required to ensure adherence to the provisions of this Notification and it was provided that any violation thereof, shall be subject to the provisions of the Environment Protection Act, 1986. As per clause 4 of this Notification the Ministry of Environment and Forests and the State Government or Union Territory, and such other

authorities at the State or Union Territory levels, as may be designated for the purpose, shall be responsible for the monitoring and enforcement of this Notification within their respective jurisdictions. There are two annexures, namely, Annexure I and Annexure II to this Notification. Annexure I contains the Coastal Area Classification and Development Regulations which are for general application. Annexure II is the specific provision which contains the guidelines for development of beach resorts/hotels in the designated areas of CRZ III for temporary occupation of tourists/visitors with prior approval of the Ministry of Environment and Forests. Annexure I consists of clause 6(1) which relates to the classification of Coastal Regulation Zones. The norms for regulation activities in the said zones are provided by clauses 6(2) for regulating development activities. The coastal stretches within 500 meters of HTL of the landward side are classified under clause 6(1) into four categories. The Clause 6(2) of Annexure I provides for norms for regulation of activities in CRZ I, II, III and IV. With regard to CRZ III, the norms for regulation of activities, inter alia, provide that the area up to 200 meters from the HTL is to be earmarked as "No Development Zone". The only exception is that there can be repairs of existing authorized structures but, the permissible activity in this zone is for its use for agriculture, horticulture, gardens, pastures etc. The norms further provide for

development of vacant plots between 200 and 500 meters of HTL in designated areas of CRZ III with prior approval of the Ministry of Environment and Forests for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines in Annexure II.

(16) There is copy of Notification of 1994. It appears that, as per this Notification there are amendments in paragraphs No.1.i.e.(a) and in item No.(i) of sub paragraph (1) of paragraph No.7 under Annexure II, of Notification of 1991 I.e.(b). In paragraph No. 1 there is substitution for the portion beginning with words "for purposes of the notification, the High Tide Line" and ending with the words "width of the creek, river, or backwater whichever is less" by which the figure 100 is replaced by figure 50 and in item No.(i) of sub paragraph (1) of paragraph No.7 under Annexure II, there is addition of proviso with explanation.

(17) The writ petition No.664/1993 before the Hon'ble Supreme Court was filed by Indian Counsel for Enviro-Legal Action a registered voluntary organization working for the cause of environment protection in India, under Article 32 of the constitution of India as a Public interest litigation. The main grievance in the said petition was that a Notification of 1991

(herein after referred as main notification) declaring coastal stretches as Coastal Regulation Zones, which regulates the activities in the said Zones had not been implemented or enforced. There was also a challenge to the validity of the notification of 1994, Whereby the main notification has been amended. The union territory of Daman and Diu and Lakshadweep were added alongwith state of Goa and islands of Andaman and Nicobars as respondent in this writ petition. The judgement in this writ petition is reported in 1996 (5) supreme court cases 281. The Hon'ble Supreme Court, in para No.29 of the judgement date 18/04/1996, observed that the notification dated 18/08/1994 made six amendments in the main notification. These amendments were made after the receipt of the report of a committee, headed by Mr. B.B.Vohra, which had been set up by the Central Government. There was reply filed by the Union of India justifying the amendments and giving reasons for the issuance of 1994 Notification. The Hon'ble supreme court quashed the amendment in paragraphs No.1: by which the figure 100 was replaced by figure 50 and newly added proviso in Annexure II in paragraph 7 in sub-paragraph (1)(item I), only.

(18) On the basis of the copies of the both Notifications and Judgement of the Hon'ble Supreme Court in Writ Petition No. 664

of 1993 it can be said that the notification issued in the year 1994 is not totally quashed by the Hon'ble Supreme Court as alleged by the prosecution.

(19) Now, let us turn towards the further case of the prosecution in this case. In short it is further case of the prosecution that, the accused did construction activities within 200 mts from the High tide Line. The accused has deviated from the approved plan and constructed additional. The act of the accused amounts to the violation of coastal Regulation Zone Notification. Therefore the accused is liable for the punishment provided under section 15 of Environment (Protection) Act, 1986.

(20) As this is a criminal trial the burden is on the prosecution to prove it's case beyond reasonable doubt. There is no burden on the accused. Therefore, the evidence of the prosecution is to be scrutinized by keeping in mind this aspect. The evidence of the prosecution consist oral and documentary evidence. The oral evidence of the prosecution consist testimony of 5 witnesses. The complainant Manish Gupta (P.W.1) deposed that, he received report from the Executive Engineer P.W.D, who was chairman of C.R.Z. Committee, about the construction activities undertaken by the accused. He also received report from Dy.Conservator of Forest, regarding violation of the Coastal

Regulation Zone, by the accused. As per report of committee the construction of the accused was within 200 mts, from H.T.L. The evidence of Ashokkumar (P.W.2) is that, he was present when the Executive Engineer measured and carried out inspection of the Hotel Zazira. The evidence of Bharat Gupta (P.W.3) is that, he was Assistant Engineer, Sub-Division -2, P.W.D. Nani Daman, from June 1991 to August 1992. During that period he had an occasion to visit the Hotel Zazira. At that time the collector Daman had directed to all engineers of P.W.D. Daman to inspect the premises of Hotel Zazira alongwith him to verify whether the construction was as per the approved plan or not. At that time it was found that some of the portion of ongoing construction was not in accordance with the approved plan. The said fact was brought to the notice of the collector present at the site. In this regard he submitted his report as he was directed to submit the report in the year 1995, When he was posted in O.I.D.C. the evidence of Dr.Surya Prakash (P.W.4) is in respect of Coastal Regulation Zone Management Plan. He deposed that Coastal Zone Management Plan was submitted to the Ministry of Environment and Forest for approval. The said Plan was approved by the said ministry after making certain changes. The approved Coastal Zone Management Plan was notified in the official Gazette of Union Territory of Daman and Diu. The witness Dhanji Jadav (P.W.5) is an investigating officer. He deposed that

the investigation of the Crime bearing No.05/97 (M) was carried out by him. He prepared panchnama of scene of offence in presence of two panch witnesses, he seized several documents, he recorded statements of witnesses. During course of investigation it was revealed that the construction carried out by the accused had not been carried out as per approved plan. Therefore he violated the Coastal Regulation Zone notification, and liable for for the punishment as per law.

