

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

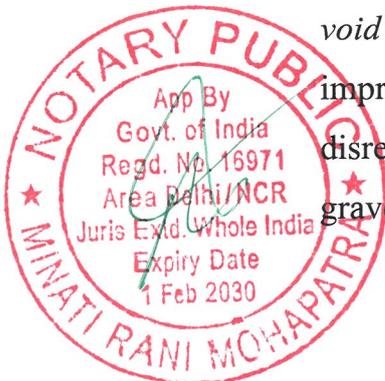
GOA COASTAL ZONE MANAGEMENT AUTHORITY & ANR.

...RESPONDENTS

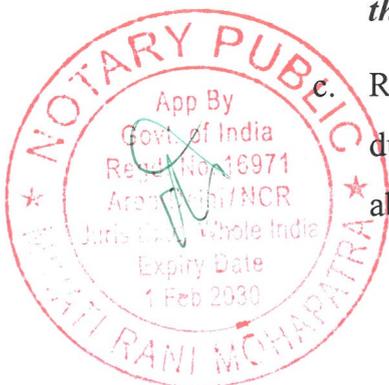
**REJOINDER ON BEHALF OF APPELLANT TO THE AFFIDAVIT-  
IN-REPLY FILED BY RESPONDENT NO. 2**

*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 (“**Impugned Approval**”) issued by Respondent No. 1 for permitting Respondent No. 2 to erect temporary 25 Huts and 1 Shack on a piece of licensed 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*).

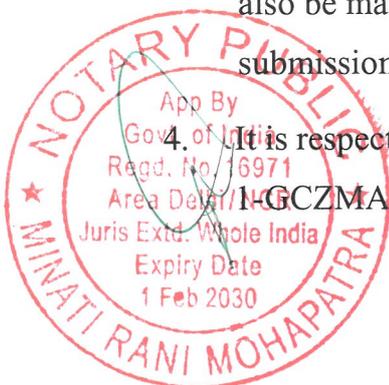
- e. The lands in question i.e. Survey Nos. 101/1 and 101/3 of Agonda Village, are unpartitioned properties with multiple co-owners, including Dugal Projects Development Co. Pvt. Ltd. (DPDCL), which holds 4,062.5 sq. mtrs. in Survey No. 101/1 and 10,625.5 sq. mtrs. in Survey No. 101/3 under registered 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



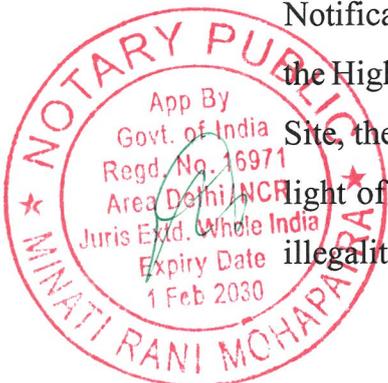
of justice and a subversion of lawful ownership rights (*as detailed in Paras 43-48 of the captioned Appeal*).

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.

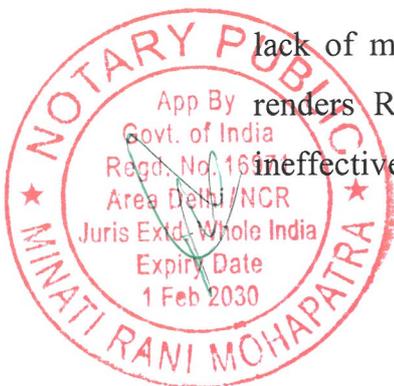
4. It is respectfully submitted that as brought about above, Respondent No. 1-GCZMA could not, in the first place, have granted any permission to



Respondent No. 2 after 03.01.2017. However, assuming without admitting that the Impugned Approval could be issued, the said Approval has been obtained on the basis of a fraudulent and unauthorized Leave and License Agreement dated 16.05.2024, executed by Mr. Kritesh Vaikunth Naik Gauncar and Mrs. Manisha Mahesh Gaonkar, purported partners of M/s Mallikarjun Agro & Eco Resort as licensors, in favour of Respondent No. 2 and his business partner, Binesh Thapa (representing M/s Simrose Resorts Pvt. Ltd.) as licensees. This Agreement purports to license 3,000 sq. mtrs. of land situated within Survey Nos. 101/1 and 101/3 of Agonda Village, over which the Licensors had no right or title. Even otherwise, the said Leave and License Agreement suffers from various defects as brought out in Para 20-32 of the captioned Appeal. The Impugned Approval is also vitiated by the fact that it has been issued by Respondent No. 1-GCZMA without conducting due diligence and application of mind while considering the application of Respondent No. 2 and the supporting documents. Respondent No. 1-GCZMA further failed in conducting proper due diligence or applying mind while issuing the Impugned Approval, which facilitated constructions in Survey No. 101/1 and Survey No. 101/3, which are unpartitioned and undemarcated Survey Numbers belonging to multiple owners without permission of any of the said multiple owners, including DPDCL (whose share in the Survey Numbers is mortgaged to the Appellant). Furthermore, the constructions undertaken are in gross violation of the Coastal Regulation Zone (“CRZ”) Notification, 2011, and the BCCR, and are located dangerously close to the High Tide Line (“HTL”) and an ecologically sensitive Turtle Nesting Site, thereby posing a significant threat to the fragile coastal ecology. In light of the foregoing, the Impugned Approval, being tainted by fraud, illegality, and environmental risk, deserves to be revoked forthwith.



