

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN ZONE) BENCH AT PUNE**

Appeal No. 144 of 2024 (WZ)

BETWEEN

Alchemist Asset Reconstruction Company Ltd.

...Appellant

V/s

Goa Coastal Zone Management Authority & Anr.

...Respondents

**AFFIDAVIT IN REJOINDER ON BEHALF OF THE
APPELLANT TO THE REPLY FILED BY THE
RESPONDENT NO. 1**

MOST RESPECTFULLY SHEWETH:

I, Akshat Sharma, S/o Shri S K Sharma, aged about 36 years, working for gain, at A 270, 1st and 2nd floor, Defence Colony, New Delhi – 110 024, the authorised representative of the Appellant herein above named, do hereby solemnly affirm and state as under:

PRELIMINARY SUBMISSIONS AND OBJECTIONS:

- A. I say that the Appellant has filed the captioned appeal which is pending adjudication before this Hon'ble



Akshat Sharma

Tribunal. The captioned appeal has been filed against the Order dated 13.05.2024 passed by the Respondent No. 1 bearing Ref. No. GCZMA/NGT Matter/D. Appl. No. 15/2023/22-23/38/504, received by the Appellant by post only on 17.05.2024 whereby the Respondent No. 1 has ordered for a part demolition of the structures erected by Respondent No. 2 on site i.e. in Survey No. 100/10 in Village Agonda, Canacona, Goa.

- B. I say that despite specific directions by this Hon'ble Tribunal to file their reply *vide* orders dated 01.07.2024, 05.08.2024 and 01.10.2024, the Respondent No. 1 miserably failed to adhere to the timelines directed, and finally filed their reply only on 10.12.2024 i.e. after more than 4 months from initial direction to file such a reply.
- C. I say that such an act of Respondent No. 1 (which is a statutory authority appointed as a custodian of the beaches in Goa) only goes to show the extent and level of seriousness with which the said Authority performs its work, discharges its responsibilities and follows the directions of this Hon'ble Tribunal.



D. I say that the present case attempts to unearth the glaring arbitrary way of working of the Respondent No. 1 which has all throughout kept its eyes closed towards the illegal running and operations of the *Dream Discovery Resort* by Respondent No. 2 who claims to own a small portion of the land but has encroached on a much larger area and has allegedly leased the said area (including encroached land to the lessee (Mr. Vijay Gokuldas Komarpant), who has set up the *Dream Discovery Resort*. I say that the GCZMA is in connivance with the Respondent No. 2 and has been complicit in permitting and perpetuating commercial misuse of a residential property on encroached land and creating a false narrative to justify illegal occupation of land and development of permanent commercial structures thereon, that too in an ecologically sensitive area.

E. I say that the Respondent No. 1 has miserably failed to perform its statutory duty to save and preserve the pristine beach of Agonda by substantially failing in performing its supervisory role. I say that despite this



Akhil Kumar

Hon'ble Tribunal categorically noting the lapse of vigilance on the part of Respondent No. 1 in granting permission dated 04.04.2017 (which has been set aside by this Hon'ble Tribunal) to the Respondent No. 2, which permission was transferred in favour of a third party who was running a full-fledged commercial resort, the Respondent No. 1 by way of the impugned order dated 13.05.2024 has tried blatantly to support the Respondent No. 2 in the latter's avaricious attempt at land grabbing and carrying out its illegal and unlawful commercial operations on ground.

- F. I say that taking note of the blatant environmental violations in this case, the Hon'ble Supreme Court *vide* order dated 22.01.2024 in Civil Appeal No. 553 of 2024 (*Annexure A-7 @Pg. 196-197*) has already ordered that the Appellants (Respondent No. 2 herein) and their assignees / purc will not carry out any commercial activities in the property in question.

I say that without the due intervention of the Hon'ble Supreme Court, the Respondent No. 2 along with his



purported lessee were blatantly and continuously carrying out illegal and unlawful commercial operations on ground, and such carrying out of operations were right under the nose of the Respondent No. 1 authority which turned a blind eye towards the same, and miserably failed to perform its statutory duties.

