

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
(WESTERN ZONE) BENCH AT PUNE  
APPEAL NO. 165 OF 2024 (WZ)

BETWEEN

ALCHEMIST ASSET RECONSTRUCTION CO. LTD.

...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ANR.

...RESPONDENTS

**REJOINDER ON BEHALF OF APPELLANT TO THE AFFIDAVIT-  
IN-REPLY FILED BY RESPONDENT NO. 1 - GOA COASTAL ZONE  
MANAGEMENT AUTHORITY (GCZMA)**

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*Most Respectfully Sheweth:*

1. The captioned Appeal has been filed by the Appellant seeking quashing and setting aside of the Approval dated 23.09.2024 bearing Ref. No. GCZMA/A/Shack-Hut-Cott-Tent/23-24/50/1961 (hereinafter referred to as "**Impugned Approval**") issued by Respondent No. 1 - Goa Coastal Zone Management Authority ("**Respondent No. 1 - GCZMA**") for permitting the Respondent No. 2 to erect temporary 25 Huts and 1 Shack on a piece of land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3 situated at Agonda Village, Canacona, Goa and for complete demolition of structures, if any constructed, in pursuance of the Impugned Approval on the said land, thereby restoring the land to its original condition and / or such other orders. The relevant factual aspects, as set forth in the captioned Appeal are incorporated herein by reference and shall be deemed to form part of this Rejoinder for brevity and convenience.

2. At the very outset, it is submitted that the Impugned Approval is null and void *ab initio*, having been obtained through gross procedural



impropriety, deliberate suppression of material facts, and blatant disregard for statutory obligations, on the following, amongst other, grave and compelling grounds:

- a. Respondent No. 1-GCZMA wilfully turned a blind eye to repeated, specific, and time-bound correspondences sent by the Appellant, including letters dated 13.08.2024, followed by reminder letters dated 22.08.2024, 02.09.2024, and 13.09.2024, which unequivocally placed the Authority on notice about serious title disputes, ongoing encroachments, and unauthorized commercial structures on Survey Nos. 101/1 and 101/3. The Appellant had categorically requested immediate revocation of any existing permissions, if issued, and demolition of illegal constructions. Crucially, *vide* letter dated 08.10.2024, the Appellant expressly urged the Authority not to proceed with the Impugned Approval as doing so would constitute a direct violation of Para 18 of the Impugned Approval's conditions. Despite these repeated and documented objections, the GCZMA proceeded in callous disregard, betraying not only its statutory mandate but also acting adversely to public interests (*as stated in detail in Paras 5-19 of the captioned Appeal*);
- b. The Impugned Approval was procured by Respondent No. 2 through gross misrepresentation, concealment of critical facts, and fraudulent submissions, thereby approaching the statutory authority with unclean hands and abusing due process with the sole intent to gain unlawful commercial benefit in a highly ecologically sensitive area. Respondent No. 2's conduct is replete with *mala fides* and constitutes an abuse of process warranting immediate revocation of the approval granted (*as detailed in Paras 20-32 of the captioned Appeal*);



- c. Respondent No. 1-GCZMA's conduct is marked by utter lack of due diligence, non-application of mind, and what amounts to an abdication of its statutory responsibilities as the designated regulatory authority under the Coastal Regulation Zone Notification, 2011 (**CRZ, 2011**). The GCZMA has, by its inaction and casual endorsement of the Impugned Approval, betrayed its role as custodian and watchdog of Goa's coastal ecosystems, particularly in respect of the critically sensitive Turtle Nesting beach of Agonda. The dereliction exhibited is not merely administrative but borders on institutional complicity in environmental degradation (*for this submission, reference may be taken from Paras 34-42 of the captioned Appeal*);
- d. The complete failure of Respondent No. 1-GCZMA to preserve and protect the ecological sanctity of Agonda beach, in clear contravention of the CRZ, 2011, and the applicable Beach Carrying Capacity Report (**BCCR**), further reinforces the illegality of the Impugned Approval. The approval flies in the face of binding environmental safeguards and scientific assessments, rendering it wholly unsustainable in law (*as dealt with in Paras 50-59 of the captioned Appeal*) A copy of the CRZ Notification 2011 has been attached herewith and annexed as **Annexure A-1**;
- e. The lands in question i.e. Survey Nos. 101/1 and 101/3 of Agonda Village, are unpartitioned properties with multiple co-owners, including Dugal Projects Development Co. Pvt. Ltd. (**DPDCL**), which holds 4,062.5 sq. mtrs. in Survey No. 101/1 and 10,625.5 sq. mtrs. in Survey No. 101/3 under registered sale deeds dated 24.04.1982, 28.04.1982, 17.12.1982, 18.12.1982, and 11.05.1987. This longstanding and legally established ownership was, and continues to be, the subject matter of pending disputes with various



unauthorized occupants, facts that were fully known to Respondent No. 1-GCZMA, yet recklessly disregarded while issuing the Impugned Approval. Such actions constitute a serious miscarriage of justice and a subversion of lawful ownership rights (*as detailed in Paras 43-48 of the captioned Appeal*).

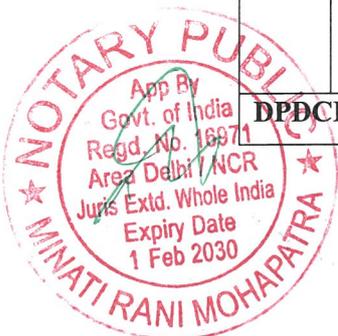
3. Furthermore, it is respectfully submitted that Respondent No. 1-GCZMA acted in brazen contravention of its own binding policy commitments and regulatory framework while issuing the Impugned Approval. Having expressly and unequivocally accepted the recommendations of the BCCR, *vide* Minutes of the 135<sup>th</sup> Meeting held on 03.01.2017 (*annexed as Annexure A-25 to the captioned Appeal*), Respondent No. 1-GCZMA had effectively and irrevocably self-restricted its authority to grant any further permissions for tourism-related structures on Agonda Beach. The BCCR, after due scientific and environmental assessment, had clearly concluded that the carrying capacity of Agonda Beach was 'Zero' (NIL) and had categorically recommended that no additional shacks, huts, tents, or cottages be permitted under any circumstance. This recommendation was accepted by GCZMA *in toto*, leaving no scope for discretionary deviation. This policy position was reaffirmed yet again in the 193<sup>rd</sup> Meeting of GCZMA held on 21.02.2019, the minutes of which further substantiate the Authority's continued commitment to uphold the BCCR findings. Yet, in utter disregard of these categorical restrictions and its own stated stance, Respondent No. 1-GCZMA proceeded to grant the Impugned Approval to Respondent No. 2, thereby acting in flagrant violation of the BCCR, the CRZ, 2011, and the principle of consistency in administrative decision-making. This constitutes not just administrative arbitrariness but a reckless abdication of public duty. Reference may



also be made to Paragraphs 50–57 of the captioned Appeal *apropos* this submission.

4. In response to the contentions raised by Respondent No. 1-GCZMA, which are being dealt with in detail hereunder, it is pertinent herein to reiterate that the ownership and possession structure of Survey Nos. 101/1 and 101/3 of Agonda Village, is clearly documented and has been comprehensively set out in the captioned Appeal at Paras 43-48. It is submitted that Dugal Projects Development Co. Pvt. Ltd. (“DPDCL”) is the lawful owner of 14,688 sq. mtrs. of land across the said survey numbers, acquired through five registered sale deeds between 1982 and 1987, duly recorded with the Sub-Registrar, Canacona. This land, together with other parcels aggregating to approx. 358,814 sq. mtrs., stands equitably mortgaged in favour of the Appellant and remains *custodia legis* under judicial protection by virtue of various orders passed by the Hon’ble Bombay High Court dated 08.07.1991, Order dated 08.05.2019 passed by Hon’ble NCLT Mumbai, and the Order dated 18.04.2022 passed by Hon’ble Supreme Court. For sake of convenience, the following chart may be pursued as regards the ownership structure of Survey Nos. 101/1 & 101/3 *vis-a-vis* DPDCL:

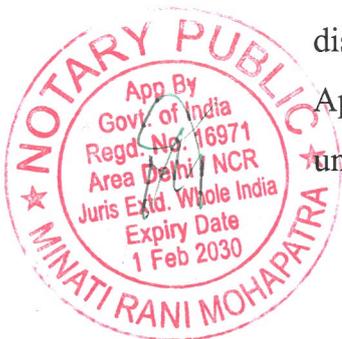
NO.	PARTICULARS OF LAND OWNERS	LAND UNDER SURVEY NO. 101/1 (sq. m.)	LAND UNDER SURVEY NO. 101/3 (sq. m.)
	<b>Original Area</b>	<b>6500</b>	<b>17000</b>
	Carved out into Survey No. 101/1-A	575	--
	Carved out into Survey No. 101/3-A	--	594
	<b>Balance area as per Form I &amp; XIV after creation of Survey Nos. 101/1A &amp; 101/3A</b>	<b>5925</b>	<b>16406</b>
<b>DPDCL Ownership –via Sale Deeds:</b>			



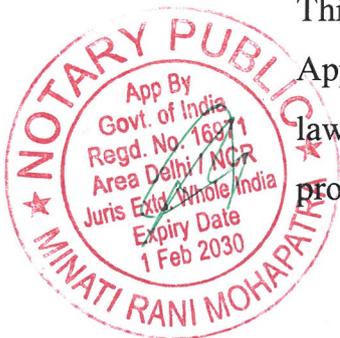
1.	Sale Deed (Serial No. 72/82)	1625	4250
2.	Sale Deed (Serial No. 73/82)	1625	4250
3.	Sale Deed (Serial No. 163/82)	406	1062
4.	Sale Deed (Serial No. 160/82)	135.5	354.5
5.	Sale Deed (Serial No. 54/87)	271	709
<b>A</b>	<b>Total Land area purchased by DPDCL</b>	<b>4062.5</b>	<b>10625.5</b>
<b>B</b>	<b>Land available after excluding land owned/ held by DPDCL</b>	<b>1862.5</b>	<b>5780.5</b>

A copy of Encroachment Chart have been attached herewith and annexed as **Annexure A-2**.

5. It is further respectfully submitted that no partition has taken place in Survey Nos. 101/1 and 101/3, and the remaining areas therein are held by other co-owners, pertinently not including Mr. Kritesh Vaikunth Naik Gauncar or Mrs. Manisha Mahesh Gaonkar, who therefore possess no right, title or interest in the land. Nevertheless, these individuals, as purported partners of M/s Mallikarjun Agro & Eco Resort, have unlawfully executed a Leave and License Agreement dated 16.05.2024 in favour of Respondent No. 2 and his business partner, Binesh Thapa (representing M/s Simrose Resorts Pvt. Ltd.), purporting to license 3,000 sq. mtrs. of land that falls within the Appellant's mortgage-secured property. This agreement is manifestly illegal, malafide, fraudulent, collusive and void *ab initio*. Moreover, significant encroachments on 2,089 sq. mtrs. in Survey No. 101/1 and 5,146 sq. mtrs. in Survey No. 101/3, have already occurred, and yet, without due diligence and application of mind, Respondent No. 1-GCZMA has granted the Impugned Approval to Respondent No. 2 for construction over this disputed and encumbered land. Accordingly, the said Impugned Approval, based on a patently defective, invalid, collusive and unauthorised Agreement, deserves to be revoked with immediate effect.



6. It is further submitted that despite taking three adjournments on the pretext of seeking instructions and filing reply, the Respondent No. 1 Authority-GCZMA has miserably failed to answer the core issues raised in and the merits of the captioned Appeal. It is submitted that the conspicuous silence on the part of GCZMA on the said aspects implies admission on their part of all the issues and grounds raised in the captioned appeal, both legal and factual.
7. The limited response filed by the Respondent No. 1-GCZMA pertains to issuance of a Show Cause Notice (“SCN”) dated 17.01.2025 to the Respondent No. 2 in relation to the Appellant’s complaint dated 07.02.2024 (much before the issue of Impugned Approval) and the ongoing proceedings arising out of the said SCN, thus evading and side-stepping the issues and grounds raised in the captioned Appeal.
8. In this regard, it is essential to clarify that the proceedings emanating from the SCN are distinct in nature and do not concern the Impugned Approval which is the central issue in the captioned Appeal. The present appeal challenges the Impugned Approval granted by GCZMA, which has been issued in violation of the CRZ, 2011 and other applicable laws. The captioned Appeal specifically questions the legality and propriety of the Impugned Approval, the failure to address environmental concerns, and the misrepresentation involved in obtaining the approval. In contrast, the SCN issued to Respondent No. 2 addresses alleged violations of the Impugned Approval, and is a procedural step taken when there are suspected infractions under the terms of that approval. This procedural action, therefore, cannot be conflated with the captioned Appeal, which questions whether the Impugned Approval itself was lawfully granted in the first place. Thus, both are independent proceedings, though taking place parallelly.



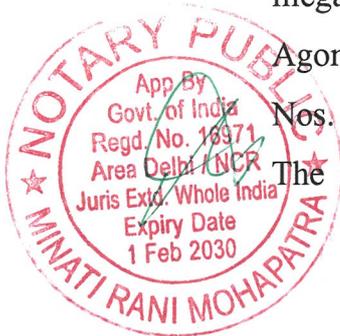
9. By focusing on the SCN in its Reply, Respondent No. 1-GCZMA has attempted to evade the substantive issues and grounds raised in the captioned Appeal. This attempt on the part of Respondent No. 1-GCZMA to divert and redirect the Hon'ble Tribunal's attention towards the SCN is nothing more than a mischievous tactic to deflect attention from its failure and inability to respond substantively to the Appellant's concerns. The Reply filed by Respondent No. 1-GCZMA fails to address the fundamental question of whether the Impugned Approval was issued in accordance with the law, and whether proper environmental safeguards were kept in view while granting it.
10. Further, nothing has been placed on record with respect to the background in which the Impugned Approval came to be issued by the Respondent No. 1, and, the legal challenge raised by the Appellant regarding the same. The failure of Respondent No. 1-GCZMA to provide a detailed explanation or justification for the issuance of Impugned Approval underscores its evasive approach and lack of due diligence in addressing the issues raised in the captioned Appeal challenging the grant of Impugned Approval. Therefore, it is respectfully submitted that this side-stepping response by Respondent No. 1-Auhtority GCZMA be construed as a tacit acknowledgment of its failure to justify its action of granting the Impugned Approval, and as such, the captioned Appeal ought to be decided in favour of the Appellant on merits.

