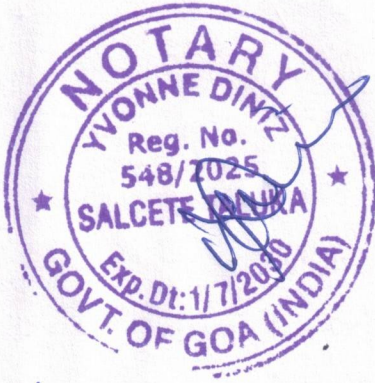


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BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

(Application under Section 14, 15 and read with Section

APPEAL NO: Appeal No. 148 of 2024(WZ)

Ms Sweta Savia Pereira

.... Applicant

V/S

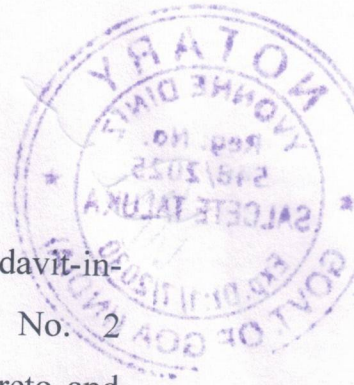
Mr. Walter Josef Egle (Foreigner /
Swiss National) and anr

--- Respondents

REJOINDER AFFIDAVIT ON BEHALF OF THE
APPELLANT TO THE REPLY FILED BY
RESPONDENT NO. 2 DATED 9.6.2025

I, Ms. Sweta Savia Pereira, daughter of Mr. Cassiano J.M. Pereira,
Indian national, major in age, residing at House No. 144/A, Gomes
Ward, Cavelossim, Salcete, Goa, do hereby solemnly affirm and
state on oath as follows:

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1. I have read and understood the contents of the Affidavit-in-Reply dated 09.06.2025 filed by Respondent No. 2 (GCZMA). I submit this Rejoinder in response thereto and deny all statements made by GCZMA unless specifically admitted herein.

2. I state that the affidavit filed by Respondent No. 2 is vague, evasive and is a generic statement and not an answer to the clarification sought by the Hon'ble Tribunal i.e. "*whether the structure, which has been ordered to be demolished by the GCZMA vide order dated 29.05.2024, which was existing on Survey No.54/1 of Village Cavelossim, is the same structure, on which the liberty has been granted by the GCZMA to respondent No.1 to move the authority for re-construction of the demolished house or the said liberty has been granted at some other site*" mandated by the Hon'ble Tribunal's Order dated 17.10.2024. The response lacks particularity and appears to be a general denial rather than a meaningful clarification.

3. I state that in paragraph 4 of its affidavit, GCZMA asserts that the structure demolished pursuant to its order dated 29.05.2024 is different from the one in respect of which



liberty to reconstruct demolished structure has been granted. This assertion is misleading and factually untenable. It is a matter of record, established by GCZMA's own reasoned order dated 24.03.2017 and affirmed by the Hon'ble Tribunal's order dated 14.12.2018, that no structure existed in Survey No. 54/1 of the property purchased by the foreign national, Mr. Walter Josef Egle, prior to 1991. The structure demolished by GCZMA was a new, unauthorized construction. By granting liberty to reconstruct legally demolished structure, the respondent nos. 1 and GCZMA is in effect seeking to legitimize and reconstruct illegal construction de hors the CRZ rules and regulations, thereby acting in contravention of its statutory mandate and in contempt of its own order dated 24.03.2017 as well as the Hon'ble NGT's order dated 14.12.2018.



4. I state that the short ploy of Respondent No. 1, in connivance with Respondent No. 2, is to misuse the "liberty" granted in the impugned order to reconstruct a structure which was already legally demolished and which, in fact, never lawfully existed prior to the CRZ Notification, 1991. The existence of such structure was conclusively negated by the GCZMA in its Order dated 24.03.2017 and upheld by this Hon'ble

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Tribunal in Appeal No. 16/2017 (WZ) by order dated 14.12.2018. Any attempt to now revive or rebuild the said structure under the guise of “liberty” amounts to a blatant circumvention of binding and final orders.