(21) The documents i.e letter from the office of The Architect Planner, Daman, the approval letter from P.W.D., Daman at, Letter from office of Marwad Group Gram Panchayat, Report of Gram Panchayat, Notice, all are pertaining to the construction work at the plot No. 10 situated at village, Devka, i.e Hotel Zazira.

(22) The learned special prosecutor Shri J.G.Desai, argued that, the ownership of plot No.10, situated at Devka i.e. Hotel Jazira, is not denied by the accused. The evidence of prosecution witnesses and documents on record proved that the construction carried out at the above mentioned place was not as per approved plan. The evidence of investigating officer proved that the said construction was within 200 meters. Therefore there is violation of the provisions of Notification of 1991, at the hands of accused. So the accused is liable for the punishment as per law.

(23) The learned counsel for the accused argued that, in order to hold the accused liable for punishment, the prosecution has to first establish that, as per the Notification of 1991 that there was demarcation of the High Tide Line and Low Tide Line, for the purpose of measurement of the distance from the High Tide Line, towards the construction place. Unless the construction place comes within the distance of 200 meters from the High tide Line, there is no violation of the provisions of the Notification of 1991. The prosecution failed to prove the violation of Notification of 1991 at the hands of the accused. Therefore the charge against accused fails and accused is entitle for acquittal.

(24) It is true the ownership of plot no.10, situated at village Devka, i.e Hotel Zazira is not denied by the accused. The evidence of the prosecution witnesses and documents on records disclosed that, there were reports about the construction at the place plot No.10, situated at village Devka was not as per the approved plan, and there was additional construction work, which was not provided in approved plan. However, there is no evidence on record to prove the report of chairman of C.R.Z. committee, Executive Engineer P.W.D., Daman. Even original report or certified copy of the report is not produced. In absence of the proof of the actual measurement of the construction, by comparing

with the approved plan of the said construction it cannot be said that, the allegation of deviation from approved plan and additional construction are proved. Moreover, there is no evidence on record to establish that the construction carried out at plot No.10 situated at village Devka was within 200 meters. from the High Tide Line. Because, except the investigating officer Dhanji Jadhav (P.W.5) the other witness do not state that the distance between the construction place and High tide Line was measured. Though the investigating officer states that the said distance was measured, but he has not stated how he ascertained the High Tide Line at the time of carrying measurement.

(25) The provisions of the Notification of 1991 are mentioned earlier. As per this Notification of 1991, High tide Line means the line upto which the highest high Tide reaches at spring tides. As per this Notification, Coastal Regulation Zone (C.R.Z) means, the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters, which are influenced by tidal action (in the land word side) upto 500 meters from the High Tide Line and the land between the Low tide Line and High Tide Line. So also as per this Notification the Coastal States and Union Territory Administration have to prepare within period of one year from the date of this Notification, Coastal Zone Management plans

identifying and classifying the C.R.Z areas within their respective territories in accordance with the guidelines given in Annexure I and II of the Notification and obtain approval (with or without modifications) of the Central Government in the Ministry of Environment and Forests.

(26) The prosecution and defense both have referred copy of Notification issued by the Administrator, UT's of Daman and Diu and Dadra & Nagar Haveli, Daman dated 29/11/1996, during course of argument. It is mentioned in this Notification that, " Now after obtaining the approval of the CZMP for Daman from MOEF, GOI the Administrator, U.T of Daman and Diu and Dadra & Nagar Haveli is pleased to notify the Coastal Zone Management Plan for Daman District as per map annexed". As per this notification the Coastal Regulation Zones in Daman are described and classified. It is also made clear in this Notification that, the CZMP maps prepared by the Administration of Daman and Diu shall vetted by the chief Hydrographer, Government of India, Dehradun. Whenever, there is any doubt, development activity shall be permitted only after ground measurements from the HTL taking into consideration marks left by the water, presence of mangroves, mudflats and beach.

(27) On perusal of evidence of prosecution witnesses it appears that, there is no evidence about demarcation of High tide Line in order to measure the distance of 500 meter or 200 meter which require for the determination of the Coastal Regulation Zone. The witness Dr.surya Prakash (P.W.4) in his examination-in-chief itself stated that the determination of the high tide line and low tide line are crucial for determining the area under the C.R.Z. He further stated that their Administration referred this matter to Naval Hydrographer office for fixation of the high tide Line and Low tide Line in Daman. The Naval Department prepared the map with only line which was not sufficient for determination of HTL and LTL. The investigating officer Dhanji Jadhav (P.W.5) also stated in his cross examination that, he had not investigated as to the demarcation of H.T.L in Daman by the authorized demarcating authority. The prime witness of the prosecution i.e. complainant Manish Gupta (P.W.1) in his cross examination stated that, he did not came across any approved map of the Coastal zone Management Plan for Daman district. Even at the time of filing of complaint he had not received any approved plan. It is fact on record that no plan produced by the prosecution till date, which was annexed to the Notification of Administration, Daman. It is come on record in cross examination of the investigating officer Dhanji Jhadav (P.W.5) that he had not referred any Central

Government C.R.Z. Notifiacation of 1991, or 1994, Notification of Administration Daman, during course of investigation. All these facts go to show that the allegation of violation of Notification in respect of Coastal Regulation Zone is without demarcation of High tide Line, without referring any approved Coastal zone Management Plan and without ascertaining the identification, classification of the coastal Regulation Zone. Therefore it cannot be said that the allegation act of making construction by the accused was within Coastal zone Regulation.

(28) It is argued by the learned Special Prosecutor that, though there is no reference of any demarcation of H.T.L, use of approved map at the time of making investigation but original Notification of 1991 provides that, in the interim period till the Coastal Zone Management Plans mentioned in Para 3(3) (i) are prepared and approved, all developments and activities within the CRZ shall not violate the provisions of this Notification. Therefore, action taken against the accused can be said to be as per Notification of 1991. This submission cannot be accepted for two reasons one is that, the Notification issued by the Administration Daman which states about the plan, description of C.R.Z, classification of CRZ is referred at the time of argument and other is that there is on evidence of ascertainment of H.T.L. At the time

of measurement of distance between H.T.L. and place of consideration.