- H. I say that no part of this rejoinder should construe as admission of any sorts, unless anything particular has been admitted therein. I say that the contents of the captioned Appeal are reiterated and reaffirmed as correct.
- I. At the outset, the Appellant states that on a bare reading of the reply filed by Respondent No. 1, it appears as if the said Respondent is trying to answer/ cover for the wrongdoings/ illegal acts of the Respondent No. 2. The contents of reply of Respondent No. 1 are structured in such a way that they also aim to justify the protection given by it to the acts of commission and omission on the part of Respondent No. 2.



J. I say that the Respondent No.1 being a statutory authority incorporated under the Ministry of Environment and Forest (MoEF) is entrusted with the powers and duties to ensure preservation of the beaches in Goa and to ensure the maintenance of their ecology.

K. I say that while discharging its duties as a statutory authority, the Respondent No.1 is bound by the CRZ Regulations, 2011. However, the facts of the present case will unequivocally establish that the Respondent No.1 is in manifest and wilful violation of various regulations, is hand-in-glove with the Respondent No. 2 and as a consequence, has gone out of way to somehow legitimize /allow the Respondent No. 2 to continue with the illegal and unlawful operation of the “*Dream Discovery Sea View Resort & Beach Café*” in the property bearing Survey No. 100/10 in Village Agonda, Canacona, Goa.

L. I say that having perused the contents of reply filed by Respondent No. 1, it is trite to state that the same is a mere reproduction of the process followed in issuing



impugned order dated 13.05.2024, besides giving a summary of the submissions made by the contending parties, and nothing new has been stated therein. I say that the Respondent No. 1 has yet again failed to answer various issues raised and questions posed by the Appellant in the captioned Appeal.

M. I say that (as already stated above) this Hon'ble Tribunal in judgment dated 03.01.2024 (passed in OA/15/2023) specifically held that the permission dated 04.04.2017 was transferred in favour of a third party who was running a full-fledged commercial resort. Thus, as a necessary consequence, it was incumbent upon the Respondent No. 1 to take a *de novo* look at the applications filed by the Respondent No. 2 for reconstruction of Houses No. 438 and 439 located in Survey No. 100/10, Village Agonda and, with the benefit of hindsight and insightful findings and observations of this Hon'ble Tribunal, should have rejected those, besides ordering complete demolition of the existing illegal and offending structures.



Akshay K...

- N. I say that, however, instead of looking at the whole matter in an objective, dispassionate and fair manner, the Respondent No. 1 has tried to justify the permissions dated 04.04.2017 issued by it (now set aside) and also to defend its inaction against the blatant violation of Clauses contained in said permissions dated 04.04.2017.
- O. I say that while passing the impugned order, the Respondent No. 1 in essence has ordered for partial demolition of the structures which have been constructed by Respondent No. 2 beyond the plan approved by the Respondent No. 1. However, in this regard, the Respondent No. 1 has yet again miserably failed to answer the following:
- a. What was the plan approved by Respondent No.1 at the stage of issuing the permission dated 04.04.2017?
 - b. Which are the additional structures which have now been ordered to be demolished as per the impugned order dated 13.05.2024?



- c. Is there any map to delineate the exact portion on ground which has been ordered to be demolished?
- d. What action has Respondent No.1 authority taken/ initiated against the Respondent No. 2, including his purported lessee, for deceitfully converting two houses into a commercial complex and for wilfully operating and running an illegal full-fledged commercial resort in the name and style of “*Dream Discovery Sea View Resort & Beach Café*” in the survey No. 100/10 of Agonda Village, Goa?
- e. Why did the Respondent No. 1 ignore and overlook a clear violation of condition No. 4 of their permissions dated 04.04.2017 for more than 6 years?
- f. Why did the Respondent No. 1 ignore and overlook a clear violation of condition No. 5 of their permissions dated 04.04.2017 for more than 6 years and even after the said violations were



brought to its notice by the Appellant *vide* its letter dated 08.06.2022?