**FOR THE READY AND KIND PERUSAL OF THIS HON'BLE  
TRIBUNAL, THE BACKGROUND FACTS LEADING TO THE  
ISSUANCE OF THE SHOW CAUSE NOTICE DATED 17.01.2025 BY**



**THE RESPONDENT NO. 1 UPON THE RESPONDENT NO. 2, ARE STATED BELOW:**

11. As already stated in the captioned appeal, correspondences with the Respondent No. 1-Authority with respect to the land owned by DPDCL, and mortgaged to the Appellant, *inter alia* in Survey Nos. 101/1 and 101/3, started way back in the year 2019 onwards wherein it was pertinently brought to the notice of the Respondent No. 1-GCZMA about the said property being *custodia legis*. Thereafter, multiple other communications/ letters were issued by the (then) Resolution Professional of DPDCL, and, the Appellant herein, specifically requesting the Respondent No. 1-Authority not to grant any fresh sanction/ permission/ approval on the whole property belonging to DPDCL (and mortgaged to the Appellant) including the demised property in Survey Nos. 101/1 and 101/3 herein.
12. As a part of its continuous effort to safeguard the demised property measuring 14,688 sq. mtrs. in Survey Nos. 101/1 and 101/3, the Appellant wrote a complaint dated 07.02.2024 to the Respondent No. 1 about encroachments, illegal constructions and commercial operations on 26 beach front survey numbers. Pursuant to the said Complaint, a detailed 13 days site inspection was undertaken by Respondent No. 1 from 07.10.2024 to 24.10.2024, notably 08 months after the submission of the complaint.
13. Thereafter, in January 2025, a Public Interest Litigation (PIL) Writ Petition No. 36 of 2025 (F) was filed by a third party before the Hon'ble High Court of Bombay at Goa, raising environmental issued about illegal encroachments, constructions and violations of the CRZ, 2011 on Agonda Beach, including the land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3 on which the Impugned Approval has been given. The petition raised concerns over illegal constructions and the



inadequate enforcement of CRZ, 2011 by GCZMA, and sought orders for sealing and demolition of unauthorized commercial structures.

14. Following the High Court's intervention, Respondent No. 1-GCZMA issued 63 SCNs post-haste, including one to Respondent No. 2, based on the Appellant's complaint dated 07.02.2024 and the aforementioned inspection held in October 2024. That, SCN dated 17.01.2025 issued to the Respondent No. 2 enlists the violations committed by Respondent No. 2, as follows:

- (1) *Encroachment on Govt. land – Sy. No. 101/2*
- (2) *Encroachment on private areas – Sy. Nos. 102/6 & 102/7; and*
- (3) *Permanent Constructions:*
  - *Masonry Compound wall on 3 sides.*
  - *1 no. temporary structure (Reception)*
  - *1 no. permanent structure with mangalore tile roof*
  - *Attached to permanent structure 1 no. under construction M.S frame work structure.*
  - *1 no. permanent structure*
  - *Above the permanent structure (first floor), there is under construction MS framework.*
  - *22 nos. temporary huts on partly permanent base.*
  - *1 no. temporary restaurant on permanent base*
  - *Above the restaurant on first floor, 10 nos temporarily huts under construction noted.*
  - *2 nos. temporary huts on part permanent base & roof of huts used as yoga space covered with G.I sheet.*
  - *1 no. under construction structure with foundation depth of 1.5m deep.*
  - *1 no. OHT on metal framework*
  - *1 no. temporary under-construction structure on permanent base.*
  - *1 no. DG set on permanent base*
  - *1 no. concrete platform for water tank*
  - *Kadappa pavers to access.*



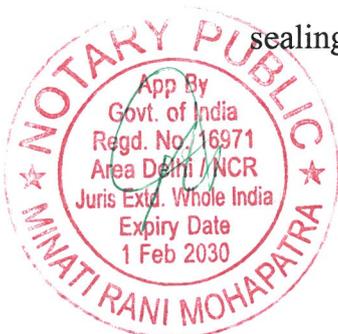
Furthermore, the said SCN also refers to unauthorized construction and occupation by Respondent No. 2 of Survey Nos. 102/6 and 102/7, which belong to DPDCL (and are mortgaged to the Appellant), as well as encroachment on Survey No. 101/2, which is Government land. A copy of the Show Cause Notice dated 17.01.2025 is attached herewith and annexed as **Annexure A-3**.

15. That the intervention application of the Appellant was allowed by the Hon'ble High Court in the said PIL. Further, on 24.02.2025, during a hearing in the PIL, the Hon'ble Court directed that, if any structures were found non-compliant, orders would be issued to stop commercial activities and seal the premises.

16. Further, on 19.03.2025, the Hon'ble High Court categorically observed that Respondent No. 1-GCZMA had failed to stop commercial activities in violation of the orders. The Court directed GCZMA to seal the premises of 67 noticees engaged in illegal commercial activities and ordered the authorities to act within 24 hours. The sealing was to be subject to the adjudication of the SCNs.

A copy of the Order dated 19.03.2025 passed by the Hon'ble High Court of Bombay at Goa in PIL WP No. 36 of 2025 (F) is annexed herewith and marked as **Annexure A-4**.

17. Thereafter, Respondent No. 2 filed an application seeking de-sealing, which was heard on 24.03.2025 and 25.03.2025. On 26.03.2025, the Advocate General appearing for Respondent No. 1-GCZMA made a statement in Court regarding de-sealing after verifying permissions for certain applicants. The Hon'ble High Court accepted the statement and noted that other entities would be independently scrutinized before de-sealing.



A copy of the order dated 26.03.2025 passed by the Hon'ble High Court of Bombay at Goa in PIL WP No. 36 of 2025 (F) is annexed herewith and marked as **Annexure A-5**.

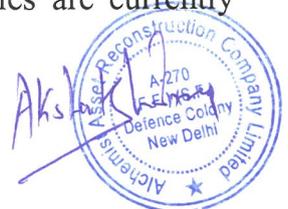
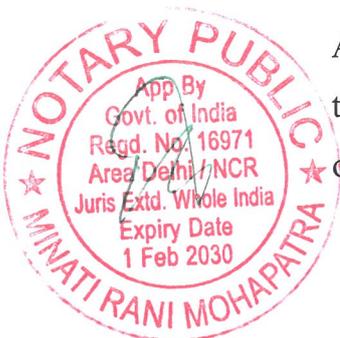
18. **Hearings before the GCZMA:**

- a. First hearing before the Respondent No. 1-GCZMA took place on 12.03.2025 under the SCNs issued by the said authority.
- b. Thereafter, pleadings were completed by the Appellant and Respondent No. 2 herein.
- c. Thereafter, over the course of several hearing, and after hearing oral arguments in the matter, the GCZMA has finally reserved the orders, *inter alia*, on the SCN issued to the Respondent No. 2 herein in their Meeting held on 13.08.2025. The said final order is awaited as on date.

A copy of Reply to SCN filed by Appellant in proceedings before GCZMA and Rejoinder filed thereof is attached herewith and annexed as **Annexure A-6** and **A-7** respectively.

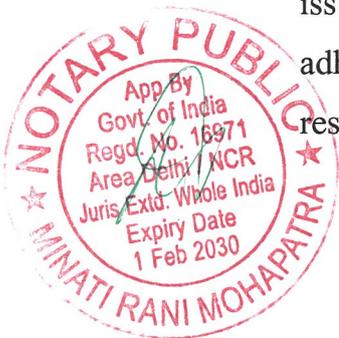
A copy of the 473<sup>rd</sup> Meeting of Respondent No. 1-GCZMA held on 13.08.2025 has been attached herewith and annexed as **Annexure A-8**.

19. It is reiterated at the cost of repetition that the land in Survey Nos. 101/1 and 101/3, is undivided and undemarcated, wherein 'Dugal Projects Development Co. Pvt. Ltd.' ("DPDCL") holds majority ownership admeasuring 14,688 sq. m. out of total area of 23,500 sq. m. in the Survey nos. 101/1 and 101/3. These properties are mortgaged to the Appellant-AARC, and no consent has been granted either by DPDCL or the Appellant-AARC to Respondent No. 2 for any form of construction or occupation. Importantly, these mortgaged properties are currently



*custodia legis*, and hence, no permission could have been legally granted on such land. The Appellant-AARC has already placed on record the registered Sale Deeds for Survey Nos. 101/1, 101/3, and the assignment of debt in its favour.

20. Infact, during the pendency of the Show Cause proceedings before the Respondent No. 1 authority, DPDCL entered appearance and expressly submitted *inter-alia* that they had never issued any kind of NoC/ Consent in favour of any of the encroacher on any part of the property owned by DPDCL (which is mortgaged to the Appellant).
21. Thus, the above fact strengthens the stand of the Appellant that the Respondent No. 2 herein is nothing but a rank encroacher on ground and that it has unlawfully obtained the Impugned Permission from the Respondent No. 1.
22. In light of the foregoing submissions, it is abundantly clear that the Impugned Approval granted by Respondent No. 1-GCZMA is not only in direct contravention of binding environmental policies and statutory regulations, but also amounts to a gross violation of the CRZ, 2011, as well as the explicit recommendations in BCCR. The attempt by Respondent No. 1 to evade accountability by merely referring to the SCN issued to Respondent No. 2, in its Reply, is wholly inadequate and legally unsustainable. The issuance of the SCN does not in any way absolve Respondent No. 1 of its primary responsibility in granting an illegal Impugned Approval, which directly facilitates unlawful occupation and commercial exploitation of a No Development Zone and Turtle Nesting Site. The evasive denial by Respondent No. 1-GCZMA in its responses, particularly by focusing on the procedural step of issuing an SCN, cannot serve as a valid justification for its failure to adhere to statutory obligations or environmental safeguards. It is respectfully submitted that such illegality in issuance of the Impugned



Approval, compounded with failure of Respondent No. 1-GCZMA to address the core issues raised in the captioned Appeal, warrants quashing and setting aside of the Impugned Approval.

23. I say that the contents of Paras 1, 4, 5, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 are true to my knowledge, and the contents of Paras 2, 3, 6, 7, 8, 9, 10, 21, 22 are based on legal submissions which I believe to be true. The Exhibits annexed are true copies of the original.

Place: New Delhi

Date: 17.09.2025  
17 SEP 2025

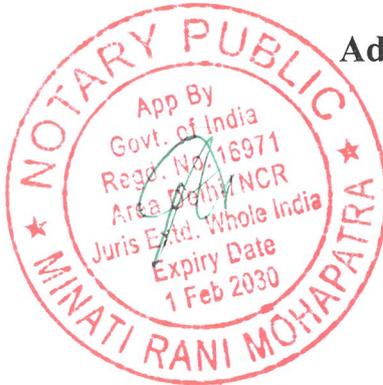


Akshay K  
Appellant

*[Handwritten signature]*

Advocate for the Appellant

*Abhinav*  
D/15/25/2023  
IDENTIFIED



17 SEP 2025



ATTESTED

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

*[Handwritten signature]*  
MINATI RANI MOHAPATRA  
ADVOCATE (NOTARY)  
Mob. No.: 8130128457

(To be published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) of dated the 6<sup>th</sup> January, 2011)

COASTAL REGULATION ZONE NOTIFICATION  
MINISTRY OF ENVIRONMENT AND FORESTS  
(Department of Environment, Forests and Wildlife)

S.O.19(E).- WHEREAS a draft notification under sub-section (1) of section and clause (V) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 was issued inviting objections and suggestions for the declaration of coastal stretches as Coastal Regulation Zone and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O.No.2291 (E), dated 15<sup>th</sup> September, 2010.;

AND WHEREAS, copies of the said Gazette were made available to the public on 15<sup>th</sup> September, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been considered by the Central Government.;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.; and

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19<sup>th</sup> February, 1991 except as respects things done or omitted to be done before such supercession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ,-

- (i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.
- (ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

(iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.

(iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.

(v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2. For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority(s) so authorized by the MoEF in accordance with the general guidelines issued at Annexure-I. HTL shall be demarcated within one year from the date of issue of this notification.

3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(i) Setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

*Explanation:* The expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(b) projects of Department of Atomic Energy;

(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ-I(i) based on an impact assessment study including social impacts.;

(d) development of green field Airport already permitted only at Navi Mumbai;

(e) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(ii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28<sup>th</sup> July 1989, S.O.No.966(E), dated the 27<sup>th</sup> November, 1989 and GSR 1037 (E), dated the 5<sup>th</sup>

December ,1989 except,-

- (a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;
- (b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.

Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

- (iii) Setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas:
- (iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-
  - (a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
  - (b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies
  - (c) maintenance or clearing of waterways, channels and ports, based on EIA studies;
  - (d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF.
- (v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-
  - (a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
  - (b) storm water drains and ancillary structures for pumping;
  - (c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;
- (vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.
- (vii) Dumping of city or town wastes including construction debris, industrial solid wastes, fly

ash for the purpose of land filling and the like and the concerned authority shall implement schemes for phasing out any existing practice, if any, shall be phased out within a period of one year from date of commencement of this notification.

Note:-The MoEF will issue a separate instruction to the State Governments and Union territory Administration in respect of preparation of Action Plans and their implementation as also monitoring including the time schedule thereof, in respect of paras (v), (vi) and (vii).

(viii) Port and harbour projects in high eroding stretches of the coast, except those projects classified as strategic and defence related in terms of EIA notification, 2006 identified by MoEF based on scientific studies and in consultation with the State Government or the Union territory Administration.

(ix) Reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.

(x) Mining of sand, rocks and other sub-strata materials except,-

- (a) those rare minerals not available outside the CRZ area,
- (b) exploration and exploitation of Oil and Natural Gas.

(xi) Drawl of groundwater and construction related thereto, within 200mts of HTL; except the following:-

- (a) in the areas which are inhabited by the local communities and only for their use.
- (b) In the area between 200mts-500mts zone the drawl of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.

Note:-Restrictions for such drawl may be imposed by the Authority designated by the State Government and Union territory Administration in the areas affected by sea water intrusion.

(xi) Construction activities in CRZ-I except those specified in para 8 of this notification.

(xiii) Dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose.

(xiv) Facilities required for patrolling and vigilance activities of marine/coastal police stations.

