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

I.A. NO. 206 OF 2025 (WZ)
IN
APPEAL NO. 139 OF 2025 (WZ)

BETWEEN

ALCHEMIST ASSET RECONSTRUCTION CO. LTD.
...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ANR.
...RESPONDENTS

AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT / APPELLANT TO THE REPLY FILED BY THE RESPONDENT NO. 2 TO THE APPLICATION SEEKING CONDONATION OF DELAY

MOST RESPECTFULLY SHEWETH:

I, Abhishek Pahal, S/o Shri Virender Pahal, aged about 32 years, working for gain at A-270, 1st and 2nd Floor, Defence Colony, New Delhi – 110 024, the authorised representative of the Applicant hereinabove, do hereby solemnly affirm and state as under: -

A. I say that I am the Authorised Representative of the Applicant / Appellant in the captioned Appeal No. 139 of 2025 (WZ), and as such, I am well conversant with the facts and circumstances of the present case and, in view thereof, am competent to sign, verify and file the present Affidavit-in-Rejoinder.

B. I say that the Appellant / Applicant seeks permission to file the present Affidavit-in-Rejoinder to the Reply dated 07.11.2025 filed by the Respondent No. 2 to I.A. No. 206 of 2025 in the captioned appeal to clarify its position, and leave of this Hon'ble Tribunal is sought for amending and making a detailed rejoinder later, if required.

C. I say that I have gone through the Affidavit-in-Reply filed on behalf of the Respondent No. 2 and have noted the contents thereof. At the outset,

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I specifically deny, dispute and traverse each and every averment made in the said Affidavit-in-Reply, except those that are expressly admitted herein. The averments, statements and contentions raised by the Respondent No. 2 are incorrect, misleading and contrary to the true and factual position of the instant appeal. The Respondent No. 2 has attempted to distort facts and raise baseless and untenable pleas, all of which are emphatically denied. The contents of the Affidavit-in-Reply are denied *in toto* as they are devoid of merit, vague, ambiguous and are an afterthought, raised only to mislead this Hon'ble Tribunal and evade the lawful claims raised by the Appellant in the captioned appeal.

D. I say that no averment, statement, or contention raised in the Affidavit-in-Reply shall be treated as being admitted by the Appellant merely because the same has not been dealt with specifically herein or has not been denied *in seriatim*.

PRELIMINARY SUBMISSIONS

E. Before proceedings with the para-wise rejoinder to the reply filed by the Respondent No. 2, the Applicant humbly submits the following preliminary submissions for the kind consideration of this Hon'ble Tribunal. These submissions are made to place certain crucial facts, legal aspects, and the nature of the proceedings before this Hon'ble Tribunal, which will aid in the proper understanding of the issues at hand and in the adjudication of the present Appeal.

F. At the outset, it is submitted that *ex-abundanti cautela,* service of the disposed I.A. No. 162 of 2025 was affected on the Counsel for Respondent No. 2 *vide* E-mail dated 24.12.2025. Without prejudice, it is clarified that the instant Appeal filed by the Appellant was *bonafidely* accompanied by I.A. No. 162 of 2025 dated 23.04.2025 seeking condonation of delay in filing of the captioned Appeal. However, pursuant to the hearing dated 30.06.2025, I.A. No. 206 of 2025 (WZ) came to be filed by the Appellant on 05.07.2025. Thereafter,

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the Respondent No. 2 filed its Affidavit-in-Reply to I.A. No. 162 of 2025, where it has been stated at Paragraph No. 2 that while the Reply came to be filed to I.A. No. 162 of 2025, it was confined strictly to the averments made in the subsequent I.A. No. 206 of 2025. Thereafter, *vide* Order dated 10.11.2025, it was recorded by this Hon'ble Tribunal that I.A. No. 162 of 2025 was withdrawn as I.A. No. 206 of 2025 had already been filed and in view thereof, this Hon'ble Tribunal was pleased to dispose the said I.A. No. 162 of 2025. The relevant portion of the Order dated 10.11.2025, passed by the Hon'ble NGT in Appeal No. 139 of 2025 is as under:

> *"1. From the side of applicant/appellant, learned counsel Mr. Karan Batura has appeared. He has moved two delay condonation applications in the present appeal. 1st is I.A. No.162 of 2025 (WZ), which was moved on 23.04.2025 and another is I.A. No.206 of 2025 (WZ), which was moved on 05.07.2025.*
> *2. Today, learned counsel for the applicant/appellant seeks permission to withdraw I.A. No.162 of 2025 (WZ). We allow his prayer and dispose of the said I.A. as withdrawn.*
> ***I.A. No.162 of 2025 (WZ) stands disposed of accordingly."***

G. It is respectfully submitted that Respondent No. 2 has sought to justify its opposition to the Appellant's Application for Condonation of Delay by raising false, frivolous, and legally untenable contentions in its Affidavit-in-Reply. The principal pleas taken by Respondent No. 2 are that the approval issued on 26.07.2024 for extension of the validity of permission granted in 2018 does not assume the character of a new permission; uploading on the official website, by the Respondent No. 1, the Minutes of its 184th Meeting held on 05.09.2018 in which the relevant alleged decision (Case No. 2.2) was taken, amounted to effective and valid communication of the Impugned Permission to the public at large; jurisdiction under Section 16 and Section 14 of the NGT Act, 2010 have been incorrectly invoked; the Appellant was aware of existence of the permissions; and that the Appellant lacks *locus standi*. These contentions are wholly misconceived and contrary to settled legal principles.

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H. I say that on a bare reading of the Affidavit in Reply filed by Respondent No. 2, it appears as if the said Respondent No. 2 is trying to divert from the issues under consideration / adjudication by agitating unrelated issues. Applicant herein submits the following preliminary responses to the submissions raised by the Respondent No. 2 in its Affidavit in Reply to the Application for Condonation of Delay.

IMPUGNED PERMISSION DATED 26.07.2024 CONSTITUTES AN INDEPENDENT CAUSE OF ACTION

I. I say that the Appellant came to know about the Permissions dated 26.07.2024 and 12.11.2018 only on 20.03.2025 when copies thereof were furnished to the Appellant for the first time. Neither of these permissions were uploaded on the official website of Respondent No. 1 and were, therefore, not in public domain.

J. I say that the illegalities and irregularities underlying the rationale for the grant of the Impugned Permission dated 26.07.2024 and its challenge thereto by the Appellant herein are equally applicable to the Permission dated 12.11.2018. No permission (neither on 26.07.2024, nor on 12.11.2018) could have been issued by the Respondent No. 1 after 03.01.2017, the date on which it resolved to accept the BCCR *in toto*. Additionally, the fact that Clause 8(i) V 3 (iii) of the CRZ, 2011 had become inapplicable to Agonda Beach after 03.01.2017, is applicable to both the Impugned Permission dated 26.07.2024 as also the Permission dated 12.11.2018. This, coupled with the fact that Respondent No. 2 has evidently raised constructions not only in Survey No. 102/1-A for which permission to erect 06 huts and 01 shack was given, but also illegally and unlawfully extended those to, *inter alia*, Survey Nos. 102/1(P), 102/3(P) and 102/7(P) *(being land principally belonging to DPDCL and mortgaged to the Appellant herein)* for which no permission was issued; and Survey No. 102/2 *(wholly owned government land)* for which no permission could be granted, demonstrates that the violations, improprieties and irregularities are continuing in nature, which, even

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otherwise, could have been independently challenged by the Appellant as a *'person aggrieved'* as per Section 16 of the NGT Act. It is also submitted that the Impugned Permission dated 26.07.2024 was granted only for 55.13 sq. mtrs. in Survey No. 102/1-A alone. However, the encroachments and structures extend to more than 758 sq. mtrs. in Survey No. 102/1 and 4856 sq. mtrs. in Survey No. 102/3 *(which information emerged in a private survey got done by the Applicant in May, 2024 and is corroborated by the Show Cause Notice issued by the Respondent No. 1 to the Respondent No. 2 itself)*. Therefore, the Respondent No. 2 is raising hyper-technical arguments with an aim to protect and propagate its own improprieties and illegalities.