P. I say that the Respondent No. 1 has completely overlooked the fact that the structures existing on site as on date where most of the building/ structure is within 50 mts. of HTL and part of the structure are within 0 to 100 mtrs. of HTL. In this regard, the Respondent No. 1 has failed to take into consideration that under the relevant provisions of Regulation 8 III A (ii) of the CRZ, 1991, no permission for reconstruction could have been granted by it for even dwelling units within 0 to 100 mtrs. of HTL.

Q. I say that the assertion of Respondent No. 1 in its Impugned Order that the permission was given merely for reconstruction of authorised existing structures without any exemption / benefit exercised by Respondent No. 2 is without any basis. Evidently, the permission was applied for and given for reconstruction of houses. The word “house” has been deliberately replaced with the word “structure” by the Respondent



Ashish Singh

No. 1 to protect the interests of Respondent No. 2 as well as to cover up its own complicity in the matter.

R. I say that equally baseless is the “*firm belief*” of Respondent No. 1 that “*Commercial activities which are and were in vogue prior to 1990-91 can nevertheless be allowed to be continued as per provisions of CRZ notifications*”. In fact, Respondent No. 1 has tried to build a new, *albeit* false and fake, narrative to justify its illegal actions and inactions in relation to commercial misuse of Houses No. 438 and 439.

S. I say that had the intentions of the Respondent No. 1 been honest and sincere, it would have taken note of the blatant violations of permissions issued by it while a full-fledged Resort was constructed and commissioned, and would have exercised its powers prudently and diligently by revoking the permissions dated 04.04.2017 on the basis of condition No. 5 (*@ Pg. 163*) of the said permissions itself, which condition is reproduced hereinbelow:



“5. This permission is liable to be revoked, if it is found, at any stage, that the application contained false information / wrong plans/ calculations/ documents/ misleading or false information, etc. or account of violation of aforementioned conditions”

T. I say that since permission dated 04.04.2017 was *inter alia* given as a benefit to the Respondent No. 2 for being a member of a traditional toddy tapper community (local / traditional community), the said permission could neither have been transferred to a non-traditional community person, nor could it have been used for a purpose other than a dwelling house.

U. I say that documents like House Tax Receipts, NoCs etc. do not qualify as documents evidencing ownership and /or title. In fact, the reliance upon and Excise License dated 11.11.1996 (*which was only for a period of approx. 4 ½ months*), issued much after 1991, does not help the claim of the Respondent No. 2 in any manner. Furthermore, without prejudice, it is submitted that the purported No Objection Certificate of the Village Panchayat dated 17.01.1991 is merely an enabling



Akshat Singh

permission which does not in any manner prove that the said premises were being used commercially, particularly when the Google Earth images do not show any structure on the site till 2015-16.

- V. I say that there are glaring discrepancies between the record of proceedings of the minutes of the 137th & 144th Meeting of the Respondent No. 1 held on 24.01.2017 & 21.03.2017 respectively and the Impugned Order dated 13.05.2024. It is submitted that the Respondent No. 1 has addressed the issues in a very casual, cavalier and one sided manner by ignoring relevant facts and circumstances of the case at hand.

It is submitted, firstly, that there is no mention of plinth areas of the two houses being 319 sq. mtrs. and 314 sq. mtrs. respectively in the minutes of 144th Meeting of Respondent No. 1, as claimed in the Impugned order. In fact, these areas do not find a mention even in the minutes of 137th Meeting of Respondent No. 1 in which the reconstruction applications were rejected. No plan showing the said



areas was furnished to the Appellant along with the two files provided under the RTI Act on 13.06.2023.

Secondly, the Respondent No. 1 has accepted the veracity of the alleged Panchayat Certificates dated 09.05.1984 and 30.03.1985 without questioning the Respondent No. 2 as to why these were not produced at the time of filing reconstruction applications in 2016.