4. Regulation of permissible activities in CRZ area.- The following activities shall be regulated except those prohibited in para 3 above,-

- (i)(a) clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities;
- (b) for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14<sup>th</sup> September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA).
- (c) Housing schemes in CRZ as specified in paragraph 8 of this notification;

- (d) Construction involving more than 20,000sq mts built-up area in CRZ-II shall be considered in accordance with EIA notification, 2006 and in case of projects less than 20,000sq mts built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.
  - (e) MoEF may under a specific or general order specify projects which require prior public hearing of project affected people.
  - (f) construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures;
- (ii) the following activities shall require clearance from MoEF, namely:-
- (a) those activities not listed in the EIA notification, 2006.
  - (b) construction activities relating to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as, slipways, jetties, wharves, quays; except for classified operational component of defence projects. Residential buildings, office buildings, hospital complexes, workshops of strategic and defence projects in terms of EIA notification, 2006.;
  - (c) construction, operation of lighthouses;
  - (d) laying of pipelines, conveying systems, transmission line;
  - (e) exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
  - (f) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. MoEF may specify for category of projects such as at (f), (g) and (h) of para 4;
  - (g) Mining of rare minerals as listed by the Department of Atomic Energy;
  - (h) Facilities for generating power by non-conventional energy resources, desalination plants and weather radars;
  - (i) Demolition and reconstruction of (a) buildings of archaeological and historical importance, (ii) heritage buildings; and buildings under public use which means buildings such as for the purposes of worship, education, medical care and cultural activities;

4.2 Procedure for clearance of permissible activities.- All projects attracting this notification shall be considered for CRZ clearance as per the following procedure, namely:-

- (i) The project proponents shall apply with the following documents seeking prior clearance under CRZ notification to the concerned State or the Union territory Coastal Zone Management Authority,-
  - (a) Form-1 (Annexure-IV of the notification);
  - (b) Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d)
  - (c) Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration;
  - (d) Disaster Management Report, Risk Assessment Report and Management Plan;
  - (e) CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;
  - (f) Project layout superimposed on the above map indicated at (e) above;

- (g) The CRZ map normally covering 7km radius around the project site.
- (h) The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas;
- (i) No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.;
- (ii) The concerned CZMA shall examine the above documents in accordance with the approved CZMP and in compliance with CRZ notification and make recommendations within a period of sixty days from date of receipt of complete application,-
  - (a) MoEF or State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) as the case may be for the project attracting EIA notification, 2006;
  - (b) MoEF for the projects not covered in the EIA notification, 2006 but attracting para 4(ii) of the CRZ notification;
- (iii) MoEF or SEIAA shall consider such projects for clearance based on the recommendations of the concerned CZMA within a period of sixty days.
- (vi) The clearance accorded to the projects under the CRZ notification shall be valid for the period of five years from the date of issue of the clearance for commencement of construction and operation.
- (v) For Post clearance monitoring – (a) it shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1<sup>st</sup> June and 31<sup>st</sup> December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.
  - (b) the compliance report shall also be displayed on the website of the concerned regulatory authority.
- (vi) To maintain transparency in the working of the CZMAs it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMPs of the respective State Government or Union territory.

#### 5. Preparation of Coastal Zone Management Plans.

- (i) The MoEF may obtain the CZMPs prepared through the respective State Government or Union territory;
- (ii) The CZMPs may be prepared by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of MoEF and in consultation with the concerned stakeholders;
- (iii) The hazard line shall be mapped by MoEF through SoI all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level

rise and shoreline changes;

- (iv) For the purpose of depicting the flooding due to tides, waves and sea level rise in the next fifty and hundred years, the contour mapping of the coastline shall be carried out at 0.5m interval normally upto 7km from HTL on the landward side, and the shoreline changes shall be demarcated based on historical data by comparing the previous satellite imageries with the recent satellite imageries;
- (v) Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas;
- (vi) The coastal States and Union Territory will prepare within a period of twenty four months from the date of issue this notification, draft CZMPs in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-I of the notification, which involve public consultation;
- (vii) The draft CZMPs shall be submitted by the State Government or Union territory to the concerned CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;
- (viii) The State Government or Union territory CZMA shall submit the draft CZMPs to MoEF alongwith its recommendations on the CZMP within a period of six months after incorporating the suggestions and objections received from the stakeholders;
- (ix) MoEF shall thereafter consider and approve the CZMPs within a period of four months from the date of receipt of the CZMPs complete in all respects;
- (x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;
- (xi) The CZMPs shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking revision of the maps following the above procedures;
- (xii) The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.

#### 6. Enforcement of the CRZ, notification, 2011-

- (a) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, State Government or the Union territory Administration NCZMA and SCZMA's;
- (b) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMA's have already been notified by MoEF in terms of Orders of Hon'ble

Supreme Court in Writ Petition 664 of 1993;

- (c) the State Government or the Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned containing atleast three representatives of local traditional coastal communities including from fisherfolk;
- (d) The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-
  - (i) these are not used for any commercial activity
  - (ii) these are not sold or transferred to non-traditional coastal community.

7. Classification of the CRZ – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely:-

(i) CRZ-I,-

- A. The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-
  - (a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
  - (b) Corals and coral reefs and associated biodiversity;
  - (c) Sand Dunes;
  - (d) Mudflats which are biologically active;
  - (e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
  - (f) Salt Marshes;
  - (g) Turtle nesting grounds;
  - (h) Horse shoe crabs habitats;
  - (i) Sea grass beds;
  - (j) Nesting grounds of birds;
  - (k) Areas or structures of archaeological importance and heritage sites.

B. The area between Low Tide Line and High Tide Line;

(ii) CRZ-II,-

The areas that have been developed upto or close to the shoreline.

*Explanation.-* For the purposes of the expression “developed area” is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

(iii) CRZ-III,-

Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

(iv.) CRZ-IV,-

- A. the water area from the Low Tide Line to twelve nautical miles on the seaward side;
- B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

(v) Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities,-

- A. (i) CRZ area falling within municipal limits of Greater Mumbai;  
(ii) the CRZ areas of Kerala including the backwaters and backwater islands;  
(iii) CRZ areas of Goa.
- B. Critically Vulnerable Coastal Areas (CVCA) such as Sunderbans region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 and managed with the involvement of coastal communities including fisherfolk.

8. Norms for regulation of activities permissible under this notification,-

- (i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

Note:- The word existing use hereinafter in relation to existence of various features or existence of regularisation or norms shall mean existence of these features or regularisation or norms as on 19.2.1991 wherein CRZ notification, was notified.

I. CRZ-I,-

- (i) no new construction shall be permitted in CRZ-I except,-

- (a) projects relating to Department of Atomic Energy;
- (b) pipelines, conveying systems including transmission lines;
- (c) facilities that are essential for activities permissible under CRZ-I;
- (d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
- (e) construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL.
- (f) development of green field airport already approved at only Navi Mumbai;

- (ii) Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

- (a) exploration and extraction of natural gas;
- (b) construction of dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.
- (c) necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
- (d) salt harvesting by solar evaporation of seawater;
- (e) desalination plants;
- (f) storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;
- (g) construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water.

## II. CRZ-II,-

- (i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:  
Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road;
- (iii) reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;
- (iv) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (v) desalination plants and associated facilities;
- (vi) storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports;
- (vii) facilities for generating power by non-conventional power sources and associated facilities;

## III. CRZ-III,-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-

- (i) the NDZ shall not be applicable in such area falling within any notified port limits;
- (ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities; Construction/reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government or the Union territory in consultation with the traditional coastal

communities including fisherfolk and incorporating the necessary disaster management provision, sanitation and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF;

(iii) however, the following activities may be permitted in NDZ –

- (a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;
- (b) projects relating to Department of Atomic Energy;
- (c) mining of rare minerals;
- (d) salt manufacture from seawater;
- (e) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (f) facilities for regasification of liquefied natural gas subject to conditions as mentioned in subparagraph (ii) of paragraph 3;
- (g) facilities for generating power by non conventional energy sources;
- (h) Foreshore facilities for desalination plants and associated facilities;
- (i) weather radars;
- (j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;
- (k) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee;
- (l) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
- (m) development of green field airport already permitted only at Navi Mumbai.

B. Area between 200mts to 500mts,-

The following activities shall be permissible in the above areas;

- (i) development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors subject to the conditions as specified in the guidelines at Annexure-III ;
- (ii) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (iii) facilities for regasification of liquefied natural gas subject to conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (iv) storage of non-hazardous cargo such as, edible oil, fertilizers, food grain in notified ports;
- (v) foreshore facilities for desalination plants and associated facilities;
- (vi) facilities for generating power by non-conventional energy sources;
- (vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor);
- (viii) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges by CZMA who may also permit construction of

schools and dispensaries for local inhabitants of the area for those panchayats, the major part of which falls within CRZ if no other area is available for construction of such facilities;

- (ix) reconstruction or alteration of existing authorised building subject to sub-paragraph (vii), (viii);
- (x) development of green field airport already permitted only at Navi Mumbai.

(IV) In CRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities as follows:-

- (a) No untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped. A comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;
- (b) Pollution from oil and gas exploration and drilling, mining, boat house and shipping;
- (c) There shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

V. Areas requiring special consideration,-

1. CRZ areas falling within municipal limits of the Greater Mumbai.

- (i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-

- (a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-

- (i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.
- (ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.

B. Solid waste disposal sites shall be identified outside the CRZ area and thereafter within two years the existing conventional solid waste sites shall be relocated outside the CRZ area.

(iii) In CRZ-II areas-

- (a) The development or redevelopment shall continue to be undertaken in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19<sup>th</sup> February, 1991, unless specified

otherwise in this notification.

(b) SLUM REHABILITATION SCHEMES,-

1. In the Greater Mumbai area there are large slum clusters with lakhs of families residing therein and the living conditions in these slums are deplorable and the civic agencies are not able to provide basic infrastructure such as drinking water, electricity, roads, drainage and the like because the slums come up in an unplanned and congested manner and the slums in the coastal area are at great risk in the event of cyclones, storm surges or tsunamis, in view of the difficulties in providing rescue, relief and evacuation.
2. To provide a safe and decent dwelling to the slum dwellers, the State Government may implement slum redevelopment schemes as identified as on the date of issue of this notification directly or through its parastatal agencies like Maharashtra Housing and Area Development Authority (MHADA), Shivshahi Punarvasan Prakalp Limited (SPPL), Mumbai Metropolitan Region Development Authority (MMRDA) and the like.:

Provided that,-

- (i) such redevelopment schemes shall be undertaken directly or through joint ventures or through public private partnerships or other similar models ensuring that the stake of the State Government or its parastatal entities shall be not less than 51%;
- (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority;
- (iii) it shall be the duty of the project proponent undertaking the redevelopment through conditions (i) (2) above along with the State Government to ensure that all legally regularized tenants are provided houses in situ or as per norms laid down by the State Government in this regard.

(c) REDEVELOPMENT OF DILAPIDATED, CESSSED AND UNSAFE BUILDINGS:

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.
2. These projects shall be taken up subject to the following conditions and safeguards:
  - (i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models.
  - (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority

(iii) suitable accommodation to the original tenants of the specified buildings shall be ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.

(d) Notwithstanding anything contained in this notification, the developmental activities for slums and for dilapidated, cessed and unsafe buildings as specified at paras (b) and (c) above shall be carried out in an accountable and transparent manner by the project proponents mentioned therein which shall include the following pre-condition measures, wherever applicable;-

1. (i) applicability of the Right to Information Act, 2005 to all redevelopment or reconstruction projects granted clearance by the Competent Authorities;
  - (ii) MoEF shall issue an order constituting the CPIO and the first Appellate Authority of appropriate ranks in consultation with Government of Maharashtra;
  - (iii) details of the Slum Rehabilitation Scheme, including the complete proposal and the names of the eligible slum dwellers will be declared suo-moto as a requirement of Section 4 of compliance of the Right to Information Act, 2005 by the appropriate authority in the Government of Maharashtra in one month before approving it;
  - (iv) the implementing or executing agency at the State Government with regard to projects indicated at sub-item (b) and (c) of item (iii) of sub-paragraph V shall display on a large notice boards at the site and at the office of the implementing or executing agency the names of the eligible builders, total number of tenements being made, names of eligible slum dwellers who are to be provided the dwelling units and the extra area available for free sale.
  - (v) Projects being developed under sub-items (b) and (c) of item (iii) of sub-paragraph V shall be given permission only if the project proponent agree to be covered under the Right to Information Act, 2005.
2. MoEF may appoint statutory auditors, who are empanelled by the Comptroller and auditor General (hereinafter referred to as the C&AG) to undertake performance and fiscal audit in respect of the projects relating to redevelopment of dilapidated, cessed and unsafe buildings and the projects relating to Slum Rehabilitation Scheme shall be audited by C&AG.
  3. A High Level Oversight Committee may be set up by the Government of Maharashtra for periodic review of implementation of V(iii)(b) and (c) which shall include eminent representatives of various Stakeholders, like Architects, Urban Planner, Engineers, and Civil Society, besides the local urban bodies, the State Government and the Central Government.
  4. The individual projects under V(iii)(b) and (c) shall be undertaken only after public consultation in which views of only the legally entitled slum dweller or the legally entitled tenent of the dilapidated or cessed buildings shall be obtained in accordance with the procedures laid down in EIA notification, 2006.

(e) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'.

(f) the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.

- (g) Koliwada namely, fishing settlement areas as identified in the Development Plan of 1981 or relevant records of the Government of Maharashtra, shall be mapped and declared as CRZ-III so that any development, including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local Town and Country Planning Regulations.
- (h) Reconstruction and repair works of the dwelling units, belonging to fisher communities and other local communities identified by the State Government, shall be considered and granted permission by the Competent Authorities on a priority basis, in accordance with the applicable Town and Country Planning Regulations.

## 2. CRZ for Kerala

In view of the unique coastal systems of backwater and backwater islands alongwith space limitation present in the coastal stretches of the State of Kerala, the following activities in CRZ shall be regulated as follows, namely:-

- (i) all the islands in the backwaters of Kerala shall be covered under the CRZ notification;
- (ii) the islands within the backwaters shall have 50mts width from the High Tide Line on the landward side as the CRZ area;
- (iii) within 50mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;
- (iv) beyond 50mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Gram panchayat;
- (v) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50mts width from HTL of these backwater islands.

## 3. CRZ of Goa.-

In view of the peculiar circumstances of the State Goa including past history and other developments, the specific activities shall be regulated and various measures shall be undertaken as follows:-

- (i) the Government of Goa shall notify the fishing villages wherein all foreshore facilities required for fishing and fishery allied activities such as traditional fish processing yards, boat building or repair yards, net mending yards, ice plants, ice storage, auction hall, jetties may be permitted by Grama Panchayat in the CRZ area;
- (ii) reconstruction, repair works of the structures of local communities including fishermen community shall be permissible in CRZ;
- (iii) purely temporary and seasonal structures customarily put up between the months of September to May;
- (iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped;
- (v) the mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land;
- (vi) sand dunes, beach stretches along the bays and creeks shall be surveyed and mapped. No activity shall be permitted on such sand dune areas;
- (vii) the beaches such as Mandrem, Morjim, Galgiba and Agonda has been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972 and these areas

shall be surveyed and management plan prepared for protection of these turtle nesting sites;

(viii) no developmental activities shall be permitted in the turtle breeding areas referred to in sub-paragraph (vii).