(29) As per Notification issued by the Administration Daman dated 29/11/1996, the High tide Line could be ascertained by taking into consideration marks left by the water, presence of mangroves, mudflats and beach. Therefore, it was possible for the prosecution to measure the distance between the construction of accused and High tide Line before filling of the complaint. Even the investigating officer was also to do so during course of investigation. However, no such attempt had been made on behalf of the prosecution at any stage. In such circumstances, it can be said that the prosecution failed to prove it's case.

(30) The section 15 of Environment (Protection) Act, 1986, reads as under- Penalty for contravention of the provisions of the Act and the rules, order and directions - **(1)** whoever, fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued there under, shall in respect of each such failure to contravention be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during

which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub section (1) continues beyond a period of one year after the date of conviction the offender shall be punishable with imprisonment for a term which may extend to seven years.

(31) In order to hold the accused liable for punishment as per section 15 of The environment (Protection) Act, 1986, as far as this case is concerned it is necessary to establish the contravention of provisions of the Notification of 1991 issued by Ministry of Environment and Forests, Government of India, under section (3) (1) and section 3(2) (v) of this Act, by the accused. However, the prosecution failed to establish such contravention by the accused in this case. Therefore, accused cannot be held liable for punishment under this section. In such circumstances, the charge against fails and accused is not held guilty for the offence charged against him. Hence finding on the point No.1 is recorded in the negative.

(32) Reason- As to points No 2.

The accused is not found guilty in this case in which the charge had been framed under provisions of section 240 of the

code of criminal procedure. Therefore an order of acquittal can be recorded as per section 248 of code of criminal procedure. Hence in order record finding on point No.2, following order is passed:-

ORDER

- (I) The accused is acquitted of the offence punishable under section 15 of Environment (Protection) Act 1986 as per section 248 (i) of code of Criminal Procedure.
- (II) The bail bonds furnished by the accused stand cancelled.
- (III) The accused shall execute P.R. of Rs. 15,000/- with one surety in the like amount as per section 437 (A) of code of criminal procedure

[Judgment pronounced in open court]

Daman
Dated :-31/08/2013

S.Pol
21-8-13
[Suresh P. Pol]

Chief Judicial Magistrate,
Daman



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Total..... Rs. 96.4



ANNEXURE-A-5

UTDD010005312015



CERTIFIED COPY
 ZCC Superintendent,
 District & Sessions Court, Daman.

Presented on : 17-08-2015
 Registered on : 17-08-2015
 Decided on : 12-09-2023
 Duration : 08Y, 2M 25Ds

IN THE COURT OF SESSIONS JUDGE, DAMAN.

(Presided over by Shridhar M. Bhosale, Sessions Judge)

Criminal Appeal No.03/2015.Exh. No. 13

The Collector, Daman

....

Appellant

V/s.

M.G. Tandel,
 Partner of Hotel Jazira,
 R/o.Nani Daman.
 Daman

.....

Respondent

Appearance

Shri. J.G. Desai, Special Prosecutor for the Appellant-State.
 Shri. M. Lopes, Advocate for the Respondent.

J U D G M E N T(Delivered on this 12th day of September, 2023)

1] This is an appeal filed by the Collector, Daman (original complainant) being aggrieved with the judgment and order dated 31/08/2013, in R.C.C. No.64/2001 whereby the

respondent (original accused) were acquitted under Section 19 of Environment (Protection) Act, 1986 (here-in-after referred as 'Protection Act') by Ld. Chief Judicial Magistrate, Daman.

2] In short, the facts which arose for present appeal can be summarized as under :-

That the respondent is resident of Devka, Nani Daman have undertaken construction of a hotel building on plot No.10 at village Devka, within 200 mts. from high tide line and thus violated of coastal regulation zone III area notification dtd. 19/02/1991 issued by the Government of India, Ministry of Environment of Forests. The Collector has filed complaint before Ld. JMFC, Daman. The Ld. JMFC, Daman by order dated 27/06/1997 under Sec.156 (3) of the Code of Criminal Procedure (here-in-after referred as 'Cr.P.C.') directed the police station, Daman to register the crime. On receipt of the order with complaint, the police station Daman registered the Cri.No. 05/1997-M under Sec.15 r/w. Sec.19 of Environment (Protection) Act, 1996.

3] PSI, Dhanji Jadav then attached to the police station carried out further investigation. He visited the office of Collector and seized all the documents under the panchanama. He recorded the supplementary statement of complainant. During the investigation, it has been revealed that as per the provisions

of Sec.48 of the Village Panchayat Regulation Daman & Diu Collector called the record for the purpose taking action under Sec.50 of Village Panchayat Act. He also drawn the panchanama of the scene of offence and took the photographs of the scene of offence. He recorded statement of witnesses. Further, he attached the necessary resolution book of the Village Gram Panchayat. After completion of the investigation he has filed the charge-sheet.

4] Ld. Magistrate, on receipt of police report took the cognizance. The respondents-accused appeared and then Ld. Magistrate has framed the charge against the accused under Sec.15 r/w.19 of Environment Protection Act, to which accused pleaded not guilty. To prove the charge, the prosecution has examined in all five witnesses. The statement of accused was recorded under Section 313 of the Cr.P.C. by the Ld. Magistrate.

5] After hearing both the party and on the basis of the evidence, Ld. Trial Court come to the conclusion that the prosecution failed to prove the charge leveled against him and therefore acquitted the accused for the offence which he has been charged.

6] Being aggrieved with the judgment and order dated 30/08/2013 the present appeal came to be filed. In response to

Cri.Appeal No.03/2015 (Judg.)
The Collector V/s. M.G. Tandel

the notices, respondents-accused appeared through advocate.

7] Heard Ld. Spl. Prosecutor Shri. J. G. Desai for the appellant and Ld. advocate Shri. K.P. Desai for the respondent. Perused the written notes of arguments filed by the appellant.

8] Following points arose for my consideration. My findings thereon, followed by reasons thereof, are as under.