K. The Impugned Permission was also not consistent with law, being violative of CRZ, 2011 read with BCCR, as applicable to Agonda beach. It is submitted that the Extension of Permission cannot be a mechanical exercise as it pre-supposes a site inspection to see whether there has been any violation of the earlier Permission. Apparently, in this case, while issuing the Impugned Permission dated 26.07.2024, the requisite due diligence was not exercised by the Respondent No. 1. Had that been done, Respondent No. 2 would have been found guilty of many violations. The following violations of the Permission dated 12.11.2018 were observed: -

a. The constructions carried out by the Respondent No. 2 were made not only in Survey No. 102/1-A for which the Impugned Permission was issued, but had also been illegally and unlawfully extended in other survey nos. including in Survey Nos. 102/1, 102/3 and 102/7 (being land principally belonging to DPDCL and mortgaged to the Appellant), as also in Survey Nos. 102/2 (wholly owned government land) for which no permission exists;

b. The constructions carried out by the Respondent No. 2 are within 200 mtrs. of the HTL, being merely 12 mtrs. and 70 mtrs. (with respect to proceedings arising from SCNs bearing Ref. No. 3467 and

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3468 respectively) from the HTL, thereby being dangerously close to the designated Turtle Nesting Area;

c. As per Show Cause Notice dated 17.01.2025 (Ref. No. 3467), structures raised *inter alia*, include 6 nos. temporary huts, 1 no. temporary restaurant with attached kitchen on permanent base, 1 no. permanent structure (toilet) with mangalore tile roof, 1 no. permanent plinth, 3 nos. permanent underground chambers, 1 no. permanent structure with OHT on top, 1 no. well with masonry parapet, masonry compound wall, thereby being violative of CRZ, 2011;

d. As per Show Cause Notice dated 17.01.2025 (Ref. No. 3468), structures raised *inter alia*, include 1 no. DG set placed on permanent base covered with metal fabricated shed with G.I sheets cover, 1 no. permanent plinth, 2 no. septic tanks, 1 no. permanent structure (staffroom), 1 no. permanent plinth for water tank, 1 no. permanent structure, 1 no. well with masonry parapet, 1 no. permanent R.C.C. structure, random rubble masonry compound wall on 2 sides & laterite masonry compound wall on 2 sides, 1 no. permanent structure, 1 no. permanent (G+1) structure, 1 no. permanent structure in dilapidated condition, 1 no. permanent plinth, 1 no. permanent entrance are with metal gate, pavers on permanent base as access, thereby being violative of CRZ, 2011;

e. Impugned Permission was given only for 55.13 sq. mtrs. in Survey No. 102/1-A only, whereas the actual construction spanning Survey No. 102/1 extends to 758 sq. mtrs. and in Survey No. 102/3 extends to 4856 sq. mtrs. *(which information emerged in a private survey got done by the Appellant in May, 2024).*

L. I say that record of the instant matter reveals that the Original Permission dated 12.11.2018 was issued for a fixed period of 5 years, which came to an end on 11.11.2023. The impugned extension came to be issued by the Respondent No. 1 only on 26.07.2024, admittedly after

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more than 8 months of the expiry of the Original Permission dated 12.11.2018. Without prejudice to what has been stated hereinabove, it is submitted that with the issuance of the Impugned Permission dated 26.07.2024 extending the operation of Permission dated 12.11.2018, from 12.11.2023 till 12.11.2025, assumed the character of the Principal Approval with the same terms and conditions as contained in the original Permission dated 12.11.2018, since the Original Permission dated 12.11.2018 *(issued for a fixed period of 5 years)* had already expired. Thus, the contents of the Permission dated 12.11.2018 got subsumed in the later Permission dated 26.07.2024. Moreover, on the date of filing of the captioned Appeal No. 139 of 2025 (WZ) (i.e., on 23.04.2025) only the Impugned Permission was in existence.

M. It is submitted that a renewal of permission constitutes an independent cause of action, in view of the settled legal position that grant of renewal is a fresh grant, forming an independent cause of action if granted against provisions of law. In view thereof, since the Impugned Permission dated 26.07.2024 could not have been issued by the Respondent No. 1 in the first place, and since the Respondent No. 2 violated the stipulations of the Impugned Permission read with the Permission dated 12.11.2018 by raising, *inter alia*, multiple permanent and semi-permanent structures in violation of the Impugned Permission (as brought out categorically in the Show Cause Notice dated 17.01.2025 issued by the Respondent No. 1 to the Respondent No. 2), the said Respondent No. 2 cannot now seek to escape the consequences of its wrong doings and ill-actions by resorting to hyper-technical objections. The Hon'ble Supreme Court, in ***M.C. Mehta v. Union of India,* (2004) 12 SCC 118**, has held thus: -

> *"76. ...It is settled law that the grant of renewal is a fresh grant and must be consistent with law."*
>
> *(emphasis supplied)*

N. I say that it is no more *res integra* that grant of any renewal is to considered to be a fresh grant and is open to be challenged

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independently, as any grant of a renewal breathes life into the operation of the previous lease or license granted under any law being in force. The Hon'ble Supreme Court, in ***Gajraj Singh v. STAT*, (1997) 1 SCC 650** has held as under: -

> *"38. It is settled law that grant of renewal is a fresh grant though it breathes life into the operation of the previous lease or licence granted as per existing appropriate provisions of the Act, rules or orders or acts intra vires or as per the law in operation as on the date of renewal. The right to get renewal of a permit under the Act is not a vested right but a privilege subject to fulfilment of the conditions precedent enumerated under the Act..."*
>
> *(emphasis supplied)*

O. Therefore, I say that the Applicant / Appellant was well within its rights to challenge the Impugned Permission dated 26.07.2024 as the same constitutes an independent cause of action, having been issued against the existing rules and despite violation by the Respondent No. 2 of the terms and conditions contained in the Original Permission dated 12.11.2018.

P. It is expressly and categorically reiterated that neither the Impugned Permission dated 26.07.2024 nor the earlier Permission dated 12.11.2018 (both since expired) issued by the Respondent No.1 (GCZMA) was ever put in public domain, though, the Respondent No.1 was required to do so in terms of Regulation 4.2 (vi) of the CRZ Notification, and under the specific orders of this Hon'ble Tribunal. The scheme and spirit of law also required the said Respondent to bring all approvals / permissions issued by it in public domain.

Q. I, to *perforce* reiterate, say that the Appellant had no prior occasion to gain knowledge of / about the Impugned Permission dated 26.07.2024 and 12.11.2018 on or before 20.03.2025, i.e., the date on which the Impugned Permission came to the notice and knowledge of the Appellant for the first time. Thus, for all intents and purposes, the limitation period for filing an Appeal against the Impugned Permission dated 26.07.2024 began to run in favour of the Appellant only from

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20.03.2025, i.e., the date of communication of the order in terms of provisions of Section 16 of the NGT Act.