Thirdly, there is no mention of any commercial activity being carried out from the premises of Houses No. 438 & 439 in the 137th and 144th meetings of Respondent No. 1 or in the Site Inspection Reports of the Expert Member of Respondent No. 1 whereas in the Impugned Order, the Respondent No. 1 has accepted the use of the said premises for commercial activities merely on the basis of an Excise Licence of 1996 (issued for only about 4 ½ months) of which there are no antecedent or subsequent documents showing continuity of commercial activity for a reasonable length of time.

Finally, Respondent No. 1 has surprisingly stated

in the Impugned Order that *"The issue of local*



community did not arise since no special benefit or exemption was claimed by Mr. Selso Fernandes.”

However, the 137th & 144th Minutes of the Respondent No. 1 as well as in the reports of the Expert Member, it has been repeatedly stated that since the Applicant belonged to a local community, application may be allowed for construction. In pursuance of the same, a decision was taken by the GCZMA in its 144th Meeting to grant approval of reconstruction of House Nos. 438 and 439. It is pertinent to note herein that if the Respondent No. 2 did not want to take any benefit of him belonging to a local community, there is no explainable reason as to why did the said Applicant / Respondent No. 2 should mention in his revised application dated 07.12.2016 (purportedly inwards on 19.07.2016) (@ pg. 171) to the Respondent No. 1 about him belonging to a traditional toddy tapper community (inwards on 14.03.2017).

W. For the ready and kind perusal of this Hon'ble Tribunal, a table showing the illegal encroachment of land by



AKS

Respondent No. 2 in Survey No. 100/10, and the changes made in occupation thereof, is appended below:

Particulars	Area (In Sq. Mtrs.)		Total (In Sq. Mtrs.)
	Land belonging to Maria Fernandes on which there was one house as per Form I & XIV	50	
ISLR survey plan showing two houses in Sy. No. 100/10	H. No. 438	H. No. 439	79
	47	32	
Area as per panchayat NoCs of 1984-85	H. No. 438	H. No. 439	803
	338	465	
Google Earth Images from 2002 onwards	Showing no construction on ground		
Area as per GCZMA Permissions dated 04.04.2017 in Sy. No. 100/10	H. No. 438	H. No. 439	411.08
	217.60	193.48	
Area encroached by Respondent No. 2 as per ISLR site plan annexed to Joint Site Inspection Report	-	-	1160



Abhishek Singh

X. I say that the impugned order suffers from material infirmities and is inconsistent with the prevailing law. It is submitted that the impugned order has been issued in a very casual, cavalier and one sided manner by ignoring relevant facts and circumstances of the case at hand. It is submitted that the Respondent No. 1 has *inter alia* relied upon certain new documents submitted by Respondent No. 2 which had not been submitted at the time of making original applications for reconstruction permission. The said new documents include a patently false, fabricated and fraudulent NOC of Panchayat (allegedly) dated 1984-85 as a desperate and illegal attempt to substantiate the fact that the structures admeasuring approx. 1053 sq. mtrs. were in existence prior to 1991 when in Google Earth images there was no such structure at the relevant time or for decades thereafter. In this regard the Respondent No. 1 has completely ignored the fact that even as per their own 137th and 144th Minutes the plinth of the houses had been mentioned as 411.08 sq. mts. (217.60 sq. mts. + 193.48



sq. mts.). The relevant extract of the 144th Minutes of GCZMA, in respect of Case Nos. 4.3 and 4.4, respectively are as under:

Case No. 4.4 (@ Pg. 165)

“Site Inspection Report: The site was inspected by Shri. Ragunath Dhume, the then Expert member of the GCZMA, The inspection report indicated that the existing land has residential houses. There exists an access. There exists ornamental trees within hte plot. The proposed plot is within 200 m of HTL. There exists an old house. The house is shown on DSLR plan. The name of Applicant’s mother is reflected in Form I & XIV. The applicant belong to a toddy tappers community, Certificate is enclosed to the file. The Applicant has a Certificate of Panchayat stating htat the house tax is payed from 1980-81 till 03/06/2015 regularly. Since the Applicant belong to local community Applicant may be allowed for construction.

....

Now, the Applicant has submitted revised plans in respect of ground floor on the existing plinth.