4. (a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas which shall be managed with the involvement of the local coastal communities including the fisher folk;-
- (b) the entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambat and Gulf of Kutchhh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local fisher and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;
- (c) the process of identifying planning, notifying and implementing CVCA shall be detailed in the guideline which will be developed and notified by MoEF in consultations with the stakeholders like the State Government, local coastal communities and fisherfolk and the like inhabiting the area;
- (d) the Integrated Management Plans (IMPs) prepared for such CVCA shall interalia keep in view the conservation and management of mangroves, needs of local communities such as, dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the para 5 above for preparation of Coastal Zone Management Plans;
- (e) till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the CZMA with due regards to the views of coastal communities including fisherfolk.

[F.No.11-83/2005-IA-III]  
J. M. MAUSKAR, Addl. Secy.

ANNEXURE IGUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANSI. A. Demarcation of High Tide Line

1. Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) shall be carried out by one of the agencies authorised by MoEF based on the recommendations of the National Centre for Sustainable Coastal Management (NCSCM).
2. Demarcation of the High Tide Line or LTL shall be made on the Coastal Zone Management (CZM) Maps of scale 1:25,000 prepared by the agencies identified by the MoEF.
3. Local level CZM Maps shall be prepared for use of officials of local bodies for determination of the CRZ.
4. The local level CZM Maps shall be prepared on a Cadastral scale in accordance with the CZM Maps approved by the Central Government.

B. Preparation of CZM Maps

5. Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:

Unit	:	7.5 minutes X 7.5minutes
Numbering	:	Survey of India Sheet Numbering System
Horizontal Datum	:	Everest or WGS 84
Vertical Datum	:	Mean Sea Level (MSL)
Topography	:	Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs
6. The High Water Level (HWL) and Low Water Level (LWL) marked on the Base maps will be transferred to the CZM maps.
7. Coastal geomorphological signatures in the field or satellite imageries or aerial photographs will be used for appropriate adjustment, in the HWL or LWL for demarcating HTL or LTL in accordance with the CRZ notification.
8. The following geomorphological features shall be considered while demarcating in HTL or LTL:
  - Landward (monsoonal) berm crest in the case of sandy beaches
  - Rocks, Headlands, Cliffs
  - Seawalls or revetments or embankments
9. 500 meter and 200 metre lines will be demarcated with respect of HTL.
10. HTL (as defined in the CRZ notification) and LTL shall also be demarcated in the CZM maps along the banks of tidal influenced inland water bodies with the help of the geomorphological signatures or features.
11. Classification of different coastal zones shall be done as per the CRZ notification
12. Standard national or international colour codes shall be used to highlight sub-classification of data.

C. Local level CZM Maps

Local level CZM Maps are for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans

13. Cadastral (village) maps in 1:3960 or the nearest scale, shall be used as the base maps.

14. These maps are available with revenue Authorities and are prepared as per standard norms.
15. HTL (as defined in the CRZ notification) and LTL will be demarcated in the cadastral map based on detailed physical verification using coastal geomorphological signatures or features in accordance with the CZM Maps approved by the Central Government.
16. 500metre and 200metre lines shall be demarcated with respect to the HTL thus marked.
17. HTL (as defined in the CRZ notification, 1991) and LTL will also be demarcated along the banks of tidal influenced inland water bodies with the help of geomorphological signatures or features.
18. Classifications shall be transferred into local level CZM maps from the CZM Plans.
19. Symbols will be adopted from CZM Maps.
20. Colour codes as given in CZM Maps shall be used.
21. Demarcation of cadastral maps will be done by local agencies approved by the Central Government. The local agencies shall work under the guidance of the concerned State Government or Union Territory Coastal Zone Management Authorities.

D. Hazard mapping:-

## II. Classification of CRZ areas

1. The CZM Maps shall be prepared in accordance with para 5 of the CRZ notification demarcating CRZ I, II, III, IV and V.
2. The CZM Maps shall clearly demarcate the land use plan of the area and lists out the CRZ-I areas. All the CRZ-I areas listed under para 7(I)A and B shall be clearly demarcated and colour codes given so that each of the CRZ-I areas can be clearly identified.
3. Buffer zone along mangrove areas of more than 1000sq mts shall be stipulated with a different colour distinguishing from the mangrove area.
4. The buffer zone shall also be classified as CRZ-I area.
5. The hazard line to be drawn up by MoEF shall be superimposed on the CZM maps in 1:25,000 scale and also on the cadastral scale maps.
6. The CRZ-II areas shall be those areas which have been substantially built-up with a ratio of built-up plots to that of total plots is more than 50%.
7. In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.
8. No developmental activities other than those listed above shall be permitted in the areas between the hazard line and 500mts or 100mts or width of the creek on the landward side. The dwelling unit of the local communities including that of the fishers will not be relocated if the dwelling units are located on the seaward side of the hazard line. The State Government will provide necessary safeguards from natural disaster to such dwelling units of local communities.
9. The water areas of CRZ IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
10. The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
11. The water area shall be demarcated indicating the pollution levels as per Central Pollution Control Board standards on water quality.
12. In the CRZ V areas the land use maps shall be superimposed on the Coastal Zone Management Plan and clearly demarcating the CRZ I, II, III, IV.
13. The existing authorized developments on the sea ward side shall be clearly demarcated.

14. The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the CZM Maps for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.

### III. CZMPs approved by MoEF in accordance with CRZ notification, 1991

1. While preparing the CZMPs under CRZ notification, 2011, the CZMPs that have been approved under the CRZ Notification, 1991 shall be compared. A justification shall be provided by the concerned CZMA in case the CZMPs prepared under CRZ notification, 2011 varies with respect to the approved CZMP prepared under CRZ notification, 1991.

### IV. Public Views on the CZMP.

- a) The draft CZMPs prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMPs shall be held at district level by the concerned CZMAs.
- b) Based on the suggestions and objections received the CZMPs shall be revised and approval of MoEF shall be obtained.
- c) The approved CZMP shall be put up on the website of MoEF, concerned website of the State, Union Territory CZMA and hard copy made available in the panchayat office, District collector office and the like.

### V. Revision of Coastal Zone Management Plans

1. Whenever there is a doubt the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the CZMP based on latest satellite imagery and ground truthing.
2. The rectified map would be submitted to MoEF for its record.

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Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

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Annexure-III**Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests**

- I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:-
- (a) The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line;
  - (b) The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more;
  - (c) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
  - (d) no flattening of sand dunes shall be carried out;
  - (e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
  - (f) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
  - (g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;
  - (h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;
  - (i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;
  - (j) the construction shall be consistent with the surrounding landscape and local architectural style;
  - (k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);
  - (l) groundwater shall not be tapped within 200metre of the High Tide Line; within the 200metre 500metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;
  - (m) extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line;

- (n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;
  - (o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;
  - (p) to allow public access to the beach, atleast a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and
  - (q) if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and
  - (r) approval of the State or Union territory Tourism Department shall be obtained.
- II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted

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**Form-I for seeking clearance for project attracting CRZ notification**

Basic information:

Name of the Project:-

Location or site alternatives under consideration:-

Size of the project (in terms of total area) :-

CRZ classification of the area :-

Expected cost of the project:-

Contact Information:-

**(II) Activity**

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, and the like)

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Details of CRZ classification as per the approved Coastal Zone Management Plan?		
1.3	Whether located in CRZ-I area?		
1.4	The distance from the CRZ-I areas.		
1.5	Whether located within the hazard zone as mapped by Ministry of Environment and Forests/National Disaster Management Authority?		
1.6	Whether the area is prone to cyclone, tsunami, tidal surge, subduction, earthquake etc.?		
1.7	Whether the area is prone for saltwater ingress?		
1.8	Clearance of existing land, vegetation and buildings?		
1.9	Creation of new land uses?		
1.10	Pre-construction investigations e.g. bore hole, soil testing?		
1.11	Construction works?		

1.12	Demolition works?		
1.13	Temporary sites used for construction works or housing of construction workers?		
1.14	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.15	Underground works including mining or tunneling?		
1.16	Reclamation works?		
1.17	Dredging/reclamation/land filling/disposal of dredged material etc.?		
1.18	Offshore structures?		
1.19	Production and manufacturing processes?		
1.20	Facilities for storage of goods or materials?		
1.21	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.22	Facilities for long term housing of operational workers?		
1.23	New road, rail or sea traffic during construction or operation?		
1.24	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.25	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.26	New or diverted transmission lines or pipelines?		
1.27	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.28	Stream and river crossings?		
1.29	Abstraction or transfers of water form ground or surface waters?		
1.30	Changes in water bodies or the land surface affecting drainage or run-off?		
1.31	Transport of personnel or materials for construction, operation or decommissioning?		
1.32	Long-term dismantling or decommissioning or restoration works?		
1.33	Ongoing activity during decommissioning which could have an impact on the environment?		
1.34	Influx of people to an area in either temporarily or permanently?		
1.35	Introduction of alien species?		
1.36	Loss of native species or genetic diversity?		
1.37	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S. No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, sand/soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes, that would affect local communities, fisherfolk, their livelihood, dwelling units of traditional local communities etc		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data

4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

#### 5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		
5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

#### 6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		

6.7	From any other sources		
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7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g., floods, earthquakes, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:  Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.)		

	housing development extractive industries supply industries other		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

**III. Environmental Sensitivity**

S. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)		
10	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)		
11	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)		

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CHART OF ILLEGAL CONSTRUCTIONS : AGONDA BEACH					
S. No.	Survey No.	Area as per Form I & XIV (in Sq. Mtrs)	Description / Name of Entity / Establishment(s)	Area Occupied by Entities / Establishments	Distance from HTL to structures in meters
1	102/1	5085	DERSY	1119	10.00
			CUBA AGONDA	2074	11.50
			OASIS	226	19.25
			AGONDA SUNSET	589	11.88
			DUNHILL	787	12.08
2	102/3	19122	DERSY	758	10.00
			ARABIAN NIGHTS	1755	110.41
			HOUSE	190	118.19
			SHOPS	212	62.24
			DUNHILL, SEA 2000 & OASIS	4856	70.23
3	102/6	1150	BEACH HUTS	380	15.64
			SEA VIEW COTTAGES	490	13.96
			AGONDA SHELL	280	11.27
4	102/7	3350	SEA VIEW COTTAGES	63	13.96
			SHOPS	511	50.28
			SHOPS	136	73.72
			MANDALA CAFFE	36	94.32
			AGONDA HOLIDAY HOME	342	79.31
			FATIMA RESTAURANT	475	83.29
			AGONDA SHELL	344	11.27
			SHOPS	24	90.87
			AGONDA SHELL	962	11.27
5	101/1	5925	AGONDA COTTAGES	1550	7.50
			RAMA RESORT	1550	8.98
			FATIMA RESTAURANT	81	83.29
6	101/3	16492	AGONDA SHELL	1142	11.27
			SHOPS	266	90.87
			SHOPS	220	103.20
			AGONDA RESTAURANT	1004	50.18
			SHOPS	397	91.04
			RAMA RESORT	1892	8.98
			SHED	402	142.57
			SHOPS	118	148.18
			ON THE ROCKS & COZY AGONDA	114	175.49
			7	101/6	2150
THE TITOS BLUE SKY	983	7.62			
8	101/7	3800	RAMSONS	1569	4.07
			ON THE ROCKS & COZY AGONDA	1557	175.49
			MERAKI, ROSA MYSTICA & SNUG INN	153	93.2
9	101/8	2100	THE TITOS BLUE SKY	515	7.62
			NANA'S NOOK	308	8.26
			LUXURIOUS BEACH RESORT	866	34.69
10	101/9	3900	ON THE ROCKS & COZY AGONDA	291	175.49
			MERAKI, ROSA MYSTICA & SNUG INN	2832	93.2
11	101/14	700	SAXONY	245	9.08
12	101/15	1425	SAXONY	1414	9.08
13	101/16	800	SAXONY	240	9.08
14	101/17	1600	SAXONY	1466	9.08
15	101/18	1600	SAXONY	319	9.08
16	101/19	2400	SAXONY	253	9.08
17	101/20	1700	SAXONY	364	9.08
18	101/21	2350	SAMEER FUSION	943	84.57
19	101/22	3250	SAXONY	83	9.08
20	101/23	1750	SAXONY	268	9.08
			SAMEER FUSION	14	84.57
21	101/24	2300	SAMEER FUSION	1583	84.57
22	100/1	2600	SAXONY	394	9.08
			HOUSE	14	97.11
23	100/3	3900	HOUSE	184	97.11
24	100/7	5300	HOUSE	1384	97.11
25	100/8	12075	ROYAL AGONDA	3165	8.65
26	100/10	5350	DREAM DISCOVERY	3146	11.55
27	100/12	6800	SUMMER SKY / CAFFE MUDRA	1878	13.85
28	100/13	6450	SUMMER SKY / CAFFE MUDRA	30	13.85
			DREAM DISCOVERY	40	11.55
		<b>125424</b>		<b>52904</b>	

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Environment and Climate Change (Govt. of Goa)

4<sup>th</sup> floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

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**Ref.No.GCZMA/S/ILLE-Compl/24-25/18 / 3457 Dated: 17/01/2025**

**SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

**WHEREAS**, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

**AND WHEREAS**, the office of the GCZMA is in receipt of complaint dated 07/02/2024 from Alchemist Asset Reconstruction Company Limited, through Akshat Sharma, authorized representative, A-270, 1<sup>st</sup> & 2<sup>nd</sup> floor, Defence Colony- New Delhi 110024, with regards to Complaint against Rampant illegal and unlawful construction and ongoing illegal and unlawful commercial establishments in the form of resorts/hotels/shacks/bar/restaurant in the CRZ area of village Agonda, Canacona Taluka Goa which is designated Turtle nesting site and a no development zone in property bearing Sy. No. 100/1, 100/3, 100/7, 100/8, 100/10, 100/12, 100/13, 101/1, 101/3, 101/6, 101/7, 101/8, 101/9, 101/14, 101/15, 101/16, 101/17, 101/18, 101/19, 101/20, 101/21, 101/22, 101/23, 101/24, 102/1, 102/3, 102/6, 102/7 of village Agonda, Canacona Taluka.

**AND WHEREAS**, on receipt of complaints, the officials attached to the office conducted the site inspection and accordingly placed the report.