MERE MINUTES OF MEETINGS ARE NOT APPEALABLE ORDERS IN TERMS OF SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND SECTION 16 OF THE NGT ACT, 2010

R. I say that Respondent No. 2 has sought to contend that uploading on the official website by Respondent No. 1, the Minutes of its 184th Meeting held on 05.09.2018 in which the relevant alleged decision (Case No. 2.2) was taken, amounted to effective and valid communication of the Impugned Permission to the public at large. The Respondent No. 2 has further submitted that since the said Minutes of the 184th Meeting were uploaded on Respondent No. 1's official website on 05.09.2018, the limitation period for filing the appeal should be computed from that date, though the said Impugned Permission was admittedly not uploaded on the official website. These contentions are wholly misconceived and contrary to settled legal principles.

S. It is a trite and well-settled position of law that Minutes of a Meeting are not appealable orders within the meaning of Section 5 of the Environment (Protection) Act, 1986 and Section 16 of the National Green Tribunal Act, 2010 (the "*NGT Act*"). Reliance in this regard is placed on the decision of the Hon'ble National Green Tribunal (Southern Zone) in ***A.P. Environ Technologies Rep. by Mr. T. Anil Kumar v. Union of India Rep. by its Secretary Ministry of Environment and others,*** 2022 SCC OnLine NGT 801, wherein this Hon'ble Tribunal has categorically observed that minutes of a meeting do not constitute an appealable order under Section 16 of the NGT Act. Relevant findings of the Hon'ble Tribunal are reproduced below for ready reference: -

> *"1. This is an appeal filed by the appellant against the recommendations made by the State Pollution Control Board to the SEIAA — Andhra Pradesh to consider the application for Environmental Clearance (EC) filed by the 6th Respondent.*

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2. There was no representation for the appellant since long time. Though an opportunity was given to the appellant to apprise this Tribunal as to how this appeal is maintainable, they did not appear and apprise the Tribunal as to how this appeal is maintainable.

3. The order under challenge is only minutes of the State Pollution Control Board, deciding to recommend the proposal for issuing the Environmental Clearance (EC) to the 6th Respondent.

4. Since it is not an appealable order under Section 16 of the National Green Tribunal Act, 2010, the appeal is not maintainable and the same is liable to be dismissed in limine.

5. So, the appeal is dismissed as not maintainable under Section 16 of the National Green Tribunal Act, 2010."

(emphasis supplied)

Consequently, merely uploading the Minutes of the said 184th Meeting held on 05.09.2018 on its official website cannot be construed as an effective and valid communication of its yet to be issued earlier Permission dated 12.11.2018 which was admittedly not uploaded on its official website by the Respondent No. 1 and thus, not brought into public domain. More particularly, the Permission / Approval dated 12.11.2018 was issued only for a period of 5 years, which stood expired on 12.11.2023, after which point, the only Permission open to challenge was the Impugned Permission dated 26.07.2024.

T. In view of the above authoritative pronouncement, it is impermissible for the Respondent No. 2 to claim that uploading on the official website of Respondent No. 1 the relevant decision contained in the Minutes of the 184th Meeting held on 05.09.2018, which does not constitute an appealable order under Section 16 of the NGT Act, 2010, amounts to valid and effective communication of the original Permission dated 12.11.2018, and therefore of operative and appealable order dated 26.07.2024 (the Impugned Permission).

U. I say that the Applicant further relies on Rule 13 of the NGT (Practice and Procedure) Rules, 2011, which governs the filing of an application or appeal. Rule 13(5)(a) specifically mandates that every appeal must be accompanied by an attested true copy of the "*order*" under challenge. The relevant extract of Rule 13 is reproduced below: -

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*"**Rule - 13. Contents of application or appeal.***

(1) Every application or appeal filed under Rule 8 shall set forth concisely under distinct heads the grounds for such application or appeal and such grounds shall be numbered consecutively.

(2) Every application or appeal including any miscellaneous application shall be typed in double space on one side on thick paper of good quality.

(3) It shall not be necessary to present a separate application or appeal to seek an interim order or direction if in original application or appeal the same relief is prayed for.

(4) An applicant or appellant may, subsequent to the filing of an application or appeal under Section 18 of the Act, apply for an interim order or direction by way of an application in Form I or Form II, as the case may be.

(5) Every application or appeal, as the case may be shall be accompanied by the following documents, namely.

(a) attested true copy of the order against which the application or appeal, as the case may be, is filed;

(b) copies of the documents relied upon by the applicant or appellant, as the case may be, and referred to in the application or appeal;

(c) an index or the documents.

(6) The documents referred to in sub-rule (5) may be attested by a legal practitioner or by a Gazetted Officer and each document shall be marked serially as Annexures A-1, A-2, A-3 and so on.

(7) Where an applications or appeal, as the case may be, is filed by any agent, the documents authorising him to act as such agent shall also be appended to the application or appeal:

Provided that where an application or appeal, as the case may be, is filed by a legal practitioner, it shall be accompanied by a duly executed 'Vakalatnama'."

(emphasis in bold supplied)

V. In view of the above, I say that this procedural mandate reinforces the substantive position that only an "*order*" issued by the Respondent No. 1 herein can be the subject of an appeal, and not the minutes of its meeting in which the alleged decision to issue the order was taken. Accordingly, it is submitted that an appeal under Section 16 of the NGT Act can lie only against a formal, operative order, and not against mere minutes of a meeting. The Respondent No. 2's contention that mere publication of minutes of the meetings satisfies the legal requirement of publishing an order is therefore baseless, contrary to settled law, and liable to be rejected outright.

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W. Further reliance in this regard is placed on Condition No. 28 of the said earlier Permission dated 12.11.2018 itself, which permission was not brought in public domain, a bare perusal of which demonstrates that it was the Permission dated 12.11.2018 which was appealable and not the Minutes of the 184th Meeting of the Respondent No. 1. Condition No. 28 of said earlier Permission dated 12.11.2018 is extracted hereunder for ease of reference: -

> *"28. Any appeal against this provisional permission shall lie with the Hon'ble National Green Tribunal, if preferred within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010."*

Pertinent to add that had the decision taken during the 184th Meeting of the Respondent No. 1 amounted to being an order / direction in terms of Section 16(g) of the NGT Act, there would have been no need at all to issue the expired earlier Permission dated 12.11.2018 or the later Impugned Permission dated 26.07.2024.

X. I further say that it has been admitted by the Respondent No. 1 that it has not placed its orders / directions in public domain in another proceeding before this Hon'ble Tribunal which culminated in the Judgment dated 26.07.2023 passed in O.A. No. 70 of 2022 (WZ) titled ***Chandan Suryakant Khorjuvekar v. GCZMA & Ors.***, where, while placing reliance on Regulation 4.2(vi) of CRZ Notification, 2011, this Hon'ble Tribunal had held that the GCZMA was required to maintain transparency by creating a dedicated website for publishing agenda, minutes, decisions, clearance letters, violations, action taken reports, and court matters. This Hon'ble Tribunal further directed the GCZMA to upload all consents/approvals relating to Shacks/Huts/Tents/Cottages within one month. The relevant findings in the said Judgment dated 26.07.2023 are reproduced hereunder: -

> *"38. **As Issue No. IV***
>
> *As per this issue, we have to decide as to whether GCZMA is required to upload consents/approvals (including conditions) granted by it for*

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Shacks/Huts/Tents/Cottages on its website?. In this regard, our attention is drawn to the CRZ Notification 2011 the regulation 4.2 (vi) of, which says as follows:

> *"CZMAs it shall be 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 respective State Government or Union Territory."*

39. We are of the definite opinion that when there is clear cut direction that for GCZMA for maintaining transparency in its working, it must create dedicated website, whereon it should post agenda, minutes and other decisions, the GCZMA must place on its website all the consents/approvals granted with respect to Shacks/Huts/Tents/Cottages as prayed, within a period of one month from the date of uploading of this order with prospective effect. This issue is decided accordingly."