Points	Findings
1 Whether the construction carried by respondent on the plot No.10 in village Devka, was within the limit of 200 mts. from the high tide line of the sea, in contravention of notification dated 19/02/1991 and thus committed offence under Sec.15 of Environment Protection Act, 1986 ?	No.
2 Whether any interference is required by this court in the judgment and order dated 31.08.2013 in R.C.C. No.64/2001 by Ld. CJM, Daman ?	No.
3 What order ?	As per final order



REASONSAS TO POINT NOS. 1 AND 2 :-

9] Ld. advocate for the appellant vehemently submitted that on consideration of the panchanama, it could be well concluded that the respondent has carried out the construction of hotel within 200 mts. from the high tide line in plot no.10 of village Devka. It is submitted that the said Jazira exist of western side main tar road leading Daman to Devka and facing towards eastern direction. It is further submitted that after the main building on the seashore side there was one AC/PVC roof shed and the said construction is within 200 mts. from the high tide line is violation of Coastal Regulation Zone No.SO-114-E dated 19.02.1991 issued by the Government of India, Ministry of Environment & Forest & Ministry of Environment & Forest & Wildlife under Environment Protection Act and Rules made thereunder. He submitted that the said notification further amended by the Government of India in the year 1994 by notification dated 18.08.1994. He submitted that however the said notification was struck down by Hon'ble Supreme Court in Writ Petition No.664/1993, and thus now the notification dtd.19.02.1991 will prevail. He submitted that the Executive Engineer, PWD, Daman as well as the Dy. Conservator of Forest have made the inspection of the spot and made the report dtd. 27.06.1994 and 25.11.1996 respectively that construction is by

violating the notification. He submitted that all these material clearly indicate that there was a construction in violation of the notification. He submitted that it has been proved by the complainant-appellant that the respondent made the construction in violation of notification 29.11.1996 and thus proved the charge. He submitted that the Ld. trial Court has not properly appreciated the evidence. He submitted that the Ld. trial Court has also failed to consider the documents which were placed and proved by the complainant. He submitted that therefore the order of acquittal deserves to be set aside and respondent-accused be convicted.

10] Per contra, Ld. advocate for the respondent-accused vehemently submitted that on consideration of the oral as well as documentary evidence, the prosecution has failed to show that the high tide line and therefore on the basis of the report prepared by the various authorities would not sufficient to conclude the violation of notification issued under Environment Protection Act. He has brought attention of this Court to the power of the Central Government to protect and improve the environment as elaborately describe in Sec.3 of the Act in context to the notification on which the appellant placed reliance. He submitted that in absence of the material about the alleged construction was carried out within the high tide line as defined in the notification, the case of the appellant would not

succeed. He submitted that the Ld. Trial Court has rightly and properly appreciated the material and acquitted the respondent accused and therefore no interference is required by this Court.

11] Before appreciating and evaluating the oral and documentary evidence adduced by the appellant to prove the charge leveled against the respondents-accused, I would like to state the case of Dinesh Shakarrao Deshmukh V/s.. State of Maharashtra & ors., 2013 All MR (Cri.) 205 wherein it is observed that, “ it is well settled that while dealing with appeals from the orders of acquittals, this court would not interfere with the findings arrived at by the trial court, even if, two views of the matter would be possible. The interference would be justified only, if the view taken by the trial court would be perverse or would be an impossible view. It is not that the learned Judge ignored to take relevant and admissible evidence into consideration or that he based his conclusion on inadmissible material”.

A further reference can be made to the case of Ranjitham V/s.. Basavaraj & Ors. 2012 All MR (Cri.) 346(S.C) wherein it is held that, “ we are dealing with an appeal against acquittal. We are mindful of the principles laid down by this court through a long line of judgments which guide a court dealing with an appeal against an order of acquittal. Unless it appears to us that the impugned judgment is perverse, we cannot

interfere with it. If the view taken by the court acquitting the accused is a reasonably possible view, we cannot disturb it because the presumption of innocence of the accused is strengthened by the order of acquittal. If two views are possible on appreciating the evidence and if the view taken by the acquitting court is a reasonably possible view we cannot substitute it by the other view just because it appears to us to be possible view”.

12] On consideration of the submission of both the parties, it could be gathered that the appellant has placed hand upon the notification NoSO-114-E dated 19.02.1991 issued by the Government of India, Ministry of Environment & Forest & Wildlife. Admittedly, the Government of India has made an amendment in the notification of the year 1991 by notification No.SO-595-94 dated 18.08.1994. This notification were issued in exercise of the power confirmed of clause (a) of Sub-Rule (3) of Rule 5 of Environment Protection Rule, 1986. The notification of 1994 was challenged before the Hon'ble Supreme Court in Writ Petition 664/1993 and by judgment dtd. 18/04/1996 struck down only two amendments out of six amendment. Thus, the notification of the year 1991 will now prevail and any activity within CRZ category has to be as regularized in accordance with the provisions of notification of 1991.

13] As per the notification 1991 it declared that the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters, which were influenced by tidal action (in the landward side) upto 500 mts. from the high tide line and the land between low tide line and high tide line as Regulation Zones. Further, from the date of the said notification various restriction on the setting and expansion of operation or processes etc. were imposed in the said Regulation Zone. In the said notification high tide line was defined as line up to which the highest high tide reaches at spring tide. The notification mandate that the States and U.T. Administration were required to prepare within one year from the date of said notification, Coastal Zone management plan identifying and clarifying the Coastal Regulation Zone area within their respective territory in accordance with the guideline given in Annexure I -II of the notification and obtain approval, with or without modification by the Central Government, the Ministry of Environment and Forest. Further, it also states that within the frame work of the approved management plan all development and activity within the CRZ other than the covered in para 2 and para 3 (2) of the notification shall be regulated by the State Government, U.T. Administration or the local Authority as the case may be in accordance with the guideline given in Annexure I and II of the notification. It further state that in the CRZ, management plan mentioned in the para 3 (3) (i) shall be prepared and approved,

all development and activity within the CRZ shall not violate of the provisions of notification and the State Government and U.T. Administration shall ensure adherence, to the provisions/notification and in case of any violation, shall be subject to the provisions of Environment Act. Section 4 prescribe the procedure for monitoring and enforcement of the provisions of notification. Annexure – I of the notification contends coastal area clarification and development regulation. Annexure-II is the provisions which contents the guidelines for development of construction of hotels/beach in the designated are of CRZ -III for temporary occupation of tourist/visitors with prior approval of the Ministry of Environment and Forests. Further, coastal stretches within 500 mts. from the high tide line are classified in 4 categories. Moreover, it provide that the area upto to 200 mts. from the high tide line is to be demarked has no development zone. However, there is exceptions to the repairs of existing authorized structure for the permissible activity i.e for agriculture, horticulture, gardens, pastures etc. The norms further provide for development of vacant plots between 200 mts. and 500 mts. of high tide line in designated area of CRZ III with prior approval of the Ministry of Environment and Forests for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions maintain in the guidelines in Annexure II.