5. I state that as per the records of the village panchayat the House tax registered in the name of the foreign national who is the respondent nos. 1 was initially registered in the year 194-1995 which the respondent nos. 1 has now tried to submit a forged and fabricated document before the Hon'ble NGT to show the structure is registered in the year 1977-1978. (Copy of the RTI application enclosed and below the details are in tabular format for easy reference). *Annexure 'N'*
- RTI Replies / Reports on Registration of H. No. 338/B, Passos Ward, Cavellossim

Date of RTI Reply / Report	Addressed To	Secretary Issuing Reply	Year of Registration Reflected
01.09.2016	POA – Mr. Varun Carvalho	Mr. Paresh Rane	1977–1978
25.10.2016	POA – Mr. Varun Carvalho	Mr. Paresh Rane	1994–1995
20.08.2025	Appellant – Ms. Sweta Pereira	Mr. John Colaco	1994–1995

[Handwritten signature]



Despite having obtained two RTI replies in 2016, the Power of Attorney of Respondent No. 1 deliberately suppressed the second RTI reply dated 25.10.2016 which clearly reflected the year of registration as 1994-1995, and instead relied only on the earlier reply dated 01.09.2016 showing 1977-1978. This concealment of material information and reliance on a forged/fabricated record amounts to playing fraud on this Hon'ble Tribunal and demonstrates mala fide intent to mislead the proceedings.



6. I state that the Enquiry Report of the GCZMA dated 15.12.2015 (AT PAGE 38, PARAGRAPH 7) clearly records: *"Though the survey plan prepared in the year 1971-1972 under the Land Revenue Code shows the existence of structure 'C', structure 'C' is not existing at the site. Instead, a big new structure 'B' was constructed over half of structure 'C'... There are no documents indicating when structure 'B' was constructed... the acquisition plan attached to the award dated 24.04.1989 of the Land Acquisition Officer shows that the structure shown in Survey Plan 54/1 was demolished."*
7. I state that the Respondent No.1 herein had filed an appeal before the Hon'ble Tribunal challenging the demolition order

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dated 24.03.2017 of the GCZMA which order came to be passed after detail hearing and considering all the material placed before the authority, in its Order dated 14.12.2018, held (PAGES 42-43) the Hon'ble NGT gave a finding which is binding on the GCZMA. The finding given by the Hon'ble NGT is as under:

"It cannot be said that the property situated at Survey No. 54/1 was in existence since the year 1990, so as to hold that it is in existence prior to coming into force of notification of CRZ, dated 19.2.1991."

Therefore, the GCZMA cannot go contrary to its earlier finding which finding was affirmed by the Hon'ble NGT vide Order dated 14.12.2018.

8. I state that from GCZMA's own records (Order dated 24.03.2017 page 25, special reference to page 26, 3rd para, 27, 31) and the prior order of this Hon'ble Tribunal (dated 14.12.2018 page 41-43), a finding was given that no structure lawfully existed prior to 1991 in Survey No. 54/1 of the property of the foreign national Walter Josef Egle.
9. I state that the structure existed in the property of the respondent nos. 1 was an illegal unauthorized structure



[Handwritten signature]

which was demolished pursuant to the dismissal of the earlier appeal. Thereafter, the POA of the respondent No. 1 in violation of the previous orders and violating the crz rules and regulations, constructed another blatant illegal unauthorized structure which too was ordered to be demolished vide order dated 29.05.2024 and a compliance report dated 05.09.2024 was filed before the Dy. Collector by the Mamlatdar Salcete. Currently, what remains on the site is construction debris.



10.I state that GCZMA's vague reference to "structures reflected in the survey plan" is a generic statement and not an answer to the clarification sought by the Hon'ble Tribunal. The GCZMA has in its own order dated 29.05.2024 has clearly referred to "reconstruction of demolished structure". The GCZMA has not identified the specific structure, its location, plinth area, or legal status, fails to comply with the direction issued by the Hon'ble Tribunal in paragraph 9 of its Order dated 17.10.2024.

11.I state that the DSLR Plan annexed by Respondent No. 2 in their Affidavit in reply dated 9.6.2025 forms part of the earlier 2015 Enquiry Report, which was previously

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considered in Appeal No. 16/2017 (WZ) based on which report and findings, the demolition order was passed and attained finality.

12.I state that in Appeal No. 16/2017 (WZ), this Hon'ble Tribunal dismissed the challenge raised by Respondent No. 1 that the structure was existing prior to the CRZ notification was enacted vide Order dated 14.12.2018 and upheld the demolition order dated 24.03.2017 passed by the GCZMA. The Tribunal conclusively held that no lawful structure existed prior to 1991.

13.I state that the respondent nos.2 herein trying to review its own order dated 24.03.2017 which has already attained finality, does not advance respondent nos. 2 case. The submission of respondent nos. 2 are contrary to the findings of the Hon'ble NGT and GCZMA earlier findings.

14.I state that Survey No. 54/1 falls within the NDZ and CRZ-III zone, as per the CRZ Notification of 2011.