(emphasis in underlining supplied)

I say that despite this clear mandate, Respondent No. 1 has been in continuous violation of Regulation 4.2(vi) of the CRZ Notification, 2011 for more than 14 years and, for reasons best known to it, has persistently disregarded the aforesaid directions of this Hon'ble Tribunal for over 28 months after the order dated 26.07.2023 passed by this Hon'ble Tribunal in OA/70/2022 in ***Chandan Suryakant Khorjuvekar v. GCZMA & Ors.*** whereby this Hon'ble Tribunal directed Respondent No. 1 – GCZMA to upload its orders in public domain. Be that as it may, the Respondent No. 2's defence that bringing the non-appealable relevant decision (Case No. 2.2) taken in the 184th Meeting held on 05.09.2018 into public domain is as good as bringing the expired Permission dated 12.11.2018 into public domain is absurd, illogical and misleading, and therefore liable to be rejected *in limine*.

Y. I say that the Hon'ble Bombay High Court at Goa, in PIL W.P. No. 36 of 2025, in the course of its hearings, dealt with the proceedings emanating from the Show Cause Notices issued by the Respondent No. 1 based on a complaint filed by the Appellant herein. That, during the course of the said hearings, parties therein had raised an objection that Minutes of the Meetings of Respondent No. 1 only made a vague reference to the SCNs but the final orders had not yet been perused by

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anyone, whereupon the Hon'ble Bombay High Court had observed that the cases covered by various SCNs must culminate in passing of final orders by the Respondent No. 1. The relevant extract of Order dated 17.09.2025 passed by the Hon'ble Bombay High Court at Goa in PIL W.P. No. 36 of 2025 is as under: -

> *"2. The present civil application is yet another application which seek further extension and Ms Maria Correia, learned Additional Government Advocate would submit that as on date 57 show cause notices are adjudicated and disposed of and as far as the balance 6 notices are concerned, the GCZMA has scheduled the proceedings on 23.09.2025 and therefore if the time is extended, the compliance of the orders passed by the Court can be ensured.*
>
> *3. Learned counsel Mr Rodrigues appearing for the petitioner and Mr P. Rao appearing for respondent no.7 however raise a pertinent issue before us being that the minutes of meeting of the GCZMA only make a vague reference to the disposal of the show cause notices but no-one has seen the actual order that is passed in each of the cases covered by the individual show cause notice.*
>
> *We also deem it appropriate that the statement made by the GCZMA that 63 show cause notices have been issued must result in the final order being passed by the GCZMA to be followed by the subsequent action to be taken pursuant to the said report.*
>
> *** *** ***
>
> *4. We have no hesitancy in extending the timeline for ensuring compliance of our directions for disposal of the 63 show cause notices but pursuant to 23.09.2025 when the balance 6 show cause notices are to be adjudicated, we direct the GCZMA to place before us an affidavit specifically disclosing the following:*
>
> *(i) The details of the show cause notice issued to the offending structures;*
>
> *(ii) A decision taken on the said show cause notice, specifically focussing upon final conclusion of the authority including an order/direction passed under Section 5 of the Act;*
>
> *(iii) The follow up of the direction issued by the GCZMA by identifying the authority which is to comply with the said directions. It is open for the GCZMA either to place the orders before us for the purpose of ensuring compliance of the aforesaid direction or put the necessary information before us in a tabular form but be ready with the individual orders as regards the show cause notices are concerned."*
>
> (emphasis supplied)

Z. In view of the above, I say that the Hon'ble Bombay High Court at Goa had noted that merely resolving or taking a decision during the course of its Meeting and uploading the Minutes thereof was insufficient, and the

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Respondent No. 1 – Authority was bound to pass final orders after taking a decision during their Meetings. Furthermore, Paragraph No. 4(ii) of the above order also clearly distinguishes between a decision taken in the meeting from an order / direction under Section 5 of the Environment Protection Act. Therefore, the Respondent No. 2 is attempting to erroneously conflate, equate and confuse between the factum of a decision having being arrived at during the Meetings of the Respondent No. 1, as reflected in the Minutes of the said Meeting, and the consequent final orders which the Respondent No. 1 Authority is bound to pass. The Hon'ble Bombay High Court has also insisted upon placing the individual orders / directions before them, thus putting the orders / directions on an altogether different pedestal.

JURISDICTION UNDER SECTION 16 AND SECTION 14 OF THE NGT ACT, 2010 MAY BE CONCURRENTLY INVOKED

AA. I say that the captioned Appeal has principally been preferred under Section 16 of the National Green Tribunal Act, 2010. However, nothing contained therein in any manner curtails, restricts, or impinges upon the wide and substantive jurisdiction of this Hon'ble Tribunal under Section 14 of the NGT Act, 2010 to adjudicate upon substantial questions relating to the environment and to grant appropriate reliefs as sought in the present *lis*. The powers conferred upon this Hon'ble Tribunal under Section 14 are plenary, and remedial in nature, (akin to Section 151 of the CPC, 1908) and the mere nomenclature or reference to the provision under which the Appeal is filed cannot defeat the Tribunal's jurisdiction to examine the environmental issues raised and to grant effective relief in the interest of justice.

BB. I say that it is a settled position of law that an appeal or proceeding ought not to be challenged on hyper-technical or minor procedural infirmities, particularly when substantial environmental issues are involved. The overarching object of the NGT Act, 2010 is the

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protection, conservation, and preservation of the environment, as well as safeguarding the rights of aggrieved persons. These objectives must prevail over procedural technicalities. Procedural technicalities cannot be overstretched to non-suit the Appellant or to cause a miscarriage of justice, especially where it would adversely impinge upon environmental interests and defeat the very purpose for which this Hon'ble Tribunal has been constituted.

<u>*LOCUS STANDI* OF THE APPELLANT HAS BEEN DULY ESTABLISHED IN MULTIPLE PRIOR PROCEEDINGS BEFORE THIS HON'BLE TRIBUNAL</u>

CC. I say that the *locus standi* of the Appellant has been duly established in multiple prior proceedings before this Hon'ble Tribunal, such as in Appeal No. 22 of 2022 (W), Appeal No. 23 of 2022 (W), Appeal No. 144 of 2024 (W) and O.A. No. 15 of 2023 (W), and the Appellant herein craves leave of this Hon'ble Tribunal to rely and refer to the same as and when required.

