

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

Original Application No. 15 of 2023 (WZ)

**BETWEEN**

Alchemist Asset Reconstruction Company Ltd.

...Applicant

V/s

Goa Coastal Zone Management Authority & Ors.

...Respondents

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

**MOST RESPECTFULLY SHEWETH:**

I, Akshat Sharma, S/o Shri S K Sharma, aged about 34 years, working for gain, at A 270, 1<sup>st</sup> and 2<sup>nd</sup> floor, Defence Colony, New Delhi – 110 024, the authorised representative of the Applicant herein above named, do hereby solemnly affirm and state as under:

**PRELIMINARY SUBMISSIONS AND OBJECTIONS:**

A. I say that the Applicant has filed the captioned Original Application (OA) which is pending adjudication before this Hon'ble Tribunal. The captioned OA has been filed against the multiple illegal constructions, expansions,



encroachment and commercial operation of resort/ hotel/ restaurant known as “*Dream Discovery Sea View Resort & Beach Cafe*” by the Respondent No. 2, in the property bearing Survey No. 100/10 of village Agonda, Canacona – Goa (“*demised premises*”/ “*demised property*”). The property on which the said resort is being illegally operated has been purportedly leased out by Respondent Nos. 3 and 4 to the Respondent No. 2.

- B. I say that the Respondent No. 2 has filed its reply affidavit to the captioned OA, the contents whereof are specifically and vehemently denied. 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 OA are reiterated and reaffirmed as correct.
- C. I say that from a bare perusal of the reply filed by the Respondent No. 2, it is apparent that the same is a mere reproduction of the affidavit-in-reply of the Respondent No. 3. The reply affidavit of Respondent No. 2 is similar (if not identical) to the reply affidavit filed by the



Respondent No. 3 and the same goes to show the extent of manipulation *inter se* the said Respondents.

- D. At the outset, the Applicant states that on a bare reading of the reply filed by Respondent No. 2 it appears as if the said Respondent is trying to avoid and evade the moot issue involved in the captioned OA. The contents of reply of Respondent No. 2 are structured in such a way that they aim to protect its illegal and unlawful acts of commercially operating the *Dream Discovery Resort* without there being any requisite permission/ approval/ sanction from competent authorities, thereby being in manifest breach and violation of the CRZ Regulations and other applicable local laws.
- E. I say that despite ample opportunity, the Respondent No. 2 has miserably failed to place on record even a single piece of document to show/ establish / prove that they have any valid requisite permission/ approval/ sanction from necessary authorities to commercially run and operate the *Dream Discovery Resort*.



- F. I say that in the backdrop of failure on the part of the Respondent No.2 to disprove/ invalidate/ controvert the contentions raised by the Applicant, the captioned OA deserves to be allowed by this Hon'ble Tribunal with requisite directions as sought for.
- G. 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.
- H. 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 Nos. 2 to 4 and as a consequence, has gone out of way to allow the Respondent Nos. 2 to 4 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.

- I. I say that the present case attempts to unearth the glaring arbitrary way of working of the Respondent No. 1 who has all throughout kept its eyes closed towards the illegal running and operations of the *Dream Discovery Resort* by Respondent No. 2. I say that the GCZMA is in connivance with the Respondents and has been complicit in engineering and perpetuating encroachment of land and creating a false narrative to facilitate the encroachment and development of permanent structures in the ecological sensitive area. This is evident from the fact that the original available area of 50 Sq. Mtrs. was illegally enlarged to 79 Sq. Mtrs. under the ISLR plan, which then became 411.08 Sq. Mtrs. as per the permissions fraudulently obtained by Respondent No. 3 from the GCZMA, and the same is now being illegally occupied to the extent of 1160 Sq. Mtrs. (as per the joint site inspection report). It is submitted that from the year 2017 large scale constructions were undertaken by the



Respondent Nos. 2 to 4 and structures were created which are now being illegally used for commercial operations. The proof of construction of the illegal structures can be corroborated with the year wise images downloaded from Google Earth website and annexed by the Applicant herewith as **Exhibit R-1 (Colly)**. For the ready and kind perusal of this Hon'ble Tribunal, a table showing the extent of illegal construction carried out by the Respondent Nos. 2 to 4 over the years in Survey No. 100/10 is appended below:

Sl. No.	Google Earth Image Date	Remarks
1.	18.12.2002	No construction/ house is visible on site
2.	10.02.2003	No construction/ house is visible on site
3.	31.03.2009 to December 2013	Images show presence of a small structure / house
4.	14.12.2014 to 11.01.2017	Evidently, green cover is seen reducing and the footprint of building is seen increasing
5.	2017	License/ Permission obtained by Respondent Nos. 3 & 4 for reconstruction of house, however, construction carried out for a full fledged resort.