5. It is further submitted that despite sufficient time having been granted for filing of the said Reply, Respondent No. 2 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 Respondent No. 2 on the said aspects implies admission on their part to all the issues and grounds raised in the captioned Appeal, both legal and factual.
6. It is submitted in this regard that the Reply filed by Respondent No. 2 to the captioned Appeal is characterized by evasive denials, which are devoid of substantive legal or factual rebuttal. Instead of addressing the specific grounds raised in the Appeal, including the absence of lawful right, title or interest in the land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3, violations of binding environmental regulations, and contraventions of the CRZ, 2011 norms and the BCCR, Respondent No. 2 has opted to issue blanket denials. These generalized and sweeping denials are merely intended to obfuscate the real issues at hand, without offering any concrete evidence or legal arguments that could effectively dispute the Appellant's detailed factual assertions. Such evasiveness amounts to a deliberate attempt to avoid engaging with the merits of the Appellant's case.
7. Moreover, failure of Respondent No. 2 to produce any documentary evidence or legal justification to support its denials further weakens its position. The denials remain entirely unsupported by any material facts, legal precedents, or official documents that could substantiate the claims made in its favour. By failing to respond meaningfully to the allegations of encroachment, unauthorized constructions, and violations of environmental norms, Respondent No. 2 has effectively conceded the lack of merit in its own claims. This lack of substantiation not only renders Respondent No. 2's denials legally insufficient and wholly ineffective, but also highlights the untenability of its stance in the face



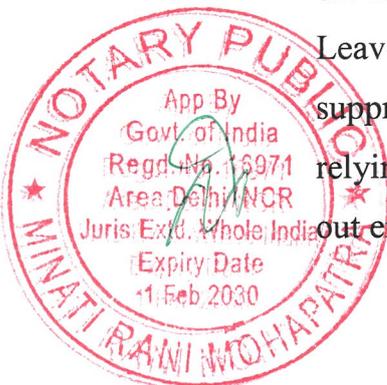
*[Handwritten Signature]*

of well-founded, factual, and legally grounded arguments presented by the Appellant. In this regard, it is submitted that such evasive and unsubstantiated denials should be disregarded, and the Impugned Approval be quashed in accordance with the law.

8. It is further pertinent to note that, the Impugned Approval permitted only 1 temporary shack and 25 temporary huts, however, the Respondent No. 1-GCZMA in its site inspection report and the Show Cause Notice (“SCN”) dated 17.01.2025 itself notes the existence of 24 constructed huts and 10 more huts under construction, thereby exceeding the approved number. Furthermore, there is no approval for Yoga space, and several permanent constructions have also been observed on-site, all in violation of the permission granted.

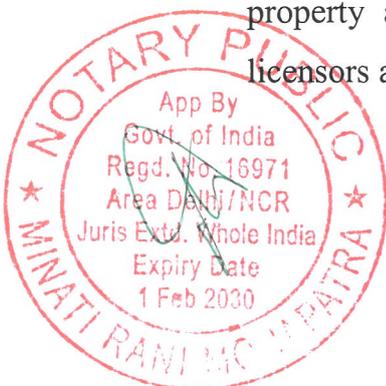
### REPLY TO THE PRELIMINARY OBJECTIONS RAISED

- I. That, the contents of Para I of the preliminary objections, wherein it is alleged that the Appellant has approached this Hon’ble Tribunal with unclean hands, are categorically denied as false, misleading, and devoid of merit. It is respectfully submitted that the Appellant, in the captioned Appeal, has comprehensively set out the relevant facts and placed on record supporting documents clearly establishing its *locus standi*, along with detailed legal and factual submissions demonstrating the illegality of the Impugned Approval. Furthermore, the captioned Appeal as well as this Rejoinder have meticulously highlight the discrepancies and misleading assertions made by Respondent No. 2, including the reliance on inaccurate, misleading and unauthorised documents, such as the Leave and Licence Agreement. It is, in fact, Respondent No. 2 who has suppressed material facts and, secured the Impugned Approval by relying on unlawful and misleading documents, and proceeded to carry out encroachments based thereon.