DD. Without prejudice to the above, the present Appeal has been preferred by the Appellant, being environmentally conscious and concerned about preservation of ecology and environment of Agonda Beach, and also as the sole mortgagee, Decree Holder and Principal Stakeholder of the Demised Property, in order to safeguard its rights and interest against an illegal occupation of the Demised Property by Respondent No. 2 who, under the garb of the Permission dated 26.07.2024 has (i) raised illegal / structures in violation of CRZ, 2011; (ii) encroached upon and raised unauthorized structures on Survey Nos. 102/1, 102/3 and 102/7 (which are majorly owned by DPDCL and are mortgaged to the Appellant); (iii) encroached upon government land on Survey No. 102/2, and has raised permanent and semi-permanent structures in abject violation of the terms and conditions of the Impugned Permission itself, thereby causing damage to ecologically sensitive stretch of beach front land in Agonda Beach. For these among other reasons, the Respondent No. 2 ought to be

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estopped from raising technical pleas to defend its own improprieties and illegalities with an aim to perpetuate its own wrong doings, causing immense damage to ecologically fragile and sensitive beach front land.

APPELLANT IS A PERSON AGGRIEVED AS PER SECTION 16 OF THE NGT ACT, 2010

EE. The contention of the Respondent No. 2 that Appellant is not a person aggrieved because the Appellant is neither the owner of the property nor in possession thereof is strenuously denied as being misleading and disingenuous. In fact, the Appellant / Applicant is directly aggrieved by the environmental violations committed by the Respondent No. 2 which include, *inter alia*, raising constructions within 100 mtrs (as close as 12 mtrs) from the High Tide Line, being dangerously close to the turtle nesting site; extending the illegal construction by unauthorizedly encroaching upon not only land mortgaged to the Appellant, but also land owned by the Government for which neither any permission was given nor could have been given by the Respondent No. 1; raising construction on 758 sq. mtrs. in Survey No. 102/1 and 4856 sq. mtrs. in Survey No. 102/3 *(which information emerged in a private survey got done by the Applicant in May, 2024 and is corroborated by the Show Cause Notice issued by the Respondent No. 1 to the Respondent No. 2 itself)* when the Permission was granted only for a built-up area of 55.13 sq. mtrs.; and also raising permanent and semi-permanent structures, besides G+1 structures, all in violation of terms of the Permission.

FF. I say that as per Section 16(g) of the NGT Act, 2010 any person aggrieved by any order / direction under Section 5 of the Environment (Protection) Act, 1986 may prefer an appeal before this Hon'ble Tribunal. Person has been defined to include, under Section 2(j) of the NGT Act, 2010, as under: -

*"**Section 2 (j)**:*
"person" includes—
i) an individual;
ii) a Hindu undivided family;

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iii) a company;
iv) a firm;
v) an association of persons or a body of individuals, whether incorporated or not;
vi) trustee of a trust;
vii) a local authority; and
viii) every artificial juridical person, not falling within any of the preceding sub-clauses."

GG. I say that a bare reading of Section 2(j), sub-section (i) to (viii) would reveal that any individual, Hindu undivided family, Company, Firm, an association of persons or a body of individuals whether incorporated or not, trustees of a trust, a local authority and every artificial juridical person not falling within any of the preceding sub-clauses, would indicate *"person"* (including juristic persons) who can maintain an appeal under the NGT Act.

HH. I say that the Preamble of the NGT Act, 2010 is reproduced hereunder: -

*"**Preamble of NGT Act 2010** – "An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto."*

II. I say that a combined reading of the Preamble of the NGT Act, 2010, read with Section 2(j) and Section 16 thereof would reveal that this Hon'ble Tribunal has been vested with vast jurisdiction to decide environmental disputes such as enforcement of legal rights relating to environment, compensation, damages to persons and property, and matters connected therewith and incidental thereto including conservation of pristine beaches in the State of Goa which have been designated as nesting sites of the endangered Olive Ridley Turtle, as in the instant case.

JJ. I say that Section 16 of the NGT Act, 2010, has been interpreted widely by this Hon'ble Tribunal in a catena of judgments. The Principal Bench of this Hon'ble Tribunal in ***Vimal Bhai & Ors. v. Ministry of***

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Environment & Forests & Ors., Appeal No. 5 of 2011 decided on 14.12.2011, while dealing with a question involving who is a person aggrieved under the NGT Act, 2010, held as under: -

> *"Then the question arises whether in the environmental matters, a person who is really aggrieved/ injured shall alone be permitted to approach this Tribunal. A combined reading of the above sections, would indicate, that any person whether he is a resident of that particular area or not whether he is aggrieved and/or injured or not, can approach this Tribunal...*
>
> *The person injured per-se as occurred in Section 18 (2) of the NGT Act is only for the purpose of claiming relief, compensation or settlement of disputes, is altogether different from the person aggrieved as available in Section 16. Person aggrieved and person injured are two different words which connote different meaning. Under Section 16, any person aggrieved can approach this Tribunal by way of filing an appeal, whereas, under Section 18 (2), the person injured per-se, whether it is an individual or a body of individual or a social organization or a Hindu joint family, etc.*
>
> *Further, under Section 14 and 16 any person can approach this Tribunal for appropriate relief including the relief under Section 18."*
>
> *(emphasis supplied)*

KK. Thus, it is no more *res integra* that under Section 16 of the NGT Act, 2010, any person aggrieved may approach this Hon'ble Tribunal by filing an appeal against any direction issued under Section 5 of the Environment (Protection) Act, 1986. In the instant case, the Appellant has been directly aggrieved by the illegal actions of the Respondent No. 2, in evidently raising permanent structures on not only land in Survey No. 102/1-A but also illegally and unlawfully extended to, *inter alia*, the adjoining Survey Nos. 102/1(P), 102/3(P), 102/7(P) *(being land principally belonging to DPDCL and mortgaged to the Appellant herein)* for which no permission was issued; and in Survey No. 102/2 *(wholly owned government land)* for which no permission could be granted. Such ill-actions on the part of the Respondent No. 2 demonstrates that the violations, improprieties and irregularities are continuing in nature, which, even otherwise, could have been independently challenged by the Appellant as a *'person aggrieved'* as per Section 16 of the NGT Act.

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LL. In fact, it may be pointed out that at no point has the Respondent No. 2 made any averments or even offered even a simple denial of the contentions of the Appellant that Respondent No. 2 has been found to be in illegal possession of government land, or that permanent and impermissible constructions have been raised by it. Instead, the Respondent No. 2 has been raising hyper technical grounds in an effort to scuttle the proceedings initiated by the Appellant and frustrate the process of law.

PARA-WISE REPLY

1-2. The contents of Paragraph Nos. 1 and 2 require no response. However, as stated above, it is pertinent to note that the Respondent No.2 has itself admitted to be giving reply to the subsequent application of the Appellant dated 05.07.2025.

3-4. The contents of Paragraph Nos. 3 and 4, except to the extent that pertains to matters of record, are denied as these flow from an incorrect assessment of the facts of the instant case. It is specifically denied that two application seeking condonation of delay are pending for adjudication in the instant Appeal. It is submitted that I.A. No. 162 of 2025 has been withdrawn by the Appellant / Applicant, as recorded in the Order dated 10.11.2025, and accordingly, this Hon'ble Tribunal was pleased to dispose the said I.A. No. 162 of 2025 as withdrawn. Therefore, as on date, only I.A. No. 206 of 2025 survives and remains pending for adjudication by this Hon'ble Tribunal. Without prejudice to the above, it is further pointed out that the Appellant, *vide* E-mail dated 24.12.2025, has affected service of the said disposed I.A. No. 162 of 2025 (WZ) to the Respondent No. 2 *ex-abundanti cautela*.