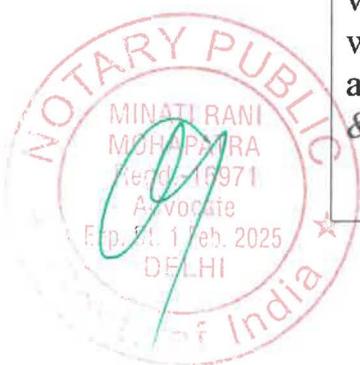


6.	22.11.2017 to 30.04.2021	A pink colour shed is visible which is used as shed for "Dream Discovery Shack/ Restaurant"
7.	29.01.2022	The pink colour shed is repainted with green colour.

In the background of the above, it is submitted that the said pictures show a sorry state of affairs as the constructions have been carried out with impunity and in connivance with the local authorities.

- J. Further, for the ready and kind perusal of this Hon'ble Tribunal, a table showing the illegal occupation of land by Respondent Nos. 2 to 4 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	50

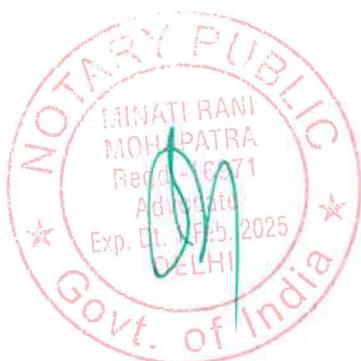


ISLR survey plan showing two houses in Sy. No. 100/10	<b>Structure 'A'</b> <b>H. No. 438</b>	<b>Structure 'B'</b> <b>H. No. 439</b>	79
	47	32	
Area as per GCZMA permissions dated 04.04.2017 in Sy. No. 100/10	<b>Structure 'A'</b> <b>H. No. 438</b>	<b>Structure 'B'</b> <b>H. No. 439</b>	411.08
	217.60	193.48	
Area constructed by Respondent Nos. 2 to 4 as per ISLR site plan annexed to Joint Site Inspection Report	<b>Structure 'A'</b> <b>H. No. 438</b>	<b>Structure 'B'</b> <b>H. No. 439</b>	1160
	338.00	462.00* 252.00@	

\* *RCC Structure.*

@ *RCC/permanent structure but alleged to be wooden structure.*

K. I say that the present case further attempts to unearth the blatant violation of numerous CRZ Regulations by the Respondent Nos. 2 to 4 by bringing to the attention of this Hon'ble Tribunal about use of concrete structures, RCC slabs and cement base etc. The said illegal structures have also encroached upon portion of the beach by construction of permanent, cemented and tiled platform and steps. The structures were enclosed by



construction of permanent compound wall using RCC and laterite stones, on the periphery of the demised property. The said fact now also stands unequivocally admitted and evidenced in the Joint Site Inspection Report dated 10.04.2023 submitted to this Hon'ble Tribunal. In this regard it is pertinent to place on record the screenshots taken from the website of Respondent No. 2 i.e. <https://www.dreamdiscovery.in/>, whereby the extent of illegal construction carried out by the Respondent No. 2 are self-evident. The Respondent No. 2 also acknowledges that it is operating a full fledged resort. Copy of screenshots taken from the website of Respondent No. 2 i.e. <https://www.dreamdiscovery.in/> on 13.07.2023 are annexed as **Exhibit R-2 (Colly)**.

- L. I say that neither of the Respondents have till date produced any document on record of this Hon'ble Tribunal to show that the Respondent No. 2 has any valid permission/ sanction/ approval from the concerned authorities (including the Respondent No. 1) to commercially run and operate the *Dream Discovery*



*Resort*. Infact, as stated above, the Respondent No. 1 has very conveniently chosen not to file a reply to the captioned OA, as stated in the order dated 25.04.2023. The said stand of Respondent No. 1 unequivocally proves that they have no material to produce before this Hon'ble Tribunal regarding the Respondent No. 2 having requisite sanction/ approval/ license/ permission to operate a commercial resort. I further say that even the Joint Site Inspection Report dated 10.04.2023 *inter-alia* specifically states that the unit "*Dream Discovery*" Respondent No. 2 has been operating without consent of the Board to operate.