II. That, the contents of Para II of the preliminary objections do not warrant a detailed reply, as the captioned Appeal does not pertain to a title dispute per se. The central issue in the present proceedings is the challenge to the Impugned Approval, which has been granted without due application of mind and in clear violation of the CRZ Notification, 2011, the BCCR, and other applicable environmental norms and regulatory provisions. Nevertheless, without prejudice and solely for the purpose of demonstrating the impropriety of the Impugned Approval, it is submitted that the pleadings concerning the title and ownership structure of Survey Nos. 101/1 and 101/3 of Agonda Village have been comprehensively set out in the captioned Appeal at Paras 4 and 43-48 and are reiterated herein. It was incumbent upon Respondent No. 1-GCZMA, while considering and granting the Impugned Approval, to conduct proper due diligence and afford notice to all persons having legal rights, title, or interest in the subject land. The failure to do so, particularly when the land under Survey Nos. 101/1 and 101/3 is undemarcated and unpartitioned, and, an area of 14,688 sq. mtrs. (4062.5 sq. mtrs. in Survey No. 101/1 & 10,625.5 sq. mtrs. in Survey No. 101/3), out of the cumulative area of 22331 sq. mts. in Survey Nos. 101/1 and 101/3 is *custodia legis*, renders the Impugned Approval contrary to the very terms and conditions it purports to impose, specifically Condition Nos. 18 and 26. Accordingly, the references to title in the Appeal and this Rejoinder are made solely to highlight the non-compliance with these conditions, and not for the purpose of adjudicating a title dispute.

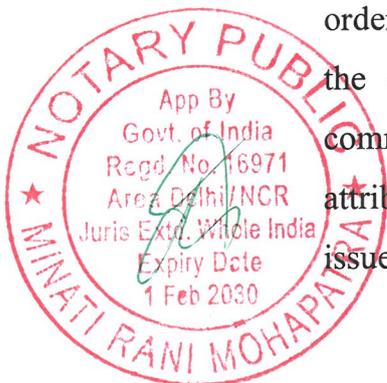
III. That, the contents of Para III of the preliminary objections claiming that the Respondent No. 2 had got a valid lease from the owners of the property are vehemently denied on the grounds that the so-called licensors are not the owners of 3000 sq. mtrs. of leased land in Sy. Nos.



101/1 and 101/3 and that the purported lease document is not valid, being defective as well as misleading.

IV. That, the contents of Para IV of the preliminary objections, wherein it is alleged that the Appellant has deliberately failed to implead DPDCL or other purported licensors as parties to the captioned Appeal, are categorically denied as false, misleading, and legally untenable. It is respectfully submitted that the scope of the captioned Appeal is strictly limited to challenging the legality and validity of the Impugned Approval granted by Respondent No. 1-GCZMA in favour of Respondent No. 2. In this context, it is clarified that there is no question of non-joinder of any parties, including DPDCL or the purported licensors, as no relief whatsoever has been sought against them. The crux of the captioned Appeal lies in the contention that the Impugned Approval has been issued in blatant disregard of the applicable environmental laws, specifically the CRZ Notification, 2011 read with the BCCR as applicable to Agonda Beach, and other binding statutory and regulatory frameworks, without due diligence or proper application of mind by Respondent No. 1. Accordingly, the alleged non-impleadment of DPDCL or any purported licensors has no bearing on the maintainability or adjudication of the present Appeal, which remains confined to the environmental and regulatory lapses vitiating the Impugned Approval.

V. That, the contents of Paragraph V of the preliminary objections are denied as false, misleading, and contrary to the record as well as to the order passed by this Hon'ble Tribunal. It is respectfully submitted that the delay in filing the captioned Appeal on the ground of non-communication of the Impugned Approval in public domain, cannot be attributed to any inaction or negligence on the part of the Appellant. This issue has already been adjudicated and conclusively settled by this

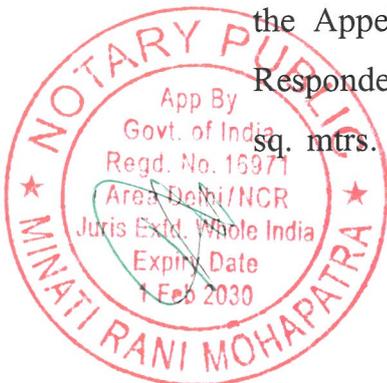


Hon'ble Tribunal *vide* its Order dated 18.12.2024, wherein the delay was duly condoned after taking into consideration the *bona fides* of the Appellant's explanation and the circumstances surrounding the disclosure of the Impugned Approval. It is further submitted that rather than engaging with the substantive grounds of challenge raised in the captioned Appeal, Respondent No. 2 has filed a Reply that is casual, evasive, and fails to specifically traverse or rebut the detailed legal and factual submissions set out by the Appellant. Such a response reflects an attempt to divert attention from the core issues concerning the illegality of the Impugned Approval and the consequent environmental and procedural violations.