14] In the notification of 1994 which was challenged in writ petition before Hon'ble Supreme Court of India out of six amendment by order and judgment dtd. 18.04.1996, quashed amendment by which figure '100' was replaced by figure '50' and added proviso in Annexure – II in para 7 in Sub-para (1) (item – i)

15] The prosecution has examined PW1 the Collector-complainant by way of his affidavit in lieu of examination in chief. However, from his cross-examination it is very clear that he has filed the complaint on the basis of report prepared by other Government department and functionary and he has personal knowledge of it. He candidly asserted that he did not have map demarking the low tide line and distance of 500 mts. towards the landward side from the high tide line by Chief Hydrographer of Government of India, Dehradun. Further, he asserted he did not come across any approved map of the Coastal Zone Management Plan (CZMP) for Daman District which should have demarcated the high tide line and low tide line.

16] PW2 the Jr. Engineer was has carried out inspection of the Jazira building and took the measurement. His evidence speaks about only measurement of length and breadth of the building.

17] PW3 a Executive Engineer of PWD, Daman visited the spot of hotel Jazira alongwith Jr. Engineer to verify whether construction was as per the approved plan or not. According to him, some of portion of on going construction was not in accordance with approved plan. During the cross-examination, he stated that after her technical recommendation, the plan was sent to Panchayat for issuing licence and to town planner. He asserted that if the town planner had any objection to those recommendations then they have to object it to the Panchayat and as per his knowledge no objection were raised by the town planning department.

18] PW4 a Dy. Conservator of Forest deposed about the notification of 1991 and 1994. He testified that the recommendations of the Ministry of Environment and Forest were incorporated in the Coastal Zone Management Plan and after that they submitted CZMP to the Ministry of Environment and then they approved after making certain changes. He has produced the map of the CZMP notified in the official gazette. According to him, the map Ex.70 was prepared by the Naval Hydro Grapher, Government of India, Dehradun for demarcation of high tide line in sea in District of Daman. according to him determination of high tide line and low tide line are crucial for determining area under CRZ. He further deposed that their administration referred Naval Hydro Grapher of it for fixation of

high tide and low tide line in the Daman but they prepared the map with only one line which was not sufficient to determine high tide and low tide line unless it was fixed with certain physical permanent features like stone, rock etc. During the cross-examination, he admitted that Administration of Daman and Diu has notified the Coastal Zone Management Plan for Daman in November, 1996. However, no map was annexed with the said notification of 1996.

19] PW-5 PSI Dhanji Jadav PSD, deposed about the investigation carried out by him. However, though the complainant placed reliance upon the notification of 1991, testified that he has not gone through the notification of 1991 and 1994 as well as the notification of 1996 issued by Administration of Daman. Moreover, he asserted that the high tide line is not permanent and varies as per the tidal action. He further candidly asserted that he could not observed high tide line on the land upto which the highest water line reaches during the spring tide. Moreover, he failed to identify the authorize demarketing authority as per CRZ notification. Further, he also transpired that the town planning authority is competent authority to approve construction plan. But he did not make enquiry with the Town Planning Officer about the approval of construction plan of respondent-accused.

20] Thus, on consideration of the oral and documentary evidence, it could be well concluded that for the purpose of ascertaining the violation of notification, the demarcation of high tide line and low tide line is very much necessary. It is the appellant-State has to prove that the construction was carried out within the distance of 200 mts. from high tide line but there is no any evidence to show actual measurement of the construction comparing with admitted plan of it. Further, evidence of PW4 speaks that Naval Hydro Grapher requested for fixation of high tide and low tide line in the Daman but they prepared the map with only one line which was not sufficient to determine high tide and low tide line unless it was fixed with certain physical permanent features like stone, rock etc. Further, it is also not the case of the appellant that the construction side was measured on the basis of admitted position high tide line. Further, there is no material to show that CRZMP map prepared by the Administration of Daman and Diu approved by the Chief Highdrographer, Government of India, Dehradun. Thus, there is no evidence about demarcation of high tide line to ascertain the demarcation of coastal regulation zone. Thus, without demarcation of high tide line, and without any approval of coastal management plan and without ascertaining the identification of coastal regulation zone, the prosecution has been initiated. Thus, the complainant-prosecution has failed to show that the construction was carried out within 200 mts. of

high tide line.

21] Thus, Ld. trial court has properly considered both the notification as well as the material on record and come to the conclusion that the prosecution failed to prove the charge. In my considered opinion the findings recorded by the Ld. trial court is well supported the material placed by the parties, and examined on tenor of cross-examination of the witnesses. Hence, I do not found any perversity in the impugned judgment and order. Thus, there is no necessity to interfere in the judgment. Accordingly, I answer the aforesaid points in the negative and proceed to pass the following order.

ORDER

- 1) Criminal Appeal No.03/2015 filed by the Collector, Daman stands dismissed and accordingly disposed off.
- 2) R & P sent back to the trial Court.

Place : Daman
Date : 12/09/2023

(Signature)
(Shridhar M. Bhosale)
Sessions Judge,
Daman.



CERTIFIED COPY
(Signature)
Superintendent,
Sessions Court, Daman

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Application Form under Right to Information Act, 2005
(Ministry of Environment & Forests in Paryavaran Bhavan, New Delhi)

To,
Under Secretary & Nodal Officer (RTI),
Ministry of Environment, Forest and Climate Change
Jal Block, 1st Floor, Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj, New Delhi 110003.