Area of Plinth = 193.48 sq. m.

Proposed Ground floor area = 193.48 sq.m.

Decision: The Authority noted that the Applicant has now submitted revised plans only in respect to the ground floor by maintaining the existing plinth.....”

Case No. 4.3 (@ Pg. 183)

“Site Inspection Report: The site was inspected by Shri. Ragunath Dhume, the then Expert member of the GCZMA, The inspection report



Akhil Kumar

indicated that the existing land has residential houses. There exists an access. There exists ornamental trees within the plot. The proposed plot is within 200 m of HTL. There exists an old house. The house is shown on DSLR plan. The name of Applicant's mother is reflected in Form I & XIV. The applicant belong to a toddy tappers community, Certificate is enclosed to the file. The Applicant has a Certificate of Panchayat stating that the house tax is payed from 1980-81 till 03/06/2015 regularly. Since the Applicant belong to local community Applicant may be allowed for construction.

....

Now, the Applicant has submitted revised plans in respect of ground floor on the existing plinth.

Area of Plinth = 217.60 sq. m.

Proposed Ground floor area = 217.60 sq.m.

Decision: *The Authority noted that the Applicant has now submitted revised plans only in respect to the ground floor by maintaining the existing plinth.....”*

As such, the claim of Respondent No. 2 that structure of 1053 sq. mtrs. existed prior to 1991 is false and self-serving. It is also pertinent to state herein that apart from the application of the Respondent No.2 and the permission obtained by him, being for the reconstruction of the residential houses, the above referred minutes of GCZMA, as well as the Site Inspection



Alshahid

Report of the Expert Member also clearly indicate the usage of the existing structures as residential.

- Y. I say that the alleged NOCs of Panchayat dated 09.05.1984 and 30.03.1985 were never in existence or filed at any stage in 2016 when the Respondent No. 2 filed Applications for reconstruction of houses without mentioning the area. That is why the GCZMA, after considering available documents and upon site inspection, gave permission to reconstruct two houses admeasuring 217.60 sq. mtrs. and 193.48 sq. mtrs. respectively (aggregating 411.08 sq. mtrs.).
- Z. I say that there has neither been any reference to the certificates dated 09.05.1984 and 30.03.1985 in the Minutes of 144th Meeting of GCZMA in 2017, nor were these certificate on the record of the GCZMA when they furnished copies of two files Nos. GCZMA/S/16-17/69 and GCZMA/S/16-17/70 pertaining to Permissions issued in respect of Survey No. 100/10, *vide* their letter no. GCZMA/RTI/22-23/01/770 dated 13.06.2023, in response to the Appellant's RTI query. The said



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certificates surfaced and came to light for the first time at the time of Joint Site Inspection ordered by this Hon'ble Tribunal in pursuance of Order dated 21.02.2023 passed by this Hon'ble Tribunal in OA/15/2023 (W). So, at the relevant point of time, Respondent No. 1 had knowledge only about Houses No. 438 and 439 being existent prior to 1991 but not about their areas being 338 sq. mtrs. and 465 sq. mtrs. respectively, alongwith an alleged wooden structures of 250 sq. mtrs., as mischievously claimed by Respondent No. 2 on the basis of Panchayat certificates referred to above, about the authenticity of which there is a big question mark. The site inspection report of the Expert Member of the Respondent No. 1 also did not mention about the larger areas, as claimed through Panchayat certificates, or about the property being in commercial use. For the ready and kind perusal of this Hon'ble Tribunal, the relevant extract of the site inspection report of the Expert Member of the Respondent No. 1, is as under:



"H. No. 438 (@ Pg. 169-170)

2. Name of the project: NoC for proposed reconstruction of existing house.

....

4. Detailed description of status of adjoining properties: Wooden Shed/ Residential / Vacant

5. Existing land use: Residential House

.....

10. Existing structures within the plot: Old House.

"H. No. 439 (@ Pg. 188-189)

2. Name of the project: NoC for proposed reconstruction of existing house.

....

4. Detailed description of status of adjoining properties: Residential / Vacant

5. Existing land use: Residential House

.....