15.I state that under the CRZ 2011' Notification, reconstruction is permissible only in respect of existing authorised



structures, and within the limits of existing plinth area, Floor Space Index (FSI), and density.

16.I state that no reconstruction of legally demolished structure can be permitted when the authority itself confirmed that there was no structure existed prior to 1991 and the finding was affirmed by the Hon'ble NGT.



17.I state that the GCZMA's present stand contradicts its own finding given vide order dated 24.03.2017 and the findings of the Hon'ble NGT vide order dated 14.12.2018. Therefore, there is no question of reconstruction of demolished structure which never existed prior to the CRZ notification 1991.

18.I state that the vague liberty granted by GCZMA for reconstruction of legally demolished structure enables misuse of regulatory discretion, particularly in No Development Zones (NDZ), and undermines the regulatory framework.

19.I state that such ambiguity creates a dangerous precedent and gravely undermines the enforceability and integrity of the Coastal Regulation Zone (CRZ) regime.

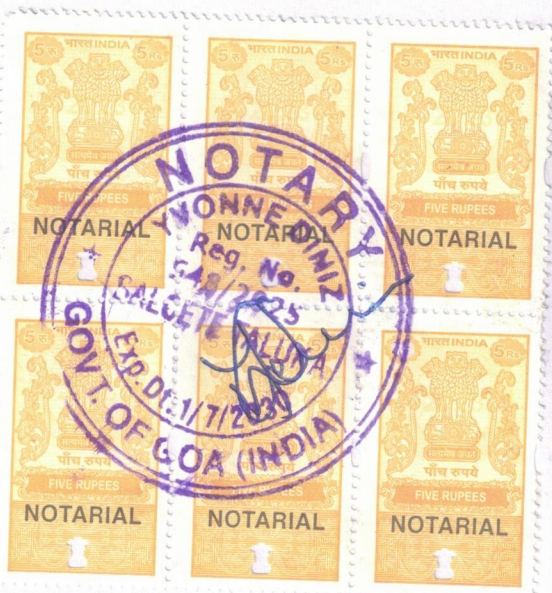
Who is personally known to me
Who is identified before me by
Who is affirmed before me by
PLACE:
DATE:
REG No:

20.I state that despite repeated demolitions of illegal structures, GCZMA has failed to recover the demolition costs from Respondent No. 1 or their representatives. I further state that as a result, public funds are being repeatedly expended without accountability, while permissions for reconstruction are being granted without lawful basis.

21.I state that liberty to reconstruct demolished structure cannot be granted where no lawfully legally existing structure existed prior to 1991, and where demolition was carried out pursuant to lawful orders of this Hon'ble Tribunal.

22.I state that the statements in paragraphs 1 to 20 above are based on records and facts available with me and wherever legal submissions are made, I believe the same to be true. Nothing material has been concealed.

Solemnly affirmed at Margao on 30th day of August 2025.



Perin
Deponent

Solemnly affirmed before me by
Shri/Smt. *Adv. Shweta Perin*
Who is identified before me by
Shri/Smt. *419382048662*
Who is personally known to me
PLACE: *MARGAO*
DATE: *30/8/2025*
REG. No: *26/2025*

Yvonne Diniz
YVONNE DINIZ
NOTARY No. 548/2025
GOVT. OF GOA

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Annexure N (Colk)

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Ph : 28715.



Office of the Village Panchayat

CAVELOSSIM

Salcete - Goa,
Pin Code - 403 731

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Ref. No. VP/CAV/ 2016 - 2017/449

Date: 1/9/2016

To
Shri. Varun Carvalho
Shop No. 14, Micon Arcade, Cavelossim,
Salcete, Goa

Sub: - Information under Right to information Act.

Sir

With reference to your application dt nil on the above subject I am furnishing the information Sr. No. wise from 3.b.i to 3.b.iii after verifying the Panchayat records.

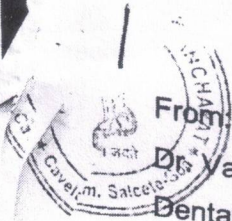
1. Regarding Sr. No. 3.b.i):- House No. 338/B is registered in Walter Egle's name in the Registrar of house tax maintained by the Village Panchayat of Cavelossim of Passos ward.
2. Regarding Sr. No. 3.b.ii):- H.No. 338/B was registered in the year 1977-1978
3. Regarding Sr. No. 3.b.iii):- No, The said premises bearing H.No. 338/B is not registered for Trade Tax in records of V.P. Cavelossim.

This is for your information.