- VI. That, the contents of Para VI of the preliminary objections are denied as baseless and devoid of any merit. It is respectfully submitted that the captioned Appeal has been filed with full legal justification, supported by cogent facts and applicable law. The issues raised therein are substantial, *bona fide*, and fall squarely within the jurisdiction and scope of adjudication by this Hon'ble Tribunal. The assertion made by Respondent No. 2 is a bald, unsubstantiated claim aimed at deflecting attention from the substantive legal and procedural infirmities in the Impugned Approval, which form the core of the present proceedings.

**REJOINDER TO PARA-WISE AFFIDAVIT-IN-REPLY FILED BY RESPONDENT NO. 2**

1. That, the contents of Para 1 of the Reply are not denied.
2. That, the contents of Para 2 of the Reply are denied. It is submitted that the Appellant acquired knowledge about the permission granted to Respondent No. 2 *vide* Impugned Approval over land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3 through Application under



Right to Information Act (“RTI”) only on 23.10.2024 and thereupon filed the captioned Appeal on 20.11.2024. The said fact is no longer in issue as it stands adjudicated by this Hon’ble Tribunal *vide* its Order dated 18.12.2024.

3-98. That, the contents of Paras 3-98 of the Reply are specifically and unequivocally denied. It is respectfully submitted that the Impugned Approval is *ex facie* illegal and liable to be quashed and set aside in light of the detailed and substantial grounds delineated in the captioned Appeal. The Appellant has provided a comprehensive factual and legal foundation challenging the validity of the said approval, including but not limited to the absence of lawful title over the land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3, violation of binding environmental regulations, and contravention of CRZ norms and the BCCR. However, Respondent No. 2, in a manifestly evasive and non-responsive manner, has chosen to issue blanket denials to the averments made in the captioned Appeal without furnishing any legal and factual justification to counter the specific issues raised. Such sweeping and unsubstantiated denials, lacking any material basis or documentary support, are insufficient in law and only underscore the indefensibility of Respondent No. 2’s position. Accordingly, the Appellant reiterates that the Impugned Approval is liable to be quashed.

99. That, the contents of Para 99 of the Reply claiming title of M/s Mallikarjun Agro & Eco Resort represented by Mr. Kritesh Vaikunth Naik Gaonkar and Mrs. Maisha Mahesh Gaonkar in the Survey Nos. 101/1 and 101/3 is categorically denied as false and misleading. It is respectfully submitted that Respondent No. 2 has failed to produce a single registered sale deed or any other title document evidencing legal ownership or exclusive possession over the portion of land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3, he claims to have been



licensed to him. It is further reiterated (*as detailed in the captioned Appeal at Paras 43-48*) that the ownership structure of the Survey Nos. 101/1 and 101/3 is summarised as follows:

- a. Survey Nos. 101/1 and 101/3 originally measured 6,500 sq. mtrs. and 17,000 sq. mtrs., respectively, with multiple co-owners. Over time, certain sub-divisions occurred, Survey No. 101/1-A (575 sq. mtrs.) was carved out of 101/1, and Survey No. 101/3-A (594 sq. mtrs.) was carved out of 101/3, leaving behind 5,925 sq. mtrs. in 101/1 and 16,406 sq. mtrs. in 101/3.
- b. Dugal Projects Development Co. Pvt. Ltd. (“DPDCL”), formerly Elbee Dugal Engineering Co. Pvt. Ltd., acquired a total of 14,688 sq. mtrs. across Survey Nos. 101/1 (4,062.5 sq. mtrs.) and 101/3 (10,625.5 sq. mtrs.) through five registered sale deeds between 1982 and 1987. These sale deeds are duly registered with the Sub-Registrar, Canacona, and pertain to the property denominated as “TAMBDEM.”
- c. The said land (14,688 sq. mtrs.), along with other parcels of land owned by DPDCL aggregating to approx. 358,814 sq. mtrs., stands equitably mortgaged in favour of the Appellant. These mortgaged assets have remained in *custodia legis* under various judicial orders, including those passed by the Hon’ble Bombay High Court (08.07.1991), the Hon’ble NCLT Mumbai (08.05.2019), and the Hon’ble Supreme Court (18.04.2022).
- d. The remaining area in the said survey numbers (1,862.5 sq. mtrs. in 101/1 and 5,780.5 sq. mtrs. in 101/3) belongs to a few other co-owners, namely Sadanand Anant Naik Gaunkar, Vithoba Govind Naik Gaunkar, and Vitobha Keshav Naik Gaonkar (whose

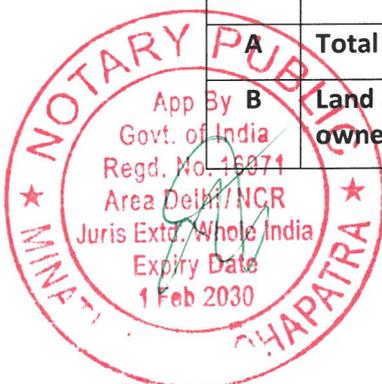


successor is Suraj Prakash Naik Gaonkar). However, the survey numbers have not been partitioned to date.