10. Existing structures within the plot: Old House.

AA. I say that without prejudice to the above, had there been indeed a commercial usage of land by the Respondent No. 2, he would have certainly applied for permission for commercial usage of the land as opposed to his application for permission for reconstruction of house. The Appellant has already made detailed submission in the captioned Appeal regarding the Panchayat NoCs



Akshay Chhabra

dated 09.05.1984 and 30.03.1985 being forged and fabricated in all likelihood, which submissions may kindly be read as part and parcel to the present Paragraph as the contents whereof are not being repeated for the sake of brevity.

BB. I say that the Google Earth Images from 2002 onwards show that there were no structures or house built on site. The ISLR Map also shows two houses measuring 47 sq. mtrs. and 32 sq. mtrs. respectively. The Respondent No. 1 accorded permission for reconstruction of two existing houses (though the said permission was obtained by Respondent No. 2 by playing a mischief on Respondent No. 1), together measuring 411.08 sq. mtrs. It is not clear as to how the structures of 47 sq. mts. and 32 sq mts. aggregating to 79 sq. mts. suddenly became 411.08 sq. mts. However, a huge permanent commercial Resorts/Hotel started to come up on the site. To justify these illegalities, the Respondent No. 1, in connivance with Respondent No. 2, purportedly has arrived at a “firm belief” (in fact a mistaken belief) that some



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imaginary commercial activities which were in existence prior to 1990-91 can nevertheless be allowed to be continued as per provisions of the CRZ Regulations.

CC. I say that the reference to 100 sq. mtrs. of uncultivable land, which might have got extended over time, is purely speculative in nature merely to justify the encroachment made by Respondent No. 2 as well as to hide the fact that Respondent No. 1 did not at the initial stage (in the year 2017) even look at this aspect in Form I & XIV.

DD. I say that the existing plinth area and the proposed ground floor area for which approval was given is shown in the 21.03.2017 minutes as 217.60 sq. mtrs. in respect of H No. 438 and 193.48 sq. mtrs. in respect of H No. 439. The reference to plinth areas being 319 sq. mtrs. and 314 sq. mtrs. on the plan of approval, as mentioned in the Impugned Order, did not find a mention either in the Expert Member's site Inspection Report nor in the minutes of the 144th Meeting of GCZMA in 2017 or in any material from 2017 till date which proves the falsity of the entire case. For the ready and kind perusal of this



Hon'ble Tribunal, the relevant extracts in respect of Case No. 4.3 pertaining to H. No. 438 and Case No. 4.4 pertaining to H. No. 439 of the 144th Minutes of Meeting of GCZMA, have already been reproduced in Para 'W' above. However, falsity of the claims of Respondents No. 1 & 2 is also evidenced from the Schedule attached to lease deed dated 23.09.2020 entered into between the Respondent No. 2, his wife Mrs. Conceicao Fernandes and Mr. Vijay Gokuldas Komarpant, which shows the areas of Houses No. 438 and 439 to be 193 sq. mtrs. each, and which reads as under (@ Pg. 301):

"SCHEDULE-I

(DESCRIPTION OF THE SAID HOUSES)

All those two structures which are constructed on part of all that landed property known as "VAL" situated at Val, within the jurisdiction of the Village Panchayat Agonda, Taluka and Sub-District of Canacona, District of South Goa, state of Goa, which is not described in the Land registration office of Quepem nor enrolled in taluka revenue office of Canacona but surveyed under survey no. 100/10 of Village Agonda of Canacona Taluka, and said houses are registered in the House Tax assessment register of the Village Panchayat of Agonda under H. No: 438



Akshay Singh

and 439 having an area admeasuring 193 sq. mts. and 193 sq. mts. respectively and a Well between them and both the houses alongwith 100 square meters share are collectively bound on four sides as under:-

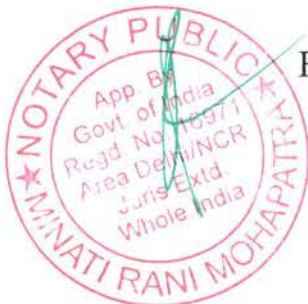
On the West:- Beach land bearing Survey No: 151