5-7. I say that the contents of Paragraph Nos. 5 to 7 are denied as being wholly incorrect, misleading, and based on an erroneous interpretation of law. It is specifically denied that the Impugned Permission is merely an approval to extend the timeline on the same condition as occurring in the Permission granted in 2018. Rather, it is trite law that an extension is

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a new cause of action, being open to challenge by a person aggrieved. It is specifically denied that the Applicant is indirectly seeking condonation of delay (if any) in challenging the 2018 Permission, when the said Permission has expired and no longer survives. It is reiterated that the 2018 Permission was only granted for a period of 5 years, which period expired in 2023. The contents of the previous paragraphs are reiterated for the sake of brevity. It is reiterated that the captioned Application has been filed seeking condonation of delay of a minuscule period of 04 days, which is within the power of this Hon'ble Tribunal to condone.

8-9. I say that the contents of Paragraph Nos. 8 and 9 are denied in *toto* as being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity and it is repeated that minutes of meetings do not form appealable orders in terms of Section 5 of the Environment (Protection) Act, 1986 or Section 16 of the NGT Act, 2010. It is reiterated that in the instant case, the period of limitation is to be computed from the date of knowledge.

10. I say that the contents of Paragraph No. 10 are denied in *toto* as being wholly incorrect, misleading and erroneous. The Impugned Permission, though an approval of extension of Permission dated 12.11.2018, constitutes a fresh permission and is open to challenge. The contents of previous paragraphs are reiterated for the sake of brevity.

11-13. I say that the contents of Paragraph Nos. 11 to 13 are denied in *toto* as being wholly incorrect, misleading and erroneous. It is submitted during the proceedings before the GCZMA on 20.03.2025, the Appellant for the first time received information and documents regarding the order dated 26.07.2024 impugned in the captioned Appeal as well as the original permission / order dated 12.11.2018. It is a matter of fact and record that earlier the Resolution Professional, or the Appellant in their individual capacity had been making every effort to seek information and documents regarding the blatant encroachments on the parcels of land mortgaged to it. However, despite such efforts, the Appellant never

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received information and/or document relating to the order impugned herein.

It is pertinent to state that despite the Appellant's specific Application dated 14.08.2024, the Respondent No. 1 authority took no steps *qua* the same thereby facilitating the Respondent No. 2 to continue and carry out its commercial business from the demised property.

14. I say that the contents of Paragraph No. 14 in so far as they relate to matter of record, need no reply. However, remaining contents are denied being wrong and incorrect.

15. I say that the contents of Paragraph No. 15 are denied being wholly incorrect, misleading and erroneous. Admittedly, neither the Original Permission dated 12.11.2018 nor the Impugned Permission was ever in public domain. The Applicant has specifically produced corroborating evidence and material on record to prove the date of receipt of knowledge and information about the impugned order. Thereafter, the captioned Appeal came to be filed within the statutory period of limitation from the date of effective knowledge and communication of the impugned order.

16. I say that the contents of Paragraph No. 16 are denied being wholly incorrect, misleading and erroneous. It is submitted that the cause of action on the part of Appellant filing the captioned Appeal has been duly explained in Para 36 of captioned Appeal, contents whereof may be read as part and parcel to the present Rejoinder.

17. I say that the contents of Paragraph No. 17 are denied in *toto* being wholly incorrect, misleading and erroneous. The Applicant submits that the records of the present case would rather reveal a continued act of unlawfully running an operation of commercial establishment on the part of Respondent No. 2, based on the impugned approval of the Respondent No.1 which could not have been granted in the first place in view of the recommendations contained in BCCR with respect to Agonda Beach.

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18. I say that the contents of Paragraph No. 18 are denied in *toto* as being wholly incorrect, misleading and erroneous.

19. I say that the contents of Paragraph No. 19 are denied in *toto* as being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. However, it is reiterated that the original order of Respondent No. 1 issued on 12.11.2018, which expired on 11.11.2023, was not brought into public domain. Thereafter, on 26.07.2024, by way of the impugned approval, the validity of the permission of 2018 was extended till 12.11.2025 with the same terms and conditions as mentioned in approval dated 12.11.2018. Hence, in terms of the authoritative precedents of the Hon'ble Apex Court, a renewal amounts to a fresh cause of action, which is permissible to be challenged under Section 16 of the NGT Act. Furthermore, as stated above, Minutes of Meeting of the GCZMA are not strictly appealable before this Hon'ble Tribunal under Section 16, hence, mere publishing of Minutes of such Meeting do not constitute an act of *communication* of the final decision to the public at large.

20. I say that the contents of Paragraph No. 20 are denied being wholly incorrect, misleading and erroneous. It is submitted that there is a small and miniscule delay of only 04 days in filing of the captioned Appeal, calculated from the effective date of communication and knowledge of the impugned order, and, in terms of provisions of Section 16 of the NGT Act, this Hon'ble Tribunal has power to allow condonation of a period upto 60 days after the expiry of original period of 30 days in filing of an Appeal.

21-23. I say that the contents of Paragraph Nos. 21 to 23 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. It is submitted that the captioned Appeal has principally been preferred under Section 16 of the National Green Tribunal Act, 2010. However, nothing contained therein in any manner curtails, restricts, or impinges upon the wide and substantive jurisdiction of this Hon'ble Tribunal under Section 14 of the

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NGT Act, 2010 to adjudicate upon substantial questions relating to the environment and to grant appropriate reliefs as sought in the present *lis*. The powers conferred upon this Hon'ble Tribunal under Section 14 are plenary, and remedial in nature, (*akin* to Section 151 of the CPC, 1908) and the mere nomenclature or reference to the provision under which the Appeal is filed cannot defeat the Tribunal's jurisdiction to examine the environmental issues raised and to grant effective relief in the interest of justice.

24. I say that the contents of Paragraph No. 24 are denied being wholly incorrect, misleading and erroneous. It is specifically denied that the Impugned Permission is merely an approval to extend the timeline on the same conditions as occurring in the Permission granted in 2018. Extension of Permission to run commercial operations in an ecologically sensitive area as Agonda Beach cannot be a mechanical / automatic process. It requires due diligence and application of mind to see whether or not the terms and conditions of the permission under extension are being strictly adhered to. That is why, even the Apex Court has held that a renewal / extension amounts to a fresh permission and constitutes a new cause of action, being open to challenge by a person aggrieved. It is specifically denied that the Applicant is indirectly seeking condonation of delay (if any) in challenging the 2018 Permission, when the said Permission has expired and no longer survives. It is reiterated that the 2018 Permission was only granted for a period of 5 years, which period expired on 11.11.2023. The contents of the previous paragraphs are reiterated for the sake of brevity. It is reiterated that the captioned Application has been filed seeking condonation of delay of a minuscule period of 04 days, which is within the power of this Hon'ble Tribunal to condone.