That upon close perusal of the said report the following alleged gross illegal construction resulting violation of CRZ Notification 2011 is noticed:

  
**TRUE COPY**

Sr. No.	Name of the Party/alleged violator	Survey No./ Village	Type of Construction	Details As Per CZMP 2011
18.	Agonda shell (old name) Simrose(new name) c/o Prashant Kankonkar H.no.:275/2, Columb, Canacona- Goa. Contact no.: 8080300344	Survey No. 101/1(P), 101/2(P), 101/3(P), 102/6(P), 102/7(P) of Village Agonda, Canacona Taluka	<p>-Masonry Compound wall on 3 sides.</p> <p>-1 no. temporary structure (Reception)</p> <p>-1 no. permanent structure with mangalore tile roof</p> <p>- Attached to permanent structure 1 no. under construction M.S frame work structure.</p> <p>-1 no. permanent structure</p> <p>-Above the permanent structure (first floor), there is under construction MS framework.</p> <p>-22 nos. temporary huts on partly permanent base.</p> <p>-1 no. temporary restaurant on permanent base</p> <p>-Above the restaurant on first floor, 10 nos temporary huts under construction noted.</p> <p>-2 nos. temporary huts on part permanent base &amp; roof of huts used as yoga space covered with G.I sheet.</p> <p>-1 no. under construction structure with foundation depth of 1.5m deep.</p> <p>-1 no. OHT on metal framework</p> <p>- 1 no. temporary under-construction structure on permanent base.</p> <p>-1 no. DG set on permanent base</p> <p>-1 no. concrete platform for water tank</p> <p>-Kadappa pavers to access.</p>	CRZ III (0m - 200m)

**AND WHEREAS**, all proposed 'construction / re-construction / development / repair' and other permissible activities between 100 mts. from the River, and 500 mts of the Sea require the prior approval of the GCZMA under the CRZ Notification, 2011.

**AND WHEREAS**, the alleged construction/ activity appears to be without any prior approval of GCZMA as required under CRZ Notification, 2011.

**NOW THEREFORE**, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the GCZMA vide Order .O. 6071(E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, hereby directs you to **SHOW CAUSE** as to why a direction to demolish the structures and to restore the land to its original condition should not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

**FURTHER TAKE NOTE THAT**, you are required to file your reply alongwith compliance report and construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 4<sup>th</sup> Floor, Dempo Towers Patto, Panaji- Goa on or before **20/02/2025**. Further you are also directed to remain present in person or through authorized person for personal hearing on **20/02/2025 at 3.30 pm** in the Office of the GCZMA. Please take note that if you fail to submit your reply/appear along with the required documents, the GCZMA will come to the conclusion that you have no justification to substantiate and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

  
(Johnson Bedy Fernandes)  
Member Secretary (GCZMA)

To,

Agonda shell (old name), Simrose (new name)

C/o Prashant Kankonkar H.no.:275/2, Columb, Canacona-Goa.

Copy to:

1. The Collector & District Magistrate (South), Office of the Collector (South), Mathany Saldana Complex, Margao, Salcete-Goa... *for information and necessary action.*

2. The Dy. Collector & S.D.O Canacona having office at Canacona - Goa.... *for information and necessary action.*

3. The Secretary, Village Panchayat Agonda, Canacona-Goa.... *for information and necessary action.*

✓ 4. Mr. Akshat Sharma, Alchemist Asset Reconstruction Company Limited A-270, 1<sup>st</sup> & 2<sup>nd</sup> floor, Defence Colony- New Delhi 110024.... *for information.*

  
TRUE COPY



# ANNEXURE A-4

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.36/2025 (F)

AMAN GUPTA

... PETITIONER

*Versus*

STATE OF GOA, THR. CHIEF  
SECRETARY AND 5 ORS.

... RESPONDENTS

Mr. Vivek Rodrigues with Mr. Laban Carvalho, Advocates for the  
Petitioner.

Mr. Devidas J. Pangam, Advocate General with Mr. Deep D. Shirodkar,  
Additional Government Advocate for Respondent Nos. 1, 2 and 5.

Ms Pranita Gawandi, Advocate for Respondent No. 3.

Mr. Manish Salkar, Government Advocate for Respondent No. 4.

Mr. Parag Rao with Mr Akhil Parrikar, Ms S. Drago, Mr. Jayant Karn and  
Mr. Karan Batura, Advocates for Respondent No. 7.

Mr. John Abreu Lobo, Advocate for Respondent No. 8.

**CORAM: A. S. CHANDURKAR &  
NIVEDITA P. MEHTA, JJ.**

**DATE: 19<sup>th</sup> MARCH 2025**

**P.C.:**

1. The present proceedings filed in public interest raise a concern against large scale unauthorised constructions being carried out at Agonda beach, Canacona, Goa. The said area has been designated as a turtle nesting site.



2. We have heard the learned counsel for the parties for some time. On 24.02.2025 this Court recorded the submission of the learned Advocate General that 67 structures had been put up at the designated turtle nesting site in violation of the relevant provisions which classify the area as falling in CRZ-III. The learned Advocate General also made a statement that 67 show cause notices issued would be taken to their logical conclusion and all further steps to prevent commercial activities at the turtle nesting site would be undertaken. In paragraph 5 of the aforesaid order it has been observed as under:-

*“5. So far as the 67 show cause notices issued are concerned, the same be taken to its logical conclusion at the earliest and it is necessary to do so as such violations are in the turtle nesting sites. It is made clear that in accordance with law, the authorities may consider sealing the premises or closing down the business activities violating the provisions of law. Let the show cause notices be decided expeditiously. The learned Advocate General to place before us the timelines within which the show cause notices will be decided. We are informed that the show cause notices are placed for hearing on 27/03/2025 before the authority. List this petition on 03/03/2025 to enable the learned Advocate General to give us a timeline within which the show cause notices will be decided. Learned Advocate General to inform the authorities to pass necessary orders stopping the commercial activities in exercise of their powers conferred upon them by the provisions of law.”*

*(emphasis supplied)*

3. The learned Advocate General today informs the Court that despite order dated 24.02.2025 passed by this Court and further directions issued

to the respondent no.2-Goa Coastal Zone Management Authority to pass necessary orders stopping the commercial activities at the turtle nesting site in exercise of the powers conferred, no steps have been taken to stop such commercial activities thus posing a danger to the nesting site. He therefore submits that the respondent no.2 has failed to act as per the directions issued to it and has not restrained such activities being undertaken contrary to the relevant provisions.

4. It is clear on perusal of the orders dated 24.02.2025 and 03.03.2025 that the respondent no.2 was expected to pass necessary orders discontinuing commercial activities undertaken without necessary permission with a view to safeguard the designated turtle nesting site. It is not indicated as to why necessary steps as expected to be taken for stopping the commercial activities have not been taken despite directions being issued.

5. In view of the aforesaid, notice be issued to respondent no.2 through its Member Secretary to explain why action should not be taken against it for non-compliance of the directions issued on 24.02.2025 as well as 03.03.2025 in the present proceedings. Notice is made returnable within a period of one week from today.

6. Since the respondent no.2 has failed to pass any order stopping commercial activities at the instance of 67 noticees at the aforesaid site, it is directed that within 24 hours from today, such commercial activities shall be discontinued by sealing the properties of the 67 noticees where commercial activities are being undertaken in furtherance of the order dated 24.02.2025. The authorities referred to in paragraph 4 of the order dated 06.03.2025 shall co-operate with the police authorities in implementation of this direction.

7. It is informed that the process of adjudicating the show cause notices is in progress. That exercise shall continue in accordance with law. The sealing of the premises in question would be subject to adjudication of the show cause notices.

8. Stand over to 26.03.2025. Parties to act on an authenticated copy of this order.

**NIVEDITA P. MEHTA, J.**

**A. S. CHANDURKAR, J.**





Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**PUBLIC INTEREST LITIGATION WP NO.36 OF 2025 (F)**

AMAN GUPTA  
Versus

... PETITIONER

THE STATE OF GOA, THR. THE CHIEF  
SECRETARY AND 5 ORS

... RESPONDENTS

Mr. J. Abreu Lobo, Advocate for Intervenor.

Mr Vivek Rodrigues with Mr. Laban Carvalho, Advocates for the  
petitioner in PILWP 36/2025/F.

Mr. Manish Salkar, Government Advocate for Respondent No. 4.

Ms. Maria Correia, Additional Government Advocate for Respondent  
nos. 1, 2 and 5.

Mr. Parag Rao with Mr. Karan Batura, Mr. Jayant Karn, Advocates  
for Respondent No. 7.

**CORAM:- BHARATI H. DANGRE &  
NIVEDITA P. MEHTA, JJ.**

**DATED :- 26th March, 2025**

P.C.

The learned Advocate General offers a clarification to the effect that throughout the proceedings, statement on behalf of the Advocate General was recorded to the effect that 67 show cause notices have been issued to various structures which are put up in violation of the provisions, however, he clarified that the show cause notices were issued to 63 persons.

2. The Order dated 24.02.2025 as well as Order dated 19.03.2025



shall be read in the corrected form.

3. The learned Advocate General also makes a statement that apart from the applicants who had approached this Court and upon verifying their permissions, a green signal has been given for desealing, pending the adjudication of the show cause notices issued by the GCZMA, a categorical statement is made by him, that in case of other entities who are in receipt of the show cause notices from GCZMA, the proposals for desealing of their premises shall be independently scrutinized and upon taking a decision whether they are also entitled to be out of the purview of the order passed by this Court on 19.03.2025, a decision shall be taken within a period of one week and it shall be communicated to the respective noticees forthwith.

We accept this statement.

4. The learned Advocate General also makes a statement that a Notification has been issued notifying the Sea Turtle Nesting Zone and it has been uploaded on the website.

5. List the PILWP after three weeks.

**NIVEDITA P. MEHTA, J.**

**BHARATI H. DANGRE, J.**



**ANNEXURE A-6**

**BEFORE THE GOA COASTAL ZONE  
MANAGEMENT AUTHORITY AT PATTO,  
PANAJI-GOA**

IN THE MATTER OF

Show Cause Notice bearing Ref No.GCZMA/S/Shack-  
Hut-Cott-Tent/24-25/18/3457

Agonda Shell (old name)

Simrose(new name)

C/o Prashant Kankonkar .....Respondent

**REPLY TO THE SHOW CAUSE**

**NOTICE DATED 17/01/2025**

**BEARING REF NO. GCZMA/S/ILLE-**

**Compl/24-25/18/3457.**

The Respondent most respectfully states and submit as  
under:

  
**TRUE COPY**

PRELIMINARY OBJECTIONS ON ALCHEMIST  
ASSET RECONSTRUCTION COMPANY LIMITED  
(AARC for short) HAVING NO LOCUS STANDI IN  
THE PRESENT PROCEEDINGS

- I. It is respectfully submitted that the present matter arises pursuant to the site inspection conducted by the GCZMA and the orders of the Honourable Court passed in PIL WP No. 36/2025(Filing). The civil disputes as sought to be raised by the said AARC cannot be agitated before this forum which is not competent to go into the issues of title sought to be raised in the present proceedings. It is respectfully submitted that the said Aman Gupta who is the petitioner before the Honourable High Court in the PIL is an employee of Dhir and Dhir Associates, which is an **in house law firm** for the AARC.
- II. It is also pertinent to note that in a detailed order passed by the National Company Law Appellate

Tribunal, Appellate Bench at New Delhi, has held in favor of the erstwhile Directors of M/s Dugal Projects Development Company Private Limited that the claims sought to be made by AARC are time barred. Therefore, the claims sought to be made herein of having authority to prosecute the present matter when they have no right, title or interest on the same is itself a matter which is for the Courts and not before this forum. It would be proper to mention that the Honourable Supreme Court has granted a status quo in the matter, however, the order of status quo would not entitle AARC to lay claims or continue to prosecute the matter. It is also clear in the said judgement that the claims made by AARC have also been dismissed in their Company Appeal (AT) No. 650/2019 vide judgement dated 18/12/2019 which order of dismissal has been confirmed by the Honourable

Supreme Court in Civil Appeal No. 853/2019 vide judgement dated 07/02/2020. Therefore AARC has absolutely no grounds to continue and has absolutely no locus standi in the present proceedings.

Without prejudice to the said submissions made hereinabove, the respondent states and submits as under:-

1. The respondent is in receipt of the Show Cause notice dated 17/01/2025 received by me on 12/03/2024, under ref no.GCZMA/S/ILLE-Compl/24-25/18/3457.
2. It is pertinent to note that the permissions as granted and structures of the respondent do not pertain to the turtle nesting sites and are in the private properties of various owners, which is permissible both under the Beach Carrying Capacity Report as well as the Goa Government Shack Policy, which has guidelines on the basis

of which such permissions are to be issued for temporary shacks/huts/tents in private properties.

3. It is also pertinent to note the fact that there is absolutely no activity of the respondent or other persons similarly situated on any of the turtle nesting sites which is the beach of Agonda and there is strict compliance of the guidelines as no tents/huts/shacks/beach beds or any activity is carried out by the respondents on the beach which is the turtle nesting site.
4. It is also a matter of record that there is absolutely no nexus shown to the fact of shacks and huts in private property having an adverse impact on the turtle nesting and hatching. On the contrary it is with the efforts of the private shack operators that the beach is kept absolutely clean making it conducive for the turtle hatching, and with the efforts of the local private shack

operators there have been consistent efforts in this regard which is an acknowledged fact.

5. That the property bearing survey no. 101/1 & 101/3 at Village Agonda, Canacona Taluka originally belongs to M/S Mallikarjun Agro & Eco Resort represented by Mr. Kritesh Vaikunth Naik Gaonkar and Mrs. Manisha Mahesh Gaonkar.

6. That the respondent has a Leave and Licence Agreement executed between Mr. Kritesh Vaikunth Naik Gaonkar, Mrs. Manisha Mahesh Gaonkar and the respondent on the basis of which the Respondent has obtained permission from all the authorities to run temporary shack/huts/tents/cottages in the said property.

7. That the respondent clearly states that he had not done any illegality, unlawful commercial establishment or had committed any violation of law and had complied with all the directions of the GCZMA and the Shack policy read with the Beach Carrying Capacity report.
  
8. That the respondent has taken all valid permissions as required by law for erection of temporary 25 nos of cottages and 1 Shack in Survey no.101/1&101/3 of Agonda Village, Canacona-Goa.
  
9. That the following are the list of NOC/Permissions issued by different authorities for erection of temporary 25 nos of cottages and 1 Shack in Survey no.101/1&101/3 of Agonda Village, Canacona-Goa:

- i. No Objection Certificate (Seasonal) issued by the Directorate of Health Services, Community Health Centre Canacona-Goa for erection of temporary cottages and Shack in Survey no.101/1&101/3 of Agonda Village, Canacona-Goa, bearing reference no. CHCC/NOC/SEA/2024-25/2819, dated :01/11/2024 which is valid till 31<sup>st</sup> May 2025.
- ii. No Objection Certificate issued by the Directorate of Fire and Emergency Services for erection of temporary cottages and Shack in Survey no.101/1&101/3 of Agonda Village, Canacona-Goa, bearing no. DFES/ADOSOU/2024/86, dated :07/11/2024 which is valid till 31<sup>st</sup> May 2025.
- iii. No Objection Certificate/ Approval issued by the GOA Coastal Zone Management Authority for erection of temporary cottages and Shack in Survey no.101/1&101/3 of

Agonda Village, Canacona-Goa, bearing no. GCZMA/S/Shack-hut-cott-tent/23-24/50/1961, dated : 23/09/2024 along with the plan.