- e. Substantial parts of the mortgaged land have already been unauthorisedly encroached upon, with 2,089 sq. mtrs. in Survey No. 101/1 and 5,146 sq. mtrs. in Survey No. 101/3 currently under illegal occupation. Respondent No. 1, being fully aware of this, has nonetheless granted Impugned Approval to Respondent No. 2 for construction over 3,000 sq. mtrs., which would directly encroach further upon the Appellant's mortgage-secured property.

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:

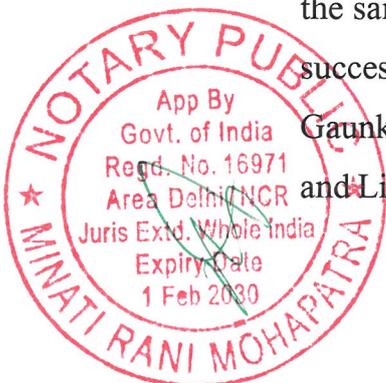
NO.	PARTICULARS OF LAND OWNERS	LAND UNDER SURVEY NO. 101/1 (sq. m.)	LAND UNDER SURVEY NO. 101/3 (sq. m.)
	<b>Original Area</b>	<b>6500</b>	<b>17000</b>
	Carved out into Survey No. 101/1-A*	575	--
	Carved out into Survey No. 101/3-A	--	594
	<b>Balance area as per Form I &amp; XIV after creation of Survey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

In light of the above, there being absolutely no right, title and/ or interest of Mr. Kritesh Vaikunth Naik Gauncar S/o Mr. Voicunta Govinda Naique Gauncar, and, Mrs. Manisha Mahesh Gaonkar W/o Mr. Mahesh Gaonkar (alleged licensors) in Survey Nos. 101/1 & 101/3 (including the Demised Property and/ or the (purported) licensed land admeasuring 3000 sq. mts. in the leave and license agreement), the said (purported) leave and license agreement dated 16.05.2024 issued by the said parties in their capacity of being partners of a partnership firm 'M/s Mallikarjun Agro & Eco Resort' in favour of the Respondent No. 2 (and his business partner, Binesh Thapa) who represents a company by the name of 'M/s Simrose Resorts Pvt. Ltd.', is illegal, unlawful, *malafide* and to be considered being *void-ab-initio*. The Impugned Approval granted on the strength of such a defective agreement is liable to be revoked with immediate effect.

100. That, the contents of Para 100 are denied as false and misleading. It is submitted and reiterated that the purported licensors, namely Mr. Kritesh Vaikunth Naik Gauncar and Mrs. Manisha Mahesh Gaonkar, have no legal authority, title, or ownership rights over the land measuring 3000 sq. mtrs. and forming part of Survey Nos. 101/1 and 101/3, to execute the Leave and License Agreement dated 16.05.2024. These individuals have failed to demonstrate any chain of title, partition deed, or any registered document evidencing their ownership or exclusive possession over the subject 3000 sq. mtrs. of land in Survey No. 101/1 and 101/3 in the said Leave and License Agreement or elsewhere. That, the claim of succession through their alleged predecessor, Late Mr. Vithoba Naik Gaunkar, is unsupported by any legal or documentary proof. The Leave and License Agreement is therefore rendered *void-ab-initio*, having been

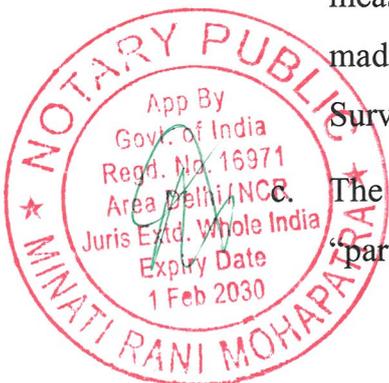


executed by parties who were not competent to deal with the property comprised in land measuring 3000 sq. mtrs. in Survey No. 101/1 and 101/3. Additionally, as aforementioned, the land in question is currently *custodia legis* under multiple binding judicial orders, including that of the Hon'ble Supreme Court. In light of such legal constraints, any attempt by Respondent No. 2 to claim possession, temporary or otherwise, is in blatant defiance of judicial orders and is liable to be rejected outright.