25. I say that the contents of Paragraph No. 25 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity.

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26-29. I say that the contents of Paragraph No. 26 to 29 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. For the sake of record I say that the *locus standi* of the Appellant has been duly established in multiple prior proceedings before this Hon'ble Tribunal, such as in Appeal No. 22 of 2022 (W), Appeal No. 23 of 2022 (W), Appeal No. 144 of 2024 (W) and O.A. No. 15 of 2023 (W), and the Appellant herein craves leave of this Hon'ble Tribunal to rely and refer to the same as and when required. Without prejudice to the above, the present Appeal has been preferred by the Appellant, being environmentally conscious and concerned about preservation of ecology and environment of Agonda Beach, and also as the sole mortgagee, Decree Holder and Principal Stakeholder of the Demised Property, in order to safeguard its rights and interest against an illegal occupation of the Demised Property by Respondent No. 2 who, under the garb of the Permission dated 26.07.2024 has (i) raised illegal / structures in violation of CRZ, 2011; (ii) encroached upon and raised unauthorized structures on Survey Nos. 102/1, 102/3 and 102/7 (which are majorly owned by DPDCL and are mortgaged to the Appellant); (iii) encroached upon government land on Survey No. 102/2, and has raised permanent and semi-permanent structures in abject violation of the terms and conditions of the Impugned Permission itself, thereby causing damage to ecologically sensitive stretch of beach front land in Agonda Beach. For these among other reasons, the Respondent No. 2 ought to be *estopped* from raising technical pleas to defend its own improprieties and illegalities with an aim to perpetuate its own wrong doings, causing immense damage to ecologically fragile and sensitive beach front land.

30. I say that the contents of Paragraph No. 30 are denied as being wholly incorrect, misleading and contrary to settled legal principles. It is reiterated that the Appellant is a person aggrieved as per the NGT Act, the locus whereof has been established in multiple proceedings before this Hon'ble Tribunal. The contents of the preceding paragraph Nos. EE

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to KK of the Preliminary Submissions are adopted herein for the sake of brevity.

31. I say the contents of Paragraph No. 31 are strenuously denied as being incorrect, misleading and erroneous. It is expressly denied that the Appellant is attempting to gain leverage over the Respondent No. 2 in the pending civil suit bearing SCS No. 62 of 2024. Rather, it is submitted that a bare perusal of the said SCS/62/2024 demonstrates that it pertains to an entirely separate and a different cause of action, where relief(s) of declaration and permanent & mandatory injunction have been prayed for only with respect to land forming part of Survey No. 100/10 in Village Agonda, Canacona Taluka. The said parcel of land is not the subject matter of the instant proceedings, which seek to challenge the Impugned Permission dated 26.07.2024 issued by the Respondent No. 1 in favour of Respondent No. 2 for erection of temporary shacks and huts in property bearing Survey No. 102/1-A of Village Agonda. In fact, it is the Respondent No. 2 which has been running illegal and unlawful commercial establishments on land mortgaged to the Appellant, thereby causing environmental damage to the sensitive Agonda Beach while attempting to defend its incorrigible conduct by raising unconnected facts.

32. I say the contents of Paragraph No. 32 are strenuously denied as being incorrect, misleading and erroneous. It is submitted that it is the Respondent No. 2 which has approached this Hon'ble Tribunal with unclean hands. It is reiterated that the Respondent No. 2 raised permanent and semi-permanent structures in abject violation of the terms and conditions of the Impugned Permission itself, thereby causing damage to ecologically sensitive stretch of beach front land in Agonda Beach. It is stated that the Appellant was aware only of illegal and unauthorized constructions, those being visible physically within 200m from HTL (NDZ) which area was assessed as fully saturated by the BCCR as applicable to Agonda beach. The Appellant was, however, not aware whether commercial operations being run out of those

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constructions / structures had any permission or not. All efforts on the part of the Appellant to obtain information, even under RTI Act, about these commercial establishments were frustrated by the Respondent No. 1 on one pretext or the other. It was only on 20.03.2025 that the Respondent No. 1 had issued the Original Permission dated 12.11.2018 and the Impugned Permission dated 26.07.2024. For these, among other reasons, the Respondent No. 2 ought to be *estopped* from raising technical pleas to defend its own improprieties and illegalities with an aim to perpetuate its own wrong doings, causing immense damage to ecologically fragile and sensitive beach front land. The contents of the previous paragraphs are reiterated herein for the sake of brevity.

33. I say that the contents of Paragraph No. 33 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. It is reiterated that the Appellant received information and document relating to the impugned order only on 20.03.2025 and thereafter, promptly filed the captioned Appeal within the statutory period of limitation from the date of effective knowledge. Hence, the Appellant has shown sufficient cause in approaching this Hon'ble Tribunal.

34-37. I say that the contents of Paragraph Nos. 34 to 37 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. For the sake of clarity, it is submitted that *ex-abundanti cautela,* service of the disposed I.A. No. 162 of 2025 was affected on the Counsel for Respondent No. 2 *vide* E-mail dated 24.12.2025. Without prejudice, it is clarified that the instant Appeal filed by the Appellant was *bonafidely* accompanied by I.A. No. 162 of 2025 dated 23.04.2025 seeking condonation of delay in filing of the captioned Appeal. However, pursuant to the hearing dated 30.06.2025, I.A. No. 206 of 2025 (WZ) came to be filed by the Appellant on 05.07.2025. Thereafter, the Respondent No. 2 filed its Affidavit-in-Reply to I.A. No. 162 of 2025, where it has been stated at Paragraph No. 2 that while the Reply came to be filed to I.A. No. 162 of

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2025, it was confined strictly to the averments made in the subsequent I.A. No. 206 of 2025. Thereafter, *vide* Order dated 10.11.2025, it was recorded by this Hon'ble Tribunal that I.A. No. 162 of 2025 was withdrawn as I.A. No. 206 of 2025 had already been filed and in view thereof, this Hon'ble Tribunal was pleased to dispose the said I.A. No. 162 of 2025. The relevant portion of the Order dated 10.11.2025, passed by the Hon'ble NGT in Appeal No. 139 of 2025 is as under:

> *"1. From the side of applicant/appellant, learned counsel Mr. Karan Batura has appeared. He has moved two delay condonation applications in the present appeal. 1st is I.A. No.162 of 2025 (WZ), which was moved on 23.04.2025 and another is I.A. No.206 of 2025 (WZ), which was moved on 05.07.2025.*
> *2. Today, learned counsel for the applicant/appellant seeks permission to withdraw I.A. No.162 of 2025 (WZ). We allow his prayer and dispose of the said I.A. as withdrawn.*
> ***I.A. No.162 of 2025 (WZ) stands disposed of accordingly."***

38. I say that the contents of Paragraph No. 38 are denied being wholly incorrect, misleading and erroneous. The original permission / approval dated 12.11.2018 was not in public domain, as mischievously claimed by the Respondent No. 2. Even this approval came to the knowledge of the Appellant on 20.03.2025. The contents of previous paragraphs are reiterated for the sake of brevity.

39-40. I say that the contents of Paragraph No. 39 to 40 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity.

41. I say that the contents of Paragraph No. 41 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity.

42-48. I say that the contents of Paragraph Nos. 42 to 48 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. It is mort pertinent to state herein that in its rejoinder to the reply filed by Respondent No.1 to IA No. 206 of 2025, the Applicant/ Appellant has duly dealt with the issue of failure on the part of Respondent No.1 to effectively communicate its decisions/ orders by publishing on its website, thereby

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intimating to public at large about the same. The said failure on the part of Respondent No. 1 had indefeasibly facilitated parties such as Respondent No. 2 herein to carry out its commercial operations, which are not permissible as per law. The Appellant approached this Hon'ble Tribunal with the present appeal as soon as the information and documents pertaining to the Impugned Permission came to its knowledge.