- iv. Receipt of payment of fees towards NOC for erection of temporary cottages and Shack in Survey no.101/1&101/3 of Agonda Village, Canacona-Goa issued by the Department of Environment & Climate Change, bearing receipt no.4418, dated 23/09/2024
- v. Receipt of payment of fees towards temporary licence for Shacks and hut issued by the Village Panchayat of Agonda, Canacona-Goa, bearing receipt no.028 of receipt book no.68, dated 16/12/2024.
- vi. Receipt of payment of fees towards Garbage of Shacks and hut issued by the Village Panchayat of Agonda, Canacona-Goa,

bearing receipt no.029 of receipt book no.68,  
dated 16/12/2024.

- vii. Form I & XIV of Survey no.101/1 and 101/3  
of Village Agonda wherein the name of the  
Original respondent is reflected at serial no.1,  
dated: 13/02/2025.
- viii. Form D issued by the Goa State Pollution  
Control Board to operate  
restaurants/Shacks/marriage hall or any  
treatment as disposal system for discharge,  
dated 17/02/2025.
- ix. Consent to operate under section 25/26 of the  
water (prevention & control of pollution )  
Act,1974 & under Section 21 of the Air  
(prevention & Control Of Pollution ) Act,  
1981 and Under Rule 6(1) of the Hazardous  
and other Waste (Management and  
Transboundary Movement) Rules 2016  
Amended issued by the Goa State Pollution

Control Board in Survey no.101/1 & 101/3 of Agonda Village, Canacona-Goa, bearing no. 12/2025-PCB/2644537/O00018063, dated : 10/03/2025.

(enclosed herein).

10.It is stated that the permanent structures as mentioned in the show cause notice as existing on the property as given to the undersigned by the owners of the said property and the same are in existence prior to 1990. The same is clear from the records of the Village panchayat which has assessed the same to house tax from 1986. The portion of land of the original owners has been compounded since the early 1970's and the said construction is not new.

11.It is stated that the MS framework as is seen at the site is only temporary and is permissible under the guidelines of the Shack Policy and is

not considered as permanent structure. There is no permanent base and the same are only kadappa stones and pavers which are temporary and laid upon the sand for the purpose of stability and access and are therefore not in violation of the guidelines under the Shack Policy or the CRZ notification in that regard as the same are not permanent concrete structures. There is no violation of any CRZ guidelines on the property of the respondent.

12. It is therefore prayed before this Honorable Court

- i) to recall the said Show Cause notice bearing No. GCZMA/S/ILLE-Compl/24-25/18/3457, dated 17/01/2025, issued against respondent and close the present proceedings.

Place: Panaji

\_\_\_\_\_

20/03/2025

Adv. for respondent

  
TRUE COPY

**BEFORE THE HON'BLE GOA COASTAL ZONE MANAGEMENT  
AUTHORITY, GOA**

Ref. No. GCZMA/S/ILLE-Compl/24-25/18/3457

**IN THE MATTER OF:**

ALCHEMIST ASSET RECONSTRUCTION COMPANY LIMITED  
...COMPLAINANT

VERSUS

AGONDA SHELL  
...RESPONDENT

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**THROUGH**

**ADVOCATE FOR THE COMPLAINANT**

**PLACE: PANJIM, GOA**

**DATE: 03.04.2025**

  
**TRUE COPY**

BY HAND

DATE: 03.04.2025

To,  
The Hon'ble Member Secretary  
Goa Coastal Zone Management Authority  
4<sup>th</sup> Floor, Dempo Towers,  
Patto, Panaji-Goa  
E-mail: [goacoastalzone@gmail.com](mailto:goacoastalzone@gmail.com)

**SUBJECT:** REJOINER ON BEHALF OF 'ALCHEMIST ASSET RECONSTRUCTION COMPANY LIMITED' (AARC) TO ITS COMPLAINT DATED 07.02.2024 AND THE RESPONSE RECEIVED TO THE SHOW CAUSE NOTICE DATED 17.01.2025 BEARING REFERENCE NO. GCZMA/S/ILLE-COMPL/24-25/18/3457

- REF:**
- (I) AARC COMPLAINT DATED 07.02.2024;
  - (II) SHOW CAUSE NOTICE DATED 17.01.2025 BEARING REFERENCE NO. GCZMA/S/ILLE-COMPL/24-25/18/3457 ISSUED BY THIS HON'BLE AUTHORITY TO AGONDA SHELL (OLD NAME), SIMROSE (NEW NAME) C/O PRASHANT KANKONKAR (SL. NO. 18 OF THE GCZMA SITE INSPECTION REPORT PERTAINING TO SURVEY NOS. 101/1 (P), 101/2(P), 101/3(P), 102/6(P) & 102/7(P) OF VILLAGE AGONDA);
  - (III) DIRECTIONS PASSED BY THE HON'BLE HIGH COURT OF BOMBAY AT GOA IN PIL WP 36 OF 2025 (F).

Respected Sir,

1. That, Alchemist Asset Reconstruction Company Limited (AARC) is the original Complainant who had filed before this Hon'ble Authority a Complaint dated 07.02.2024 bringing to your notice *inter alia* the ongoing rampant illegal and unlawful commercial operations being conducted out of structures situated in No Development Zone (NDZ) i.e. within 0 to 200 mtrs. from the High Tide Line (HTL) at Village Agonda, Canacona, Goa, and consequently prayed that an urgent enquiry/ inspection be carried out to ascertain if any unauthorized/commercial structures have been/are being erected/constructed and are being run commercially without due/valid permission of this Authority on any of the 26 beach front and adjoining survey nos. mentioned in the Complaint, to enable the Complainant to initiate appropriate action for safeguarding the ecology and environment of the said Land, particularly the beach front, which are

being criminally assaulted and degraded because of the construction and commercial activity going thereon.

2. That, as detailed in the Complaint dated 07.02.2024, AARC is the sole secured lender and mortgagee of 'Dugal Projects Development Company Pvt. Ltd.' (DPDCL) which owns approx. 100 acres of Land situated at Village Agonda, Canacona, Goa, spread over approx. 70 Survey Nos., including the following 26 beach front and adjoining Survey Nos.:

100/1, 100/3, 100/7, 100/8, 100/10, 100/12, 100/13, 101/6,  
101/7, 101/8, 101/9, 101/14, 101/15, 101/16, 101/17, 101/18,  
101/19, 101/20, 101/21, 101/22, 101/23, 101/24, 102/1, 102/3,  
102/6, 102/7

3. That, the background facts relating to AARC being the sole secured lender and mortgagee, and, DPDCL and 'Sima Hotels and Resorts Ltd.' (SHRL) being its judgment debtors under the DRT decree dated 06.05.2011 have already been submitted alongwith documents in the aforesaid Complaint dated 07.02.2024, the contents whereof are not being repeated herein for the sake of brevity. However, the Complainant/ AARC reserves its right to rely upon and refer to the same as and when required.
4. That, being concerned about the above mentioned Survey Nos., which are being illegally and unlawfully utilized by unauthorised persons for commercial purposes by erecting permanent structures in NDZ abutting a designated Turtle Nesting Site, in blatant breach and violation of provisions of Coastal Regulation Zone Regulations, 2011 (CRZ Regulations) and the recommendations made by the 'National Centre for Sustainable Coastal Management' (NCSCM) in its Report titled '*Carrying Capacity of Beaches of Goa for Providing Shacks & Other Temporary Seasonal Structures in Private Areas*' (hereinafter referred to as *Beach Carrying Capacity Report - BCCR*), the Complainant filed before this Hon'ble Authority its captioned Complaint dated 07.02.2024.
5. That, after much persuasion and follow up, a Site Inspection was conducted by this Hon'ble Authority from 07.10.2024 to 24.10.2024 in pursuance of the said Complaint dated 07.02.2024 filed by AARC, and several Show Cause Notices (SCN) came to be issued highlighting the gross violations found during the said Inspection. That, AARC is in receipt of

the Site Inspection Report prepared by GCZMA, as furnished before the Hon'ble High Court in PIL WP 36 of 2025 (F).

**PRELIMINARY SUBMISSIONS:**

6. It is submitted that in the State of Goa, Agonda beach is one of the few beaches which have been designated as turtle nesting sites for the protected habitation of a special category of turtles *viz.* Olive Ridley Turtles. In order to carve out an exception to the CRZ Regulations being applicable to the State of Goa, provisions in the form of Regulation 8 (i) V (3) of CRZ Notification, 2011 were incorporated which clearly specify that beaches such as Mandrem, Morjim, Galgiba and Agonda have been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972.
7. That, under Regulation 8 (i) V (3) (iii), purely temporary and seasonal structures are allowed to be customarily put up between the months of September to May. Admittedly, by way of an amendment dated 03.05.2017, sub-clause (iiia) in Regulation 8 (i) V (3) was inserted whereby such structures were directed not be removed and dismantled during the months of June to August, provided that the facilities available in such structures would remain non-operational during the said months of June to August.
8. It is submitted that, as evident upon perusal of Site Inspection Report, there has been a blatant breach and violation of the said sub-clause (iii) of Regulation 8 (i) V (3), as under the garb of not having to remove and dismantle structures, practically all the structures which exist on ground are reported to have permanent plinth / constructions.
9. It is submitted that there has been a gross supervisory lapse on the part of GCZMA in implementing, enforcing and ensuring a strict compliance of provisions of sub-clause (iii) of Regulation 8 (i) V (3), which require all structures to be purely temporary and seasonal thereby aiming to ensure that there is no imminent danger and/ or harm to the ecologically sensitive Agonda Beach.
10. That, with an intent to adopt a more systematic and scientific approach, an assessment of carrying capacity for beaches of Goa by way of

providing/allowing shacks and other temporary seasonal structures was undertaken on the basis of the order(s) issued by Hon'ble National Green Tribunal (NGT) Western Zone Bench, Pune (Order dated 17th December 2014) to the GCZMA, and the said task was assigned to NCSCM. The Report prepared by the NCSCM came to be titled as "*Carrying Capacity of Beaches of Goa for Providing Shacks & Other Temporary Seasonal Structures in Private Areas*" (BCCR), and the said report has given the following findings as regards the beach carrying capacity *qua* shacks allotted on Agonda beach by the Government of Goa as well as the shacks and other temporary structures on private properties (i.e.) in the area between survey boundary on seaward side and 200 m line in CRZ:

*Table 21 of BCCR specifically provides that for Agonda beach, the available carrying capacity (number of shacks) is 0 (zero).*

*Furthermore, in its Table 24 titled "Assessing the carrying capacity in terms of indicators", it has been expressly recommended for Agonda beach as under:*

*"Rural, Medium intensive use, low-infrastructure area. No additional shacks, huts / Tents / cottages should be considered as this is a designated turtle nesting site"*

11. It is submitted that BCCR was considered by this Hon'ble Authority in the meetings held on 15.11.2016, 25.11.2016 and 03.01.2017, whereby *vide* Minutes of the 135th Meeting, this Hon'ble Authority resolved to accept the Beach Carrying Capacity Report in *toto* and decided as under:

*"The Members of the Authority after detailed discussion and due deliberation and upon perusal of the reports of the Beach Carrying Capacity study and Sand Dune Mapping for the State of Goa carried out by the NCSCM and on considering the detailed presentation made by the OSD, decided to accept the reports prepared by the NCSCM in respect of the Beach Carrying Capacity study and Sand Dune Mapping for the State of Goa for implementation."*

12. That, as such, after 03<sup>rd</sup> January, 2017, this Hon'ble Authority could not have and ought not to have given any fresh Permissions / Sanctions / Approvals / Licenses for establishing shacks, huts, resorts, shops, hotels etc. on Agonda beach. However, the Complainant herein has sufficient

material to establish that, historically, very few commercial structures existed on ground prior to 2017, whereas many more beach structures are presently running uninterrupted commercial operations on Agonda beach based on purported permissions given by this Hon'ble Authority or without any valid permission(s) at all. Reliance is placed upon the Google Earth Images obtained by the Complainant from the year 2016 onwards, which are enclosed herewith and marked as **ANNEXURE - A1**. Reliance is also placed upon a chart showing the proximity of structures from HTL as per an independent survey got done by this Complainant. True copy of the aforesaid chart showing the proximity of structures from HTL is enclosed herewith and marked as **ANNEXURE - A2**.

13. It is also pertinent to state herein that the entire land owned by DPDCL on Agonda beach, including the 26 beach front survey numbers referred to above, (were a subject matter of order(s) dated 08.07.1991 and 24.07.1991 passed by the Hon'ble Bombay High Court in CS/2654/1990 whereby the physical possession of the entire said property was handed over to a Court appointed Receiver, and thus, the said entire property of DPDCL became *custodia legis*, and continues to remain so till date under the Order dated 18.04.2022 of the Hon'ble Supreme Court in C.A. No. 2786/2022. Thus, from the time the said properties became *custodia legis*, no permission ought to have been/ could have been issued by this Hon'ble Authority without the prior consent of the Court Receiver/ the Resolution Professional.)
14. It is also submitted that there are serious land disputes on the entire land owned by DPDCL on Agonda beach, including the 26 beach front survey numbers referred to above. Thus, in terms of Clause 18 of the standard terms & conditions imposed by this Hon'ble Authority in its Permission, no such permission ought to be granted to any party on the said survey numbers owned by DPDCL and mortgaged to the Complainant.