- M. I say that in the background of such peculiar circumstances where the Respondent No. 2 has all throughout been running and operating a full-fledged commercial resort and restaurant, the Respondent No. 1 till date has not taken any action against the same. Infact, the Respondent No. 1 has adopted a blind eye approach to the illegal activities on the demised premises as to maybe discharge their certain self-serving obligations.



- N. I say that by way of the captioned OA, the Applicant has principally challenged (i) the illegal encroachments carried out by Respondent Nos. 2 to 4 in Survey No. 100/10; (ii) construction for commercial exploitation by Respondent Nos. 2 to 4 within 100 m of HTL in Survey No. 100/10; and (iii) hampering of ecological sensitive area and turtle nesting site in Survey No. 100/10. In connection with the said challenge, the Applicant has got hands on the permission dated 04.04.2017 issued by Respondent No. 1 in favour of Respondent No. 3, against which the dispute is relating to the areas as mentioned in the said permissions and existence of structures mentioned therein.
- O. At the outset, on a bare perusal of the approvals/permissions / sanctions dated 04.04.2017, it is apparent that the same has been obtained by fraud, misrepresentation and concocted facts.
- P. I say that by the reply affidavit filed by the Respondent No. 2, a specific attempt has been made to divert from answering the moot issue in the present OA i.e. the



*Dream Discovery Resort* operating blatantly without having any requisite valid permission/ sanction/ approval from the concerned authorities including the GCZMA. The said attempt also appears to have been done by the Respondent No. 1 while submitting the Joint Site Inspection Report dated 10.04.2023. In the said report, the Committee has very conveniently side-stepped the illegalities and irregularities committed by “*Dream Discovery*”. Rather, the said report makes innocuous references to two houses, which were purportedly existing before 1991 and hides their direct nexus to the activities of a full-fledged resort, namely *Dream Discovery*. In this regard, the Applicant states that:

- The Report completely ignores and side-steps the illegalities and irregularities committed by *Dream Discovery*.
- The Report makes innocuous references to two houses, which were purportedly existing before 1991.



- The Report hides the direct nexus of the identified structures (Structures 'A', 'B' and 'C') on site to the activities of a full-fledged resort, namely Dream Discovery.
- The Report purposely fails to explain whether the unit i.e. Dream Discovery is running on the basis of any permission/ sanction/ NOC from any authority.
- The Report fails to clearly highlight that the unit i.e. Dream Discovery is itself being unauthorisedly and illegally operated from Structures 'A', 'B' and 'C' as found on site.
- The Report mischievously does not talk about the alleged wooden shed measuring 252 Sq. Mtrs., whereas, it is in this structure that the Dream Discovery is operating a full fledged restaurant for which there is no valid permission.
- The Report fails to highlight that despite being wooden, the structures are not temporary in nature but are permanent.



The Report further fails to point out that a construction purported to be a house has been unauthorisedly and illegally converted into a commercial unit and is being run without any valid permission.

Q. I further say that the Joint Inspection Report fails to mention the following specific irregularities, besides the irregularities mentioned in the preceding sub-paras, namely:

- Whether the purported House No. 438 is being used as a house or as a Resort being run for Commercial purposes?
- Whether the purported House No. 439 is being used as a house or as a Resort being run for Commercial purposes?
- Whether or not Dream Discovery is being run under a valid authority/ permission and, if not, the violations committed by it of the provisions of CZMP, 2011?



- How did the area of 50 Sq. Mtrs. (as available to Ms. Maria Fernandes) increase to 411.08 Sq. Mtrs. as per the GCZMA permissions?
- How did the area of 411.08 Sq. Mtrs. (as per the GCZMA permissions) increase to 1160 Sq. Mtrs. as mentioned in the joint site inspection report?

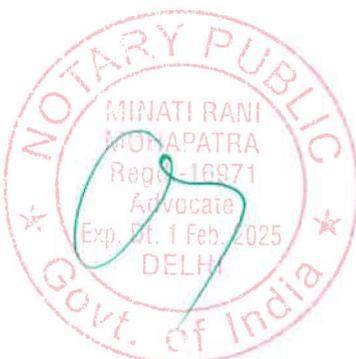
Even if it is accepted for the sake of