49. I say that the contents of Paragraph No. 49 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. It has been admitted by the Respondent No. 1 that it has not placed its orders / directions in public domain in another proceeding before this Hon'ble Tribunal which culminated in the Judgment dated 26.07.2023 passed in O.A. No. 70 of 2022 (WZ) titled ***Chandan Suryakant Khorjuvekar v. GCZMA & Ors.***, where, while placing reliance on Regulation 4.2(vi) of CRZ Notification, 2011, this Hon'ble Tribunal had held that the GCZMA was required to maintain transparency by creating a dedicated website for publishing agenda, minutes, decisions, clearance letters, violations, action taken reports, and court matters. This Hon'ble Tribunal further directed the GCZMA to upload all consents/approvals relating to Shacks/Huts/Tents/Cottages within one month. Hence, the contention of the Respondent No.2 is refuted accordingly.

50. I say that the contents of Paragraph No. 50 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity.

51. I say that the contents of Paragraph No. 51 are denied being incorrect, misleading and erroneous. It is submitted that in the hearing held on 30.06.2025, the Appellant *bonafidely* put across its stand that in light of the law laid down by the full Bench of this Hon'ble Tribunal in the case of *Save Mon*, the date of communication of the impugned order in the present case will be treated as 20.03.2025, for the purpose of computation of limitation for filing of the captioned Appeal. However,

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without prejudice to its rights and contentions, as an abundant caution the Applicant preferred the present IA 206 of 2025 with better details so as to satisfy and convince this Hon'ble Tribunal on the issue of delay. Needless to state that IA 162 of 2025 was subsequently withdrawn on 10.11.2025.

52-58. I say that the contents of Paragraph Nos. 52 to 58 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. Rather, it is submitted that the Respondent No.2 may kindly be put to strict proof on the averments made in the Paras under reply.

59. I say that the contents of Paragraph No. 59 are denied being wholly incorrect, misleading and erroneous. It is submitted that in the Show Cause Notice dated 17.01.2025 (Ref. No. GCZMA/S/ILLE-Compl/24-25/18/3468), the Respondent No.1 (GCZMA) listed numerous CRZ violations committed by the Respondent No. 2. The said Show Cause has resulted into a Final Order dated 29.09.2025, whereby the Respondent No.1 has *inter alia* passed the following directions:

> *"all other structures standing on the property beyond the approval of the GCZMA as mentioned in the Show Cause Notice bearing Ref. No. GCZMA/S/ILLE-Compl/24-25/18/3468 dated 17.01.2025; shall be demolished with one month from receipt of this order..."*

That, the abovementioned order dated 29.09.2025 has been challenged independently by the Appellant herein before this Hon'ble Tribunal by way of filing Appeal No. 627/2025(WZ), which is pending adjudication as on date.

Furthermore, the Respondent No. 1 had also issued a Show Cause Notice dated 17.01.2025 (Ref. No. GCZMA/S/ILLE-Compl/24-25/18/3467) to the Respondent No.2 listing numerous CRZ violations committed by the Respondent No. 2. In the proceedings under the said SCN, the Respondent No. 2 self-demolished certain structures. Thus, the said SCN resulted into a final order dated 29.09.2025, whereby the Respondent No. 1 directed the Respondent No. 2 to demolish the

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illegally erected masonry compound wall within a period of 1 (one) month. The said order dated 29.09.2025 has also been independently challenged by the Appellant herein before this Hon'ble Tribunal by way of filing Appeal No. 626/2025(WZ), which is pending adjudication as on date.

60. I say that the contents of Paragraph No. 60 are denied being wholly incorrect, misleading and erroneous. After acceptance of BCCR on 03.01.2017, the Respondent No. 1 could not have issued permissions for erection of shacks and huts on Agonda beach, since the carrying capacity of the said beach had become Nil / Zero as per the BCCR. The contents of previous paragraphs are reiterated for the sake of brevity.

61-62. I say that the contents of Paragraph No. 61 to 62 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. On the other hand, the Respondent No. 2 may kindly be put to strict proof of the averments raised in the Paras under reply.

63-64. I say that the contents of Paragraph Nos. 63 to 64 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. However, it is submitted that no aggrieved party/ person should ever suffer on account of non-doing by the Respondent No. 1 Authority, which is entrusted with the duty of being a custodian and caretaker of the pristine beaches of Goa. Rather, the Respondent No. 1 Authority is expected to act fairly, transparently and *bonafidely* while discharging its public duties and ensuring effective communication of its orders to public at large, as required under law.

65. I say that the contents of Paragraph No. 65 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity. It is rather submitted that it is the Respondent No.2 who has illegally, unlawfully and *malafidely* made usage of commercial establishments, which could not have come up in the first place after the acceptance of recommendations

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of BCCR with respect to Agonda Beach, w.e.f. 03.01.2017, and such activities ought to be curtailed forthwith in order to ensure that the ecology of the Agonda Beach is maintained and preserved from the hands of such violators.

66. I say that the contents of Paragraph No. 66 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity.

67. I say that the contents of Paragraph No. 67 are denied being wholly incorrect, misleading and erroneous. The contents of previous paragraphs are reiterated for the sake of brevity.

MM. I say that the present Affidavit-in-Rejoinder is *bona fide* and is being filed in the interest of justice.

NN. I say that the contents of Paragraph Nos. A, B, C(P), D(P), E, F, G(P) K(P), M(P), S(P) to LL(P), 1 to 6, 7(P), 8(P), 12(P) to 15(P), 16(P) to 67(P) and MM are true to my knowledge, and the contents of Paragraph Nos. C(P), D(P), G(P) to J, K(P), L, M(P), N to R, S(P) to LL(P), 7(P), 8(P), 9 to 11 and 12(P) to 15(P) and 16(P) to 67(P) are based on legal submissions which I believe to be true.

In view of the submissions made in the captioned Application as also the Affidavit-in-Rejoinder, it is most humbly prayed that the captioned Application may kindly be allowed in terms of the prayers sought by the Appellant.

PLACE: NEW DELHI

DATE: 02-01-2026

02 JAN 2026

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

DEPONENT

Advocate for Appellant

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

02 JAN 2026

IDENTIFIED

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Rejoinders to Delay Condonation in Appeal 136/ 2025 and Appeal 139/2025

From: Karan Batura (karanbatura@yahoo.in)

To: shankar@chambers.net.in

Date: Friday, January 2, 2026 at 04:26 PM GMT+5:30

Dear Mr. Swaminathan,

Please find below the link to access the Rejoinders in the captioned matters on behalf of the Applicant/ Appellant to the Replies filed by the Respondent No. 2 to the Applications for condonation of delay:

Appeal 136 Rejoinder R2.pdf

Appeal 136 Rejoinder R2.pdf

https://drive.google.com/file/d/1ybV1ABgAY7nPS_TOOivUQPQGBnMKlqa0/view?usp=sharing

Kindly acknolwedge the receipt of the same.

Regards,

Karan Batura
Advocate-on-Record
Supreme Court of India

On Sunday, November 9, 2025 at 05:05:43 PM GMT+5:30, Shankar Swaminathan <shankar@chambers.net.in> wrote:

Appeal 139 reply.pdf

Deal All,

PFA reply on behalf of the P.P, to the IA for delay Condonation in the captioned Appeals.

Regards,

--
Shivshankar Swaminathan

Advocate,

15& 22 P.J. Chambers Off Mumbai-Pune Road,
Pimpri, Pune- 411018