Yours faithfully

(Signature)
(Paresh Rane)
Secretary
V.P. Cavelossim



From:

Dr. Varun Carvalho, Indian National
Dental Clinic, Shop No. 14,
Micon Arcade, Cavelossim, Salcete, Goa.
Mob: 9823129916.

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Annecurie M

Dated: 12th Oct., 2016.

To,
The Public Information Officer/ Secretary
Office of the Village Panchayat of Cavelossim,
Cavelossim, Salcete, Goa.

831
12/10/16

Sub: Application under Right to Information Act 2005 pertaining to
House tax bearing No: 338/B.

Sir,


In the Village of Cavelossim there exists a house structure bearing the above house tax number. In respect of the aforesaid structure, kindly issue to me the below mentioned information:-

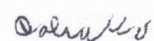
1. Copies of all applications and documents submitted to the panchayat for the purpose of registering the aforesaid structure in the panchayat records.
2. Copy of the Panchayat resolution allotting the house number.
3. Copy of the assessment/ House tax Register in which the house number is first recorded.
4. Month and the year in which the house number was allotted.
5. Copies of the receipts of House tax paid from 1991 till date.
6. Inspection of all records pertains to the above mentioned house number.

Any fees payable would be borne by me. I am paying the necessary fee of Rs. 10/-.


Kindly do the needful at the earliest.

Thanking you,


Yours faithfully,


Dr. Varun Carvalho.

Certified Copy made available Under
Right to Information Act, 2005


Village Panchayat of Cavelossim



2142

Anexuie N cell

Ph : 2871521

Office of the Village Panchayat

CAVELOSSIM

Salcete - Goa,
Pin Code - 403 731

Date: 25/10/2016

Ref. No. VP/CAV/ 2016-2017/717

To
Shri. Varun Carvalho, Indian National
Dental Clinic, Shop No. 14,
Micon Arcade, Cavelossim,
Salcete, Goa

Sub: - Application under Right to information Act 2005 pertaining to House
tax bearing No: 338/B

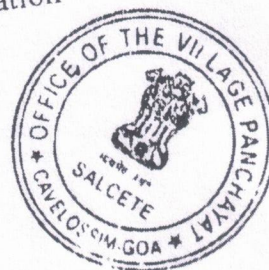
Sir

With reference to your application dt 12/10/2016 on the above
subject I am furnishing the information Sr. No. wise from 1 to 6 after
verifying the Panchayat records.

1. Regarding Sr. No. 1):- Copy of application and other documents is enclosed.
2. Regarding Sr. No. 2):- Copy of Panchayat resolution no 4(15) dated 29/01/1994 is enclosed.
3. Regarding Sr. No. 3):- Copy of House tax register of year 1994-1995 is enclosed.
4. Regarding Sr. No. 4):- Exact month is not available in panchayat record but from financial year 1994-1995 was allotted.
5. Regarding Sr. No. 5):- Copies of the receipt has been enclosed.
6. Regarding Sr. No. 6):- Said inspection is available in any office hours.

This is for your information

Ratula



Yours faithfully

(Faresh Rane)
Secretary
M.P. Cavelossim

Certified Copy made available Under
Right to Information Act, 2005

Village Panchayat of Cavelossim



2143

Ph: 2871521

Office of the Village Panchayat

CAVELOSSIM

Salcete - Goa

Pin Code - 403731

Ref. No. VP/CAV/2025-2026/567

Date: 20/8/2025

To,
Sweta Pereira
F/G1, Madel Mahanagar
Cooperative Society
Margao -Goa

Sub: - Complaint against PIO Paresh Rane for furnishing false and misleading RTO responses regarding the registration year of House No. 338/B, Passos ward Cavellossim.

Madam,

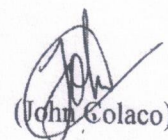
With reference to memorandum No.3/Complaint/Misc/Cavellossim/BDOS/2025/3210 dated. 13/08/2025 regarding above cited subject matter this to inform you that after going through the said complaint this Office has following records with respect to H.No. 338/B Passos ward Cavellossim.

1. That the House No.338/B was registered in the year 1994-1995 as per the demand & collection register (form 8) Vide res. No.4(15) dt:29/01/1994 and vide receipt no.105/21 dated 30/07/1994 and the same was assessed for house tax in the year 1994-1995.
2. Copy of House tax register in the form demand & collection register (form 8) is enclosed.

This is for your information.



Yours faithfully


(John Colaco)

Secretary
V.P. Cavellossim

**Copy to: The Block Development Officer
Salcete - Goa,
Margao Goa.**