**PRELIMINARY OBJECTIONS:**

15. That, at Sl. No. 18 of the Report prepared by this Hon'ble Authority itself, following gross violations have been reported on ground in the structures erected by the Respondent:

- *Masonry Compound wall on 3 sides.*
  - *1 no. temporary structure (Reception)*
  - *1 no. permanent structure with mangalore tile roof*
  - *Attached to permanent structure*
  - *1 no. under construction M.S framework structure.*
  - *1 no. permanent structure*
  - *Above the permanent structure (first floor), there is under construction MS framework.*
  - *22 nos. temporary huts on partly permanent base.*
  - *1 no. temporary restaurant on permanent base - Above the restaurant on first floor, 10nos temporary huts under construction noted.*
  - *2 nos. temporary huts on part permanent base & roof of huts used as yoga space covered with G.I sheet.*
  - *1 no. under construction structure with foundation depth of 1.5m deep.*
  - *1 no. OHT on metal framework.*
  - *1 no. temporary under-construction structure on permanent base.*
  - *1 no. DG set on permanent base*
  - *1 no. concrete platform for water tank*
  - *Kadappa pavers to access.*
16. That, on a perusal of the Site Inspection Report prepared by this Hon'ble Authority, it is unequivocally clear that the structures which exist on ground are all within 200 mtrs. of HTL i.e., within the NDZ area where no permission could have been granted by this Hon'ble Authority after the acceptance of the BCCR w.e.f. 03.01.2017.
- 17 As per the independent survey got conducted by the Complainant, all the structures which form part of the Show Cause Notices under consideration before this Hon'ble Authority are all within 200 mtrs. of HTL, and these are being commercially exploited as the following Commercial Entities:

CHART OF ILLEGAL CONSTRUCTIONS : AGONDA BEACH				
Survey No.	Area as per Form I & XIV (in Sq. Mtrs)	Description / Name of Entity / Establishment(s)	Area Occupied by Entities / Establishments	Distance from HTL to structures in meters
101/1	5925	<b>AGONDA SHELL</b>	<b>962</b>	<b>11.27</b>
		AGONDA COTTAGES	1550	7.50
		RAMA RESORT	1550	8.98
101/3	16492	FATIMA RESTAURANT	81	83.29
		<b>AGONDA SHELL</b>	<b>1142</b>	<b>11.27</b>
		SHOPS	266	90.87
		SHOPS	220	103.20
		AGONDA RESTAURANT	1004	50.18
		SHOPS	397	91.04
		RAMA RESORT	1892	8.98
		SHED	402	142.57
		SHOPS	118	148.18
		ON THE ROCKS & COZY AGONDA	114	175.49
102/6	1150	BEACH HUTS	380	15.64
		SEA VIEW COTTAGES	490	13.96
		<b>AGONDA SHELL</b>	<b>280</b>	<b>11.27</b>
102/7	3350	SEA VIEW COTTAGES	63	13.96
		SHOPS	511	50.28
		SHOPS	136	73.72
		MANDALA CAFFE	36	94.32
		AGONDA HOLIDAY HOME	342	79.31
		FATIMA RESTAURANT	475	83.29
		<b>AGONDA SHELL</b>	<b>344</b>	<b>11.27</b>
		SHOPS	24	90.87

18. It is submitted that Sy. Nos. 101/1, 101/3, 102/6 and 102/7 are undivisioned and undemarcated surveys where DPDCL owns the majority land to the extent of 4062.5 sq. mtr. out of the total area of 5925 sq. mtr. in Sy. No. 101/1, 10625.5 sq. mtr. out of the total area of 16406 sq. mtr. in Sy. No. 101/3 whereas DPDCL wholly owns the land in Sy. Nos. 102/6 & 102/7, which land is mortgaged to the Complainant. Thus, it is an

admitted position that in 101/1, 101/3, 102/6 and 102/7, DPDCL and the Complainant herein are principal stakeholders.

19. That, the Respondent has filed on record a Permission dated 23.09.2024 granted by this Hon'ble Authority to the Respondent with respect to Sy. Nos. 101/1 & 101/3, which permission ought not to have been issued by this Hon'ble Authority in the first place in view of the recommendations contained in BCCR with respect to Agonda beach. It is pertinent to mention here that AARC has independently challenged the GCZMA permission granted to the Respondent here by way of filing an appeal before the Hon'ble National Green Tribunal, Pune, which is pending adjudication as on date. The said appeal is registered as Appeal No. 165/2024 (WZ). Hence, there is an admitted dispute with respect to the property in question, and the provisions of Standard Clause 18 of the permission issued by GCZMA squarely apply and no permission whatsoever deserves to be granted on the subject property.
20. It is pertinent to mention here that the Inspection Report notes that the structures/property are on various survey numbers including i.e. Survey Nos. 101/1, 101/2, 101/3, 102/6 & 102/7 out of which, Survey Nos. 102/6 and 102/7 are wholly owned by DPDCL which have been mortgaged to AARC/ Complainant herein, and, as regards Survey Nos. 101/1 & 101/3, it is submitted that DPDCL is the majority land owner in the said survey nos. and the land belonging to DPDCL in these Survey Nos. is also mortgaged to AARC/Complainant herein. Further, the Survey numbers i.e. 102/6 & 102/7 have been duly mutated in the name of DPDCL which is evident from Form I & XIV maintained by the Government of Goa. No permission by any authority could have been granted to any third party without the consent of either DPDCL or AARC (being the sole mortgagee) in respect of the said Survey Numbers. True copy of Form I & XIV is enclosed herewith and marked as **ANNEXURE - A3**.
21. It is worth stating herein that the Respondent claims to have a Permission from this Authority on Survey Nos. 101/1 & 101/3, but the construction is extended to Sy. No. 102/6 & 102/7 also without any Permission. Further, the said Permission is for 1 shack & 25 huts, whereas, 24 huts are already constructed and 10 more huts are under construction, as

noted in the GCZMA site inspection report itself. There is no permission for the Yoga space also. Furthermore, there are a number of permanent constructions in violation of the Permission as well as CRZ Notification, 2011.

22. That, despite repeated efforts of the Complainant to receive information under the Right to Information Act, this Hon'ble Authority unfortunately made all efforts to evade responding to the same, whereas perusal of the replies received from many parties reveal that Permissions were indeed issued by this Authority after 03<sup>rd</sup> January, 2017 despite there being a specific bar on issuance of such permissions in view of recommendations of BCCR for Agonda beach.
23. It is also worth stating herein that in the instant case, the illegal structures on ground have been found to be *inter-alia* in Survey No. 101/2, which is admittedly government land where no authority including this Hon'ble Authority, has any right to grant any Permission. Thus, the mere existence of the Respondent on Survey No. 101/2 goes to prove the extreme levels of encroachment by such party, which wilful violation needs to be set straight by this Hon'ble Authority by ordering demolition of all illegal structures, forthwith.

**REPLY TO THE PRELIMINARY OBJECTION ON LOCUS STANDI OF THE COMPLAINANT:**

- I. The contents of Para I are wrong, incorrect and misleading, hence, denied. It is made expressly clear that AARC has not raised any civil dispute in the instant proceedings. It's Complaint dated 07.02.2204 was premised squarely and purely on environmental issues *inter-alia* relating to gross CRZ violations. It is categorically denied that Mr. Aman Gupta has any connection whatsoever with the Complainant. In any case, this issue has no relevance to the current proceedings and is being raised to obfuscate the issues. The submissions made are purely speculative and deserve to be rejected outrightly.
- II. The contents of Para II are wrong and incorrect, hence, vehemently denied. It is submitted that the orders passed by the Hon'ble NCLAT have no bearing and/ or relation to the present proceedings whatsoever. The

Respondent has yet again made a highly speculative argument without any background knowledge or context. It is reiterated that the Complaint dated 07.02.2204 is premised squarely and purely on environmental issues *inter-alia* relating to gross CRZ violations, with which this Hon'ble Authority is statutorily concerned. In so far as the *locus* of this Complainant is concerned, the same has been upheld and accepted in various proceedings before the Hon'ble Supreme Court, Hon'ble High Court, Hon'ble National Green Tribunal etc., and thus, the same is not even a moot issue before this Hon'ble Authority.

**PARA-WISE REPLY TO THE REPLY ON MERITS:**

1. Contents of para one merit no response.
2. The contents of para two are wrong and incorrect, hence denied. It is submitted that under the present show cause notices, this Hon'ble Authority is tasked to check the veracity of permissions granted to structures post 3<sup>rd</sup> January 2017, i.e. the date on which the recommendations of BCCR came to be accepted by it. It is submitted that as per the BCCR, no new permission could have been granted within 200 m of H.T.L at Agonda, i.e. in the No Development Zone. It is submitted that the subject structures are within the said 200 m of HTL and hence, or not to have been granted any permission by the Authority in the very first place.
3. The contents of para three are wrong and incorrect, hence denied. It appears that the Respondent has misunderstood the context of Show Cause Notice issued to it. It is the issue regarding granting of permission by this Authority after acceptance of BCCR, which specifically provides that no new permission should be granted at Agonda in view of saturation of its capacity. The set report categorically notes for Agonda Beach that no fresh construction/permission be granted to any structure within 200 mtrs. H.T.L, i.e. the No Development Zone.
4. The contents of para four are specifically vehemently denied. It is submitted that each and every movement of tourist and/or local people on ground have a direct and adverse impact on the turtle nesting and hatching. It is submitted that carrying on of commercial activities,

including playing of loud music, lighting, garbage and sewage disposal, etc. have a direct impact on the turtle nest and hatching. The draft total management plan prepared by the state of Goa refers to all such factors which contribute to the decline in total nesting population over the years.

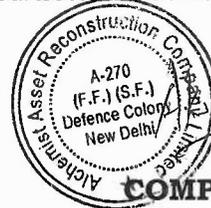
5. The contents of para five are wrong and incorrect, hence denied. It is submitted that DPDCL is a majority co-owner in survey number 101/1 & 101/3, and is an exclusive land owner in Survey Nos 102/6 & 102/7. The said survey number are physically undemarcated and unpartitioned, hence, the claim of any party to any particular portion of the said survey number is wholly incorrect, which land is mortgage to alchemist ARC.
6. The contents of para six are wrong and incorrect, hence denied. It is submitted that any permission obtained by the Respondent on the basis of the purported GCZMA permission is to be considered void ab initio as the very GCZMA Permission issued in the year 2019, and the ancillary permissions based on GCZMA permission, are liable to be revoked in view of the bar imposed under the BCCR.
- 7 & 8. The contents of para seven and eight are wrong and incorrect, hence denied. It is submitted that the GCZMA site inspection report categorically highlights the permanent constructions in the form of permanent base constructed by the Respondents in a No Development Zone in the garb of a Permission for erection of temporary structures. The said Permissions are the liable to be revoked and set aside and land be brought to its original condition. It is further pertinent to state and take into consideration that as stated above, the Respondent claims to have a Permission from this Authority on Survey Nos. 101/1 & 101/3, but the construction is extended to Sy. No. 102/6 & 102/7 also without any Permission. Further, (the said Permission is for 1 <sup>temporary</sup> shack & 25 <sup>temporary</sup> huts, whereas, 24 huts are already constructed and 10 more huts are under construction, as noted in the GCZMA site inspection report itself. There is no permission for the Yoga space also) Furthermore, there are a number of permanent constructions in violation of the Permission as well as CRZ Notification, 2011.
9. The contents of para nine are wrong and incorrect, hence denied. It is submitted that the permission granted by GCZMA in the year 2024 is

wholly incorrect and ought not to have been issued in view of the bar contained under the BCCR for Agonda Beach. It is submitted that BCCR has been accepted by the GCZMA in *toto* and it has been the guiding factor in granting of permissions. However, in complete defiance of the recommendations of the said report, the GCZMA has unabashedly continued to grant permission, even though the BCCR prohibition for grant of commercial permissions came into force 3<sup>rd</sup> January 2017. Furthermore, in view of the above, all permissions of other regulatory authorities are liable to be declared null & void since the underlying permission granted by the GCZMA on 23.09.2024 was *void-ab-initio*.

10. The contents of para 10 are wrong and incorrect, hence denied. It is incorrect to suggest that the permanent structures existed prior to 1990. The said submission is a submission in air without any cogent proof. The Respondent is trying to wriggle out of the scope and ambit of CRZ regulations. If such was the situation, indeed, then there was no need for the Respondent to have applied seeking CRZ permission. The fact that CRZ permission came to be issued (though belatedly), implies the fact that the structure are post 1991. Regardless of the said fact, permanent structures are completely not allowed in NDZ area and liable to be ordered for demolition. It is submitted that the Respondent is only trying to create an impression that the constructions are pre-CRZ Regulations regime but has not produced any documentary evidence in support of his such contention.
11. The contents of para 11 are wrong and incorrect, hence denied. It is submitted that Respondent is trying to mislead this authority. It is submitted that the site inspection report blatantly notes the glaring permanent structures, permanent base, concrete platform, etc. used by the Respondent, which is clearly illegal and unlawful, and contrary to the CRZ regulations.
12. Last para is the prayer sought before this Hon'ble Authority, which, in the given set of facts and circumstances deserves to be rejected and correspondingly, the correspondent be directed to permanently seal the structures and consequently demolished the said offending structures, thereby restoring the land towards its original condition.

13

In view of the above submissions, it is most humbly submitted and prayed that this Hon'ble Authority may kindly pass appropriate orders for permanent sealing and/or orders of demolition of structures concerned.



**COMPLAINANT**  
**(ALCHEMIST ASSET RECONSTRUCTION COMPANY LIMITED**  
**THROUGH AKSHAT SHARMA)**

**THROUGH**

**ADVOCATE FOR THE COMPLAINANT**

**PLACE: PANJIM, GOA**  
**DATE: 03.04.2025**

14

BEFORE THE GOA COASTAL ZONE MANAGEMENT AUTHORITY,  
GOA

Ref. No. GCZMA/S/ILLE-Compl/24-25/18/3457

**IN THE MATTER OF:**

**ALCHEMIST ASSET RECONSTRUCTION COMPANY LIMITED**

**...COMPLAINANT**

**VERSUS**

**AGONDA SHELL**

**...RESPONDENT**

**AFFIDAVIT**

I, Akshat Sharma, S/o Sh. S.K. Sharma, aged about 36 years, Authorized Representative of the Complainant 'Alchemist Asset Reconstruction Company Limited', having registered office at A-270, 1<sup>st</sup> Floor, Defence Colony, New Delhi - 110 024, do hereby solemnly affirm and declare as under:

1. I say that I am the Authorised Representative of the Complainant in the present complaint, on the basis of which this Hon'ble Authority has issued Show Cause Notice to the Respondent and as such, I am well acquainted with the facts and circumstances of this case.
2. I say that I have gone through the accompanying Rejoinder to the reply to show cause notice and have understood the contents of the same.
3. I state that the said Rejoinder has been drafted under my instructions. The facts stated therein are true and correct to my knowledge and belief and the submissions made therein are based on legal advice received and believed to be true and correct. Annexures filed are true copies of their respective originals.

**DEPONENT**

02 APR 2025

**VERIFICATION**

I, the above named Deponent, do hereby verify that all what is contained hereinabove is true and correct to the best of my knowledge and belief.

Verified and signed at Delhi on this \_\_\_\_\_ day of April, 2025

02 APR 2025

**DEPONENT**

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

**IDENTIFIED**

**NOTARY PUBLIC**  
MINATI RANI MOHAPATRA

MINUTES OF THE 473<sup>rd</sup> MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 13/08/2025 at 2.30P.M. PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.

The 473<sup>rd</sup> Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 13/08/2025 at 03.30 p.m. in the conference hall, fourth floor, Patto-Panaji –Goa.

The following members were present for the meeting:

1. Secretary, Environment & Climate Change /Chairman(GCZMA)
2. Representative of the Principal Conservator of Forest.
3. Representative on behalf of Director, Directorate of Panchayat, Panaji Goa.
4. Representative of the Principal Chief Engineer WRD
5. Representative of the Chief Engineer PWD
6. Mrs Radha Rao, Expert Member,(GCZMA)
7. Director, Environment & Climate Change /Member Secretary, (GCZMA)

The Minutes of the previous meeting was discussed and approved by all the Members present.