Furthermore, it is submitted and reiterated (*as stated in Paras 20-32 of the captioned Appeal*) that there exist glaring discrepancies and misrepresentations in the Leave and License Agreement dated 16.05.2024. For the sake of convenience, the said discrepancies have been enlisted below in a summarised manner:

- a. The said Leave and Licence Agreement inconsistently and interchangeably refers to Survey No. 101/1 and Survey No. 101/3, thereby creating deliberate confusion about the actual location of the purported licensed property. While the recital refers to Survey No. 101/1 as the land allegedly in exclusive possession of the licensors, the Schedule to the Agreement identifies the land as being part of Survey No. 101/3.
- b. The initial recital of the said Agreement describes the property as measuring 17,000 sq. mtrs., which corresponds to the original area of Survey No. 101/3, not Survey No. 101/1 (which originally measured 6,500 sq. mtrs.), thereby contradicting the assertion made elsewhere in the said Agreement that the property lies in Survey No. 101/1.

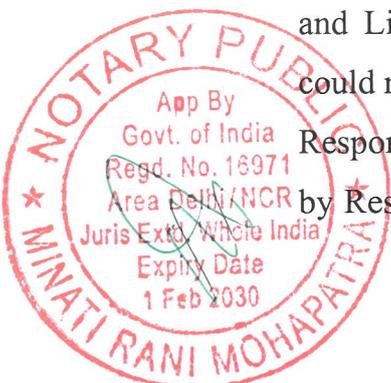
The recital falsely asserts that Survey No. 101/1 has been "partitioned among the co-owners" and that the purported licensors



are in exclusive possession of a 3000 sq. mtrs. portion located on its northern side. However, this is a blatant misrepresentation, as Survey No. 101/1 is admittedly un-partitioned and undivided in the land records and continues to stand in the names of multiple co-owners.

- d. The boundaries described in the Schedule do not match the actual physical boundaries of either Survey No. 101/1 or 101/3. The property is described as bounded to the east by a road, to the west by Survey No. 151, to the north by Survey No. 101/6, and to the south by the remaining portion of Survey No. 101/3, none of which align with the actual demarcations of either survey number, as verified on ground.
- e. The licensors have made vague and unsubstantiated claims of ownership by stating that the land was once owned by their uncle, Late Mr. Vithoba Naik Gaunkar, without producing any document to establish the devolution of title in their favour. This unsupported assertion forms the sole basis of their claimed authority to execute the agreement.
- f. The agreement completely fails to provide any documentary proof of title, chain of ownership, partition deed, or any form of possession over the subject 3000 sq. mtrs. of land. No survey plans, possession certificates, or revenue records have been furnished to corroborate the claimed rights of the purported licensors.

In light of the above, it is respectfully submitted that the said Leave and License Agreement lacks both factual and legal credibility, and could not have been a valid basis for the Impugned Approval granted by Respondent No. 1. Moreover, the false declarations and omissions made by Respondent No. 2 in its Undertaking dated 21.06.2024, particularly

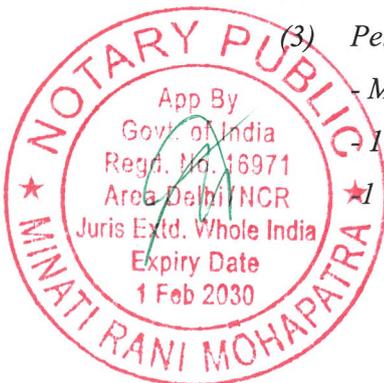


regarding ownership, pending litigation, and absence of encumbrances, amount to wilful suppression of material facts and are in direct violation of Condition Nos. 18 and 26 of the Impugned Approval itself. Accordingly, it is reiterated that the Impugned Approval is vitiated by fraud, misrepresentation, and non-compliance with statutory and regulatory requirements, and is therefore liable to be revoked forthwith.

101. That, the contents of Para 101 of the Reply are denied. It is respectfully submitted that significant violations have been committed by Respondent No. 2 on the land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3, as duly noted by Respondent No. 1-GCZMA in its Show Cause Notice dated 17.01.2025. The said Show Cause Notice was issued in response to a formal Complaint dated 07.02.2024 filed by the Appellant, following which a comprehensive site inspection was carried out.

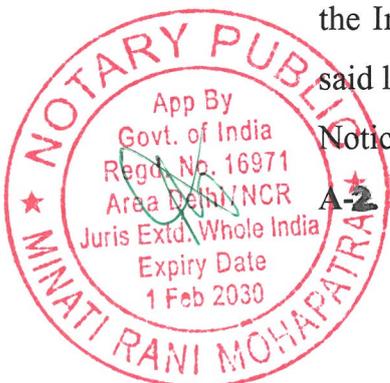
The inspection report, forming the basis of the Show Cause Notice explicitly records, that not only have at least 24 temporary huts been erected on the land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3, but 10 more huts are under construction, though the permission is there only for erecting 25 huts. Moreover, several permanent structures have been constructed, thereby indicating a blatant violation of both the CRZ, 2011 and BCCR. The said violations as stated in the Show Cause Notice issued upon Respondent No. 2 have been enlisted below:

- (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, as well as encroachment on Survey No. 101/2, which is Government land. It is pertinent to highlight that the said land falls within an ecologically sensitive zone, being part of the designated Turtle Nesting Site at Agonda and is located within the No Development Zone of the CRZ area. Therefore, the violations recorded in the Show Cause Notice and confirmed by official inspection leave no doubt that Respondent No. 2 has carried out unauthorised construction activities in an environmentally protected zone, necessitating not only revocation of the Impugned Approval but also urgent remedial action to restore the said land to its pristine ecological condition. A copy of the Show Cause Notice dated 17.01.2025 is attached herewith and annexed as **Annexure**

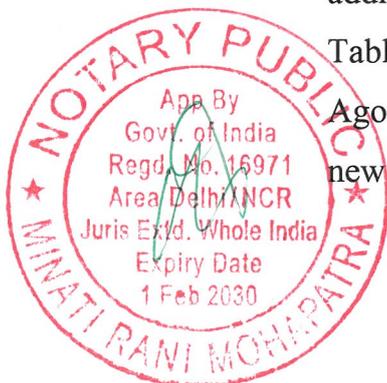


102. That, the contents of Para 102 of the Reply are denied. It is submitted that the (purported) permissions/ NoC's referred to by the Respondent No. 2 have either no semblance, or, are unrelated to the facts of the present case. That the permissions/ NOCs/ Consents issued by authorities such as the GSPCB, Directorate of Health Services etc. are wholly contingent upon the Respondent No. 1-GCZMA issuing in the first place the Impugned Approval. Hence, if the Appellant succeeds in the present matter and is able to get the Impugned Permission/ Approval set aside from this Hon'ble Tribunal, the permissions/ approvals of other Regulatory Agencies, which have been issued based on the GCZMA permission will, as a consequence, be rendered invalid/ inoperative.

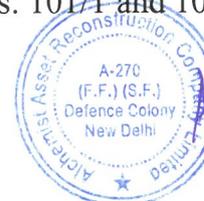
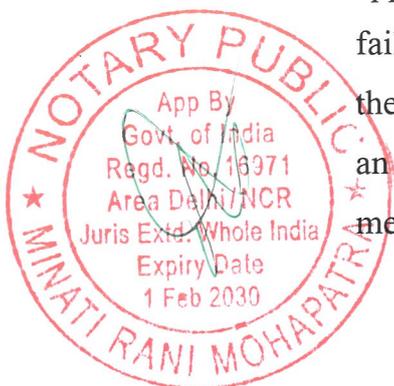
103. That, the contents of Para 103 including its sub-paras (i) to (x) of the Reply are denied as untenable in law. It is respectfully submitted that the said permissions and / or approvals are untenable in law on account of following:

- a. The BCCR assessed both government-allocated beach shacks and private seasonal structures within the Coastal Regulation Zone (CRZ) across Goa. Specifically, for private land between the survey boundary and the 200-meter CRZ line, the BCCR provided scientifically grounded recommendations. It highlighted that in areas like Agonda, including the land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3 over which the Impugned Approval has been given, which have low infrastructure and are designated as ecologically significant, especially being a turtle nesting site, no additional shacks, huts, tents, or cottages should be permitted.

Table 21 of the BCCR clearly recorded the carrying capacity for Agonda as Zero, and Table 24 reinforced a strict prohibition on any new temporary tourism structures in that area.



- b. The findings of the BCCR were formally adopted by Respondent No. 1-GCZMA during its 135<sup>th</sup> meeting held on 03.01.2017. This acceptance implied a binding recognition that no further permissions, including the Impugned Approval and subsequent No-Objection Certificates granted thereof (as listed in Para 103 of the Reply), could be granted for the construction or operation of shacks or temporary structures in environmentally sensitive zones like Agonda. Further, in its 193<sup>rd</sup> meeting held on 21.02.2019, Respondent No. 1-GCZMA reinforced this position by deciding that no new applications for structures in the 0-200 meter stretch from the High Tide Line (HTL) would be accepted or processed until the final Coastal Zone Management Plan (CZMP) was notified by the State Government.
- c. In light of the above, any subsequent approvals or licenses granted post-2017, *inter alia* including Impugned Approval and No Objection Certificates and / or Permissions thereof, for seasonal structures such as shacks, huts, or eco-resorts on Agonda beach would be in direct contravention of the Respondent No. 1-GCZMA's own adopted policy, the environmental safeguards outlined in the BCCR, and the CRZ, 2011, specifically Para 8(i)V3(iii), which governs special dispensation for temporary structures on beaches.
- d. Hence, in light of the above, Respondent No 1-GCZMA and other concerned authorities which granted permissions and / or approvals, as mentioned in Para 103 of the Reply, have miserably failed to perform their supervisory role and also failed to discharge their public duty in ensuring that no illegalities are committed on an ecologically sensitive beach of Agonda, including on the land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3.