On the East:- property bearing Survey No: 100/11 and & also katcha road access which

On the North:- Property bearing Survey No: 100/8

On the South:- Property bearing Survey No: 100/12 and 100/13”

EE. I say that the Respondent No. 1 has still not explained its supervisory lapse in respect of excess construction beyond what it had permitted (though wrongly and illegally) *vide* its permission letters dated 04.04.2017, nor its lapse with regard to it turning a blind eye to a resort being constructed and operated upon under the garb of permissions for reconstruction of houses.



FF. I say that the Respondent No. 1 has also failed to explain as to why it did not take any action against Respondent No.2 or against “Dream Discovery” (lessee) even after this Appellant made a Complaint in this regard on



Akshay Kumar

08.06.2022. It is submitted that there was a clear violation of condition No. 4 of their permissions dated 04.04.2017 for more than 6 years. For the sake of convenience of this Hon'ble Tribunal, the condition no. 4 of the permission dated 04.04.2017 is quoted hereunder:

"4. The structure should not be used for commercial purpose and not to be sold or transferred to the non-traditional community."

GG. I say that had the Respondent No. 1 exercised due diligence, it would have noticed the blatant violation of condition No. 4 on site, which was going on openly for over 6 years. Furthermore, had it dug deeper and put Respondent No. 2 to notice, it would have discovered that infact, there were lease deeds dated 12.09.2016 (*a copy of which is not on record, but, finds mention in the subsequent lease*) and 23.09.2020 between Respondent No. 2, his wife and Mr. Vijay Gokuldas Komarpant for exploitation of Houses No. 438 and 439 for commercial purposes even prior to issue of permission of reconstruction of the said houses. Thus, there was



already a conspiracy designed to violate the anticipated permission for reconstruction of houses by the Respondent No. 2. By failing to exercise due diligence and proper supervision, the Respondent No. 1 has exposed itself to being a suspected party to this conspiracy and evil design having the potential of damaging the environment at Agonda beach.

HH. I further say that it is an unfortunate matter of fact and record that during the pendency of OA/15/2023 before this Hon'ble Tribunal, the Respondent No. 1 entertained an Application filed by Respondent No. 2 (filed after more than 6 years) seeking deletion of Condition No. 4 of permission dated 04.04.2017. The said Act on the part of a statutory authority such as Respondent No. 1, besides being questionable, bad in law and demonstrating an utter lack of understanding of the letter & spirit of Paras 8(i)III(ii) & 8(i)III(iii) of the CRZ Notification, 2011, clearly signifies their complicit attitude towards the Respondent No. 2.



PARAWISE REPLY

1-7. I say that the Contents of Paras 1 to 7 of the reply affidavit filed by the Respondent No. 1, is a mere reproduction of contents of the impugned order without advertng to anything new / afresh. Infact, the Respondent No. 1 has miserably failed to respond to the specific allegations, queries and grounds raised by the Appellant in the captioned Appeal. In view of the above, the contents of captioned Appeal, as well as the submissions made hereinabove, may kindly be read as part and parcel to the present Paras under reply, as the contents whereof are not being repeated for the sake of brevity. However, the Appellant craves leave and liberty from this Hon'ble Tribunal to rely upon and refer to the same, as and when required.

8. The last para is the prayer sought by the Respondent No. 1 which, in the given peculiar set of facts and circumstances of the present case, deserves to be rejected outrightly by this Hon'ble Tribunal.



Akshat Realty

9. I say that the contents of Paras A to HH, and, Paras 1 to 7 and 8 (p) are true to my knowledge, and the contents of Paras 8 (p) are based on legal submissions which I believe to be true. The Exhibits annexed are true copies of the original.

PLACE: New Delhi
DATE: 08.01.2025



Appellant

Advocate for the Appellant

IDENTIFIED

08 JAN 2025



08 JAN 2025

ATTESTED

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

ATTESTED

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