Item no .1.

Case No. 1.1

NGT REMAND

To decide on the Environmental compensation on Goveia after Remand from National Green Tribunal

Background Earlier pursuant to a complaint dated 31/05/2012 received from Residents of Vaddy, Siolim, Bardez-Goa, an inquiry was conducted by the Authority. The Authority in its decision taken in 144<sup>th</sup> meeting held on 21/03/2017 was pleased to decide as a follows:-

The Authority after detailed discussion and due deliberation and taking into consideration the report prepared by then Expert Members of GCZMA decided to direct Goveia Waterfront/Resort to:-

- a) Restore the opening of the sluice gate from 12m wide to its original size.
- b) Remove the mud filing carried out in the lagoon and restore the lagoon to its original dimensions ie 125m X 80 m.
- c) To remove the concrete platform alongwith columns in the lagoon constructed along the river bank.
- d) To remove/demolish the boundary wall of laterite masonry constructed up to the edge of the river.

TRUE COPY

present for the Complainant. Adv Saini present on behalf of Duggal Properties through V.C. Adv Parag stated that this contention is that all the structures falls within the distance of 0-200 mts of CRZ. That the Respondent do not have any rights to put up structures as they do not own the land. Adv states that the property belongs to Dugal Projects Development Company Private Limited. That Alchemist is now the Owner through the Sarfaesi Act and through the Debt Recovery Tribunal case. Adv Parag states the Respondents have erected permanent structures in their property and some are erected on the Government land. That as per the Beach Carrying Capacity no new structures can come up.

Adv Lobo for the Respondent present and stated that he has already filed his reply, The Authority's Decision: The Authority posted the matter for arguments / orders on 15/07/2025 at 3.30p.m.

The matter was taken up in the 465<sup>th</sup> GCZMA Meeting the Proceeding: Adv Karan Batura along with Adv Jayant Karn and Adv Parag Rao along with Adv Akhil present for the Complainant. Adv Lobo for the Respondent present. Respondent reply on records. The Authority's Decision: The Authority posted the matter for final arguments on 07/08/2025 at 3.30p.m.

The matter was taken up in the 471<sup>st</sup> GCZMA Meeting the Proceeding: Adv Karan Mehta along with Adv Jayant Karn appeared for the Complainants. Adv for Respondent present. Adv Jayant sought for time to produce written synopsis in the matter. The Authority's Decision: The Authority considered the request of the Complainant advocate and that the same should be filed before the next date with an advance copy to be given to the Respondents. Posted the matter on 13/08/2025 at 3.30p.m.

**Proceeding: Adv Jayant Karn present for the Complainant. Adv Lobo for the Respondent present.**

**Decision: The Authority perused the documents and had noted that the Respondent had obtained permission for putting up 06 Huts and 01 Restaurant in the property bearing Sy No 101/1-A of Agonda Village. it is also noted that the Respondent has been in use and occupation of the area mentioned in the SCN. Further, the Respondent had the House Tax Receipt and also obtained the permission from the Directorate of Tourism. The Respondent has not produced any other documents with regards to the other violations. The Authority therefore decided to discharge the Show Cause Notice to the extent of 06 Huts and 01 Restaurant and directs the Respondent to demolish all the other structures illegally erected and mentioned in the show Cause notice bearing GCZMA/S/ILLE-Compl/24-25/18/3456 dated 17/01/2025.**

**Case No. 2.20**

**To decide on the complaint filed by Alchemist Asset Reconstruction Company Limited, through Akshat Sharma, against Agonda shell (old name) Simrose**

(new name) c/o Prashant Kankonkar H.no.:275/2, Columb, Canacona-Goa. Sr No. 18

**Background:** The office of the GCZMA is in receipt of complaint dated 07/02/2024 from Alchemist Asset Reconstruction Company Limited, through Akshat Sharma, authorized representative, A-270, 1<sup>st</sup>& 2<sup>nd</sup> floor, Defence Colony- New Delhi 110024, with regards to Complaint against Rampant illegal and unlawful construction and ongoing illegal and unlawful commercial establishments in the form of resorts/hotels/shacks/bar/restaurant in the CRZ area of village Agonda, Canacona Taluka Goa which is designated Turtle nesting site and a no development zone in property bearing Sy. No. 100/1, 100/3,100/7,100/8,100/10,100/12,100/13, 101/1, 101/3, 101/6, 101/7, 101/8, 101/9, 101/14, 101/15,101/16, 101/17, 101/18, 101/19, 101/20, 101/21, 101/22, 101/23, 101/24, 102/1, 102/3, 102/6, 102/7 of village Agonda, Canacona Taluka.

That on receipt of complaints, the officials attached to the office conducted the site inspection and accordingly placed the report.

That upon close perusal of the said report the following alleged gross illegal construction resulting violation of CRZ Notification 2011 is noticed:

Sr. No.	Name of the Party/alleged violator	Survey No./ Village	Type of Construction	Details As Per CZMP 2011
18.	Agonda shell (old name) Simrose(new name) c/o Prashant Kankonkar H.no.:275/2, Columb, Canacona-Goa. Contact no.: 8080300344	Survey No.101/1(P), 101/2(P), 101/3(P), 102/6(P), 102/7(P) of Village Agonda, Canacona Taluka	-Masonry Compound wall on 3 sides. -1 no. temporary structure (Reception) -1 no. permanent structure with mangalore tile roof - Attached to permanent structure 1 no. under construction M.S frame work structure. -1 no. permanent structure -Above the permanent structure (first floor), there is under construction MS framework. -22 nos. temporary huts on partly permanent base. -1 no. temporary restaurant on permanent base -Above the restaurant on first floor, 10 nos temporary huts under construction noted. -2 nos. temporary huts on part permanent base & roof	CRZ III (0m - 200m)

			<p>of huts used as yoga space covered with G.I sheet.</p> <p>-1 no. under construction structure with foundation depth of 1.5m deep.</p> <p>-1 no. OHT on metal framework</p> <p>- 1 no. temporary under-construction structure on permanent base.</p> <p>-1 no. DG set on permanent base</p> <p>-1 no. concrete platform for water tank</p> <p>-Kadappa pavers to access.</p>	
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The Authority issued a Show Cause Notice to all the alleged violators and directed the parties to file their replies along with documents and remained present for a personal hearing

The matter was taken up in the 433<sup>rd</sup> GCZMA Meeting held on 12/03/2025 the Proceeding: Complainant present. Adv Lobo for Respondent present and sought for time to file reply. The Authority's Decision: The Authority considered the request and granted one weeks' time and directed the parties to produce their documents and the permission if any on the next date of hearing so as to pass necessary directions. Posted the matter on 20/03/2025 at 3.30p.m

The matter was taken up in the 436<sup>th</sup> GCZMA Meeting held on 20/03/2025 the Proceeding: Adv Karan Batura along with Adv Jayant Karn present for the Complainant. Adv John Lobo appearing for the Respondent filed reply and stated that they have all the permissions. Copies of the reply furnished to the Complainant. Adv for the Complainant sought for time to file rejoinder. The Authority's Decision: The Authority granted time to the Complainant to file rejoinder and posted the matter on 03/04/2025 at 3. 30p.m

That the Hon'ble High Court via order dated 19/03/2025 has directed this Authority to seal all the structures. The Authority sealed all the properties based on the directions of the Hon'ble High Court. Subsequently the aggrieved parties approached the Hon'ble High Court and after producing documents sort relief of being de-sealed.

The Hon'ble High Court via order dated 26 March 2025 noted that, *The learned Advocate General also makes a statement that apart from the applicants who had approached this Court and upon verifying their permissions, a green signal has been given for desealing, pending the adjudication of the show cause notices issued by the GCZMA, a categorical statement is made by him, that in case of other entities who are in receipt of the show cause notices from GCZMA, the proposals for desealing of their premises shall be independently scrutinized and upon taking a decision whether they are also entitled to be out of the purview of the order passed by this Court on 19.03.2025, a decision shall be taken within a period of one week and it shall be communicated to the respective noticees forthwith. We accept this statement.*

The Matter was taken up in the 439<sup>th</sup> GCZMA Meeting the Proceeding: Adv Karan Batura along with Adv Jayant Karn present for the Complainant and files rejoinder. Adv Lobo present for the Respondent. States that High Court has desealed the property. The Authority's Decision: The Authority perused the documents filed by the Respondent and posted the matter for arguments on 16/04/2025 at 3.30p.m

The matter was taken up in the 443<sup>rd</sup> GCZMA meeting held on 16/04/2025 the Proceeding: Adv. Rao appeared on behalf of the Complainant. Adv. Lobo appeared on behalf of the Respondent. Both the Advocates requested for time for arguments. The Authority's Decision: The Authority granted time and posted the matter on 07/05/2025 at 3.30pm for arguments.

The Matter was taken up in the 448<sup>th</sup> GCZMA Meeting the Proceeding: Advocate Rao along with Adv Akhil present on behalf of Dudgal properties . Adv Karn present on behalf of Complainant. Adv Lobo appeared on behalf of the Respondent. The Authority's Decision: The Authority posted the matter on 13/06/2025 at 2.30 p.m. for final arguments.

That the meeting scheduled on 13/06/2025 was cancelled and matter were adjourned to 17/06/2025 at 3.30p.m

The matter was placed in the 458<sup>th</sup> GCZMA Meeting held on 17/06/2025, the Proceeding: The Adv Karan Batura along with Adv Jayant Karn and Akhil on behalf of the Complainant at the hearing on 14/06/2025 stated his inability to appear for the hearing scheduled on 17/06/2025 and 19/06/2025 and further sort for adjournment for those days. The Authority's Decision The Authority considered the request of the Adv for the Complainant and consent granted by the Adv for Dudgal, granted time and posted the matter on 26/06/2025 at 3.30p.m.

The matter was placed in the 461<sup>st</sup> GCZMA Meeting the Proceeding: Adv Karan Batura along with Adv Jayant Karn and Adv Parag Rao along with Adv Akhil present for the Complainant. Adv Saini present on behalf of Duggal Properties through V.C. Adv Parag stated that this contention is that all the structures falls within the distance of 0-200 mts of CRZ. That the Respondent do not have any rights to put up structures as they do not own the land. Adv states that the property belongs to Dugal Projects Development Company Private Limited. That Alchemist is now the Owner through the Sarfaesi Act and through the Debt Recovery Tribunal case. Adv Parag states the Respondents have erected permanent structures in their property and some are erected on the Government land. That as per the Beach Carrying Capacity no new structures can come up.

Adv Lobo for the Respondent present and stated that he has already filed his reply,

The Authority's Decision: The Authority posted the matter for arguments / orders on 15/07/2025 at 3.30p.m.

The matter was taken up in the 465<sup>th</sup> GCZMA Meeting the Proceeding: Adv Karan Batura along with Adv Jayant Karn and Adv Parag Rao along with Adv Akhil present for the Complainant. Adv Lobo for the Respondent present. Respondent

Handwritten signature and initials, possibly 'Ne' or 'Ae', with a flourish.

reply on records. The Authority's Decision: The Authority posted the matter for final arguments on 07/08/2025 at 3.30p.m.

The matter was taken up in the 471<sup>st</sup> GCZMA Meeting the Proceeding: Adv Karan Mehta along with Adv Jayant Karn appeared for the Complainants. Adv for Respondent present. Adv Jayant sought for time to produce written synopsis in the matter. The Authority's Decision: The Authority considered the request of the Complainant advocate and that the same should be filed before the next date with an advance copy to be given to the Respondents. Posted the matter on 13/08/2025 at 3.30p.m.

**Proceeding:** Adv Jayant Karn present for the Complainant. Adv for Respondent present.

**Decision:** The Authority perused the documents and posted the matter for hearing on the 23/09/2025 at 3.30p.m.

### Case No.2.21

**To decide on the complaint filed by Alchemist Asset Reconstruction Company Limited, through Akshat Sharma, against Cuba Agonda Sr No. 36**

**Background:** The office of the GCZMA is in receipt of complaint dated 07/02/2024 from Alchemist Asset Reconstruction Company Limited, through Akshat Sharma, authorized representative, A-270, 1<sup>st</sup>& 2<sup>nd</sup> floor, Defence Colony- New Delhi 110024, with regards to Complaint against Rampant illegal and unlawful construction and ongoing illegal and unlawful commercial establishments in the form of resorts/hotels/shacks/bar/restaurant in the CRZ area of village Agonda, Canacona Taluka Goa which is designated Turtle nesting site and a No Development Zone in property bearing Sy. No. 100/1, 100/3,100/7,100/8,100/10,100/12,100/13, 101/1, 101/3, 101/6, 101/7, 101/8, 101/9, 101/14, 101/15,101/16, 101/17, 101/18, 101/19, 101/20, 101/21, 101/22, 101/23, 101/24, 102/1, 102/1, 102/2, 102/3, 102/6, 102/7 of village Agonda, Canacona Taluka.

Thaton receipt of complaints, the officials attached to the office conducted the site inspection and accordingly placed the report.

That upon close perusal of the said report the following alleged gross illegal construction resulting violation of CRZ Notification 2011 is noticed:

Sr. No.	Name of the Party/alleged violator	Survey No./ Village	Type of Construction	Details As Per CZMP 2011
36.	Cuba Agonda	Survey No.102/1 (P), 102/2 (P) of Village Agonda,	- 10 nos. cottages erected on metal fabricated base. - Shed (for beach beds and sit out) supported with iron poles. - 1 no. shack with open sit out supported by wooden supports and cement poles supports. Roof	CRZ III (0m - 200m)

994

IN RE: Appeal No. 165 of 2024 (WZ)

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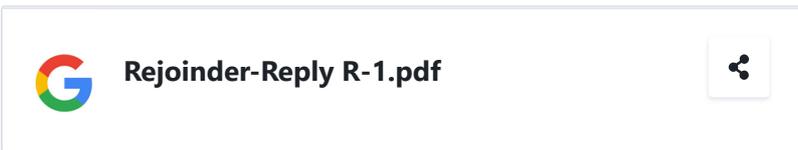
From: Karan Batura (karanbatura@yahoo.in)  
To: ngt-pune@gov.in  
Cc: shankar@chambers.net.in; shubhpri@yahoo.co.in  
Date: Wednesday, September 17, 2025 at 07:26 PM GMT+5:30

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Dear All,

Please find below the link to access the rejoinder on behalf of the Appellant to the respective replies filed by Respondent No. 1 and Respondent No. 2 to the captioned appeal:

[Rejoinder-Reply R-1.pdf](#)



[Rejoinder- Reply R-2.pdf](#)

Kindly acknowledge the receipt of the same.

Since the Respondents have not done continuous page numbering of their replies, I am constrained to page number my rejoinders continuously.

**Regards,**

**Karan Batura**  
**Advocate for the Appellant**