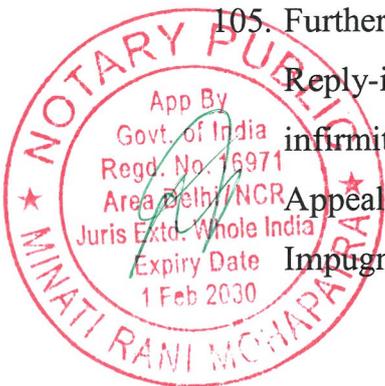
*[Handwritten signature]*

- e. The existence of multiple commercial structures is a grave threat to the ecology of the beach of Agonda which is a designated turtle nesting site. Furthermore, persisting existence of such structures creates a danger to the environment with each passing day in view whereof such structures on site ought to have been ordered to be demolished and the land beneath them brought to its original condition.

In view of the foregoing, it is evident that the Impugned Approval, along with all related permissions relied upon by Respondent No. 2, is contrary to binding environmental policies and statutory regulations. The continued reliance on such illegal and unsustainable approvals cannot be countenanced in law, especially in the face of overwhelming evidence of CRZ violations, ecological degradation, and non-compliance with judicial orders. The actions and omissions of Respondent No. 1-GCZMA have not only facilitated unauthorized occupation and commercial exploitation of a sensitive coastal area but have also resulted in serious regulatory failures. Therefore, the Appellant-AARC respectfully reiterates its prayer for quashing and setting aside of the Impugned Approval and for demolition of all unauthorized structures raised pursuant thereto, with a direction to restore the land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3 to its original condition in accordance with law.

104. In light of the aforementioned, it is evident that the contents of Para 104 of the Reply are misplaced and misconceived.

105. Further, the contents of Para 105 of the Reply are denied as the said Reply-in-Affidavit is replete with evasions, misleading claims, legal infirmities, and fails to address the core grounds raised in the captioned Appeal. It is evident from the detailed submissions above that the Impugned Approval and all subsequent permissions relied upon by



Respondent No. 2 are *void ab initio*, having been granted in contravention of the binding CRZ Notification, the BCCR adopted by Respondent No. 1-GCZMA, and without a lawful Leave and License Agreement over the land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3. The failure of Respondent No. 1-GCZMA to act in accordance with law and in faithful execution of its regulatory mandate has resulted in the proliferation of unauthorized commercial activities on ecologically fragile land, endangering the protected turtle nesting site at Agonda Beach. In such a context, the Appellant reiterates that the Impugned Approval is illegal, *non-est* in the eyes of law, and deserves to be quashed and set aside. All structures erected pursuant thereto must be ordered to be demolished, and the land measuring 3000 sq. mtrs. in Survey Nos. 101/1 and 101/3 restored to its pristine condition, in public interest and in compliance with applicable environmental norms.

106. I say that the contents of Paras 1, 4, 1, 2, 3-98, 99, 100, 104 are true to my knowledge, and the contents of Paras 2, 3, 5, 6, 7, 8, I, II, III, IV, V, VI, 1, 2, 101, 102, 103, 105 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

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

Appellant

**Advocate for the Appellant**

Notary  
D/5968/2023  
IDENTIFIED



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



17 SEP 2025

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			
RAMSONS	1569	4.07			
8	101/7	3800	ON THE ROCKS & COZY AGONDA	1557	175.49
			MERAKI, ROSA MYSTICA & SNUG INN	153	93.2
			THE TITOS BLUE SKY	515	7.62
9	101/8	2100	NANA'S NOOK	308	8.26
			LUXURIOUS BEACH RESORT	866	34.69
			ON THE ROCKS & COZY AGONDA	291	175.49
10	101/9	3900	MERAKI, ROSA MYSTICA & SNUG INN	2832	93.2
			SAXONY	245	9.08
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>	

**1018**  
**ANNEXURE A-2**

**24**

**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**

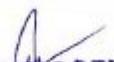
**SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE  
ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF  
THE ENVIRONMENT (PROTECTION) RULES, 1986.**

**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.*

# 1022

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

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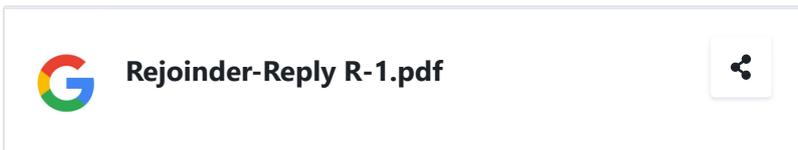
From: Karan Batura (karanbatura@yahoo.in)  
To: ngt-pune@gov.in  
Cc: shankar@chambers.net.in; shubhpri@yahoo.co.in  
Date: Wednesday, September 17, 2025 at 07:26 PM GMT+5:30

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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**