- 1(a) Name and Address of the Applicant : **Deepesh Thakorbbhai Tandel** ,
House No. 14-77/D-1/F-1, Krishma Kunj, Lane No. : 6, Dilip Nagar, Daman – 396 210.
(b) E-mail address: **deepeshtandel@gmail.com**
(c) Phone/Fax. No. : **9825127082**

2. Date of Submission of Application : **30/03/2026**

3. Subject Matter: **Approved Coastal Zone Management Plan (CZMP) of Daman District of U.T of Daman & Diu in accordance with CRZ Notification-1991.**

4. Details of Information requested:

4.1> **Certified Copy of Approved Coastal Zone Management Plan (CZMP) of Daman District by Ministry of Environment & Forest in accordance with CRZ Notification-1991.**

4.2 > **Certified Copy of Approval Letter issued by Ministry of Environment & Forest to U.T Administration of Daman and Diu by which Coastal Zone Management Plan (CZMP) is approved by Ministry of Environment & Forest in accordance with CRZ Notification -1991.**

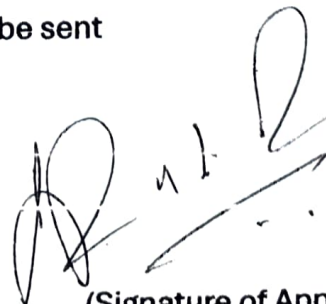
5. Period to which the information relates : **Between 01/01/1991 to 31/12/1996.**

6. Fee enclosed (in cash/DD/Banker's cheque) : **Rs. 10/- IPO No. 146006 & Rs. 10/- IPO No. 146007**

7. Due dates by which information is to be furnished
(30 days from submission of application)

8. How the applicant would like his information to be sent

- (a) By post ✓
(b) To be collected by hand
(c) By e- mail
(d) By fax



(Signature of Applicant)

(Deepesh Tandel)

F. No. 20/18/2024-IA.III
Government of India
Ministry Of Environment, Forest and Climate Change
IA-III Division (CRZ)

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi - 110003
04th April, 2026

To

The Member Secretary
Daman & Diu Coastal Zone Management Authority,
Conference Hall, Secretariat,
Moti Daman - 396220.

Subject: RTI application No. MOENF/R/P/26/00196- Regarding.

Sir/Madam,

This is with reference to your RTI applications No. **MOENF/R/P/26/00196** seeking copies of Approved Coastal Zone Management Plan (CZMP) of Daman District of U.T of Daman & Diu in accordance with CRZ Notification-1991.

2. Upon review, it has been noted that the requested information falls under the jurisdiction of the Diu and Daman Coastal Zone Management Authority (DDCZMA). Accordingly, the application has been transferred to the respective Central Public Information Officers (CPIOs) of DDCZMA for appropriate action.

3. With this transfer, the Ministry considers the matter disposed of. KCZMA is requested to provide the information sought by the application in accordance with RTI act 2005. For any further correspondence or updates, the applicant may directly contact the concerned CPIOs of KCZMA.


(Dr. Ragavan P)

Scientist C/CPIO (SCMD)
MoEFCC, New Delhi

Copy to

1. The Under Secretary, RTI Cell, MoEF&CC, IPB, Jor Bagh Road, New Delhi-110003-for information.
2. Shri Deepesh Thakorbbhai Tandel, 14-77/D-1/F-1, Krishma Kunj, Lane No: 6, Dilip , Nagar Daman, Pin:396210, Email: deepeshtandel@gmail.com, Mobile: 9825127082
3. Office Copy/Guard File

436
Daman & Diu Coastal Zone Management Authority
Office of the Director - cum-Deputy Secretary,
Forest, Environment and Wild life,
DNH & DD, Fort Area,
Moti Daman.
Daman-396220

No. PCC/DDCZMA/RTI/2019-20/ 09

Dated : 14/05/2026.

Sub : Application for information – reg

Ref : Your application dated 30.03.2026 addressed to the Under Secretary & Nodal Officer (RTI), MoEF & CC, New Delhi

With reference to your application dated 30.03.2026 received on 15.04.2026 for the following information are as under;

1.	Certified Copy of Approved Coastal Zone Management Plan (CZMP) of Daman District by Ministry of Environment & Forests in accordance with CRZ Notification-1991	<p>It is informed that a detailed and diligent search of the records available in the office of the Daman & Diu Coastal Zone Management Authority (DDCZMA) has been carried out.</p> <p>However, the records pertaining to the approval of CZMP under the CRZ Notification, 1991 are not available in the custody of this office.</p> <p>In this regard, it is submitted that under the provisions of the Right to Information Act, 2005, only such information as is held by or under the control of a public authority and available in material form can be provided. Since the requested records are not available with this office, the same cannot be furnished.</p>
2.	Certified Copy of approval letter issued by Ministry of Environment & Forests to UT Administration of Daman & Diu by which Coastal Zone Management Plan (CZMP) is approved by Ministry of Environment & Forests in accordance with CRZ Notification-1991	Same as above



Member Secretary,
Daman & Diu
Coastal Zone Management Authority,
Daman

To,
Shri Deepesh Thakorbbhai Tandel,
H. No. 14-77/D-1/F-1,
Krishna Kunj, Lane No. 6,
Dilip Nagar, Daman.



ANNEXURE-A-7

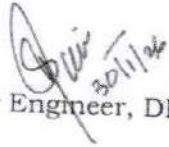
JOINT SITE INSPECTION REPORT

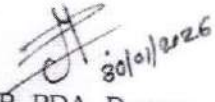
A joint site inspection was conducted by the undersigned officers for the purpose of verifying and ascertaining the distance of the building known as "Al-Saad Terrace", situated on Survey No. 50/130 H, I & K at Khariwad, Nani Daman, from the High Tide Line (HTL -as demarcated in ODP 2023) of the Daman Ganga River.


- Date of Inspection : 30.01.2026
- Location: Al-Saad Terrace, on survey No. 50/130 H, I & K at Khariwad, Nani Daman.
- Officials Present :
 - Chief Officer, Daman Municipal Council.
 - Mamlatdar, Daman.
 - Enquiry Officer, City Survey, Daman.
 - Junior Town Planner, PDA, Daman.
 - Junior Engineer, Daman Municipal Council.
- Scope and Observations: During the course of the joint site inspection, the physical location of the aforesaid building was examined with reference to the High Tide Line (HTL) as indicated in the Outline Development Plan 2023. Upon verification at site, it was observed that the "Al-Saad Terrace" building is situated within 100 meters from the High Tide Line (HTL) of the Daman Ganga River.


Based on the site inspection carried out by above officers, it is observed that the "Al-Saad Terrace" building located on survey No. 50/130 H, I & K at Khariwad, Nani Daman, lies within 100 meters from the High Tide line as indicated in the ODP 2023.

The map showing location of the said plot, High Tide line (HTL) and line showing 100m line from HTL is enclosed with the report.


Junior Engineer, DMC


JTP, PDA, Daman


Mamlatdar/ EOCS, Daman


Chief Officer, DMC

Stand

438





DAMAN MUNICIPAL COUNCIL, DAMAN
OFFICE OF THE CHIEF OFFICER, FORT AREA,
MOTI DAMAN.



Ph. No. 0260 2230879, 2230666.

email :codmc-daman-dd@nic.incodmc.daman@gmail.com

No. 4/3-45/DMC/2012-13/CZMA/25-26/6015

Dated: - 30/01/2026.

To:

✓ The Member Secretary,
 Daman & Diu Coastal Zone Management Authority,
 Daman.

Sub: Submission of Joint Site Inspection Report in respect of "Al-Saad Terrace" building at Khariwad, Nani Daman – reg.

Ref:

1. This office letter No. 4/3-45/DMC/2012-13/CZMA/25-26/3864 dated 15.01.2026
2. Your office letter No. DDCZMA/CRZ/VIO/AST/2025-2026/51 dated 27.01.2026
3. Your office letter No. DDCZMA/CRZ/VIO/AST/2025-2026/53 dated 28.01.2026

Sir,

With reference to the subject cited above and in compliance with your office letter dated 28.01.2026, a Joint Site Inspection was carried out on 30.01.2026 by the officers of the Damam Municipal Council, Planning & Development Authority, Mamlatdar Office, and City Survey Office to ascertain the exact location of the building known as "Al-Saad Terrace", situated on Survey No. 50/130 H, I & K at Khariwad, Nani Daman, with reference to the High Tide Line (HTL) as demarcated in the Outline Development Plan (ODP) 2023.

During the course of the inspection, the physical location of the said building was verified on site with reference to the HTL of the Damam Ganga River. Upon verification, it was observed that the "Al-Saad Terrace" building is situated within 100 meters from the High Tide Line (HTL) as indicated in the ODP 2023.

Accordingly, it is confirmed that the building located on Survey No. 50/130 H, I & K at Khariwad, Nani Daman, falls within 100 meters from the HTL.

The Joint Site Inspection Report, duly signed by the inspecting officers, along with the map showing the location of the plot, the HTL, and the 100-meter line from the HTL, is enclosed herewith for your kind perusal and further necessary action.

This is submitted for your information and further directions.

O/o the Deputy Secretary (Forest, Evn. & WL)	
UT of D&NH and Damam & Diu	
Inward No. 13	Date 02/02/26
Outward No.	Date

(Dr. Sanjam Singh)
 Chief Officer,
 Damam Municipal Council,
 Damam.



Copy to:

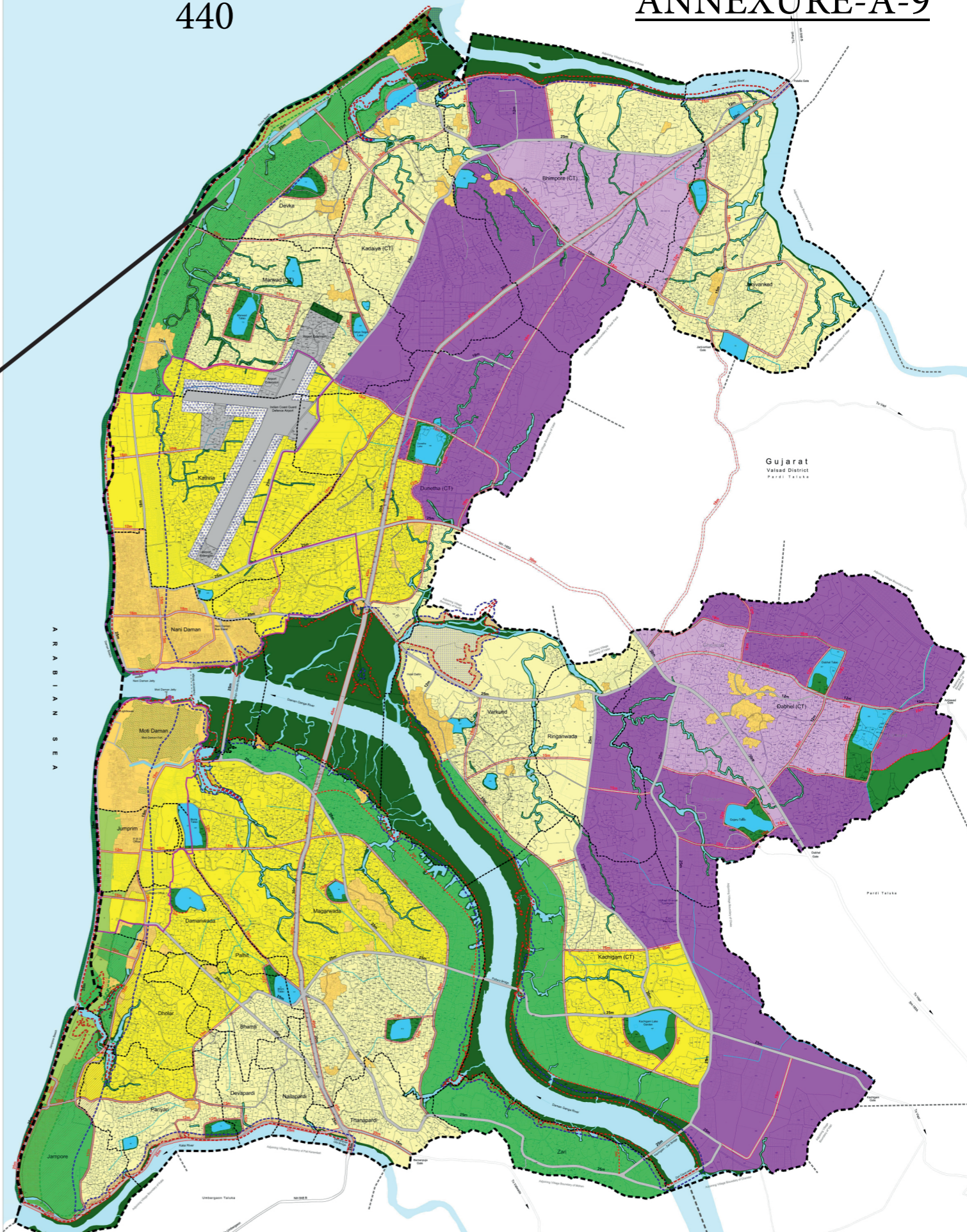
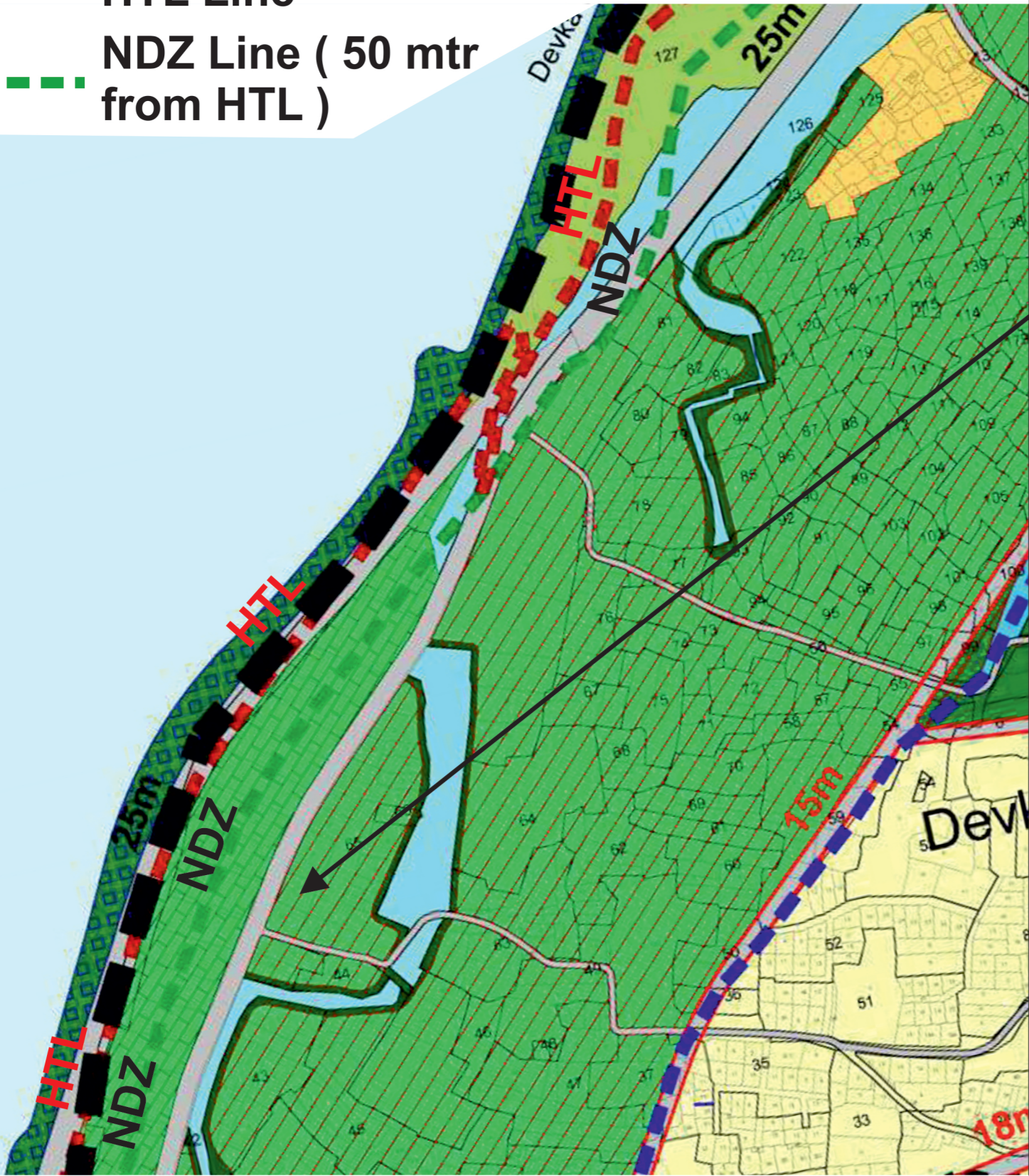
- 1) The Collector, Damam
- 2) Guard File.

Notified ODP of Daman (GDR-2023) dt. 24/10/2023

440

ANNEXURE-A-9

- - - - - HTL Line
- - - - - NDZ Line (50 mtr from HTL)



District Boundary	Preservation Zone I	Industrial Zone I	Development Zone II
Taluka Boundary	Preservation Zone II	Industrial Zone I-A (CRZ - IA)	Development Zone II-A (CRZ - IA)
DMC Boundary	Recreational Zone I	Industrial Zone I-C (CRZIII - NDZ)	Development Zone II-B (CRZ - IB)
Village Boundary	Recreational Zone I-A (CRZ - IA)	Industrial Zone II	Development Zone II-C (CRZIII - NDZ)
Survey Plot Boundary	Recreational Zone I-B (CRZ - IB)	Core Area and Gaothan	Development Zone II-D (CRZIII - Beyond NDZ)
Gaothan Boundary	Recreational Zone I-C (CRZIII - NDZ)	Core Area and Gaothan - A (CRZ - IA)	Transportation
Canal	Recreational Zone I-D (CRZIII - Beyond NDZ)	Core Area and Gaothan - C (CRZIII - NDZ)	Airport NDZ
River / Natural Drains	Recreational Zone II	Development Zone I	CRZ Lines & Boundary
Lake / Ponds	Recreational Zone II-A (CRZ - IA)	Development Zone I-A (CRZ - IA)	High Tide Line (HTL)
Existing Road	Recreational Zone II-B (CRZ - IB)	Development Zone I-B (CRZ - IB)	CRZ Boundary
Proposed Road	Recreational Zone II-C (CRZIII - NDZ)	Development Zone I-C (CRZIII - NDZ)	NDZ Line
Proposed Pedestrian	Recreational Zone II-D (CRZIII - Beyond NDZ)	Development Zone I-D (CRZIII - Beyond NDZ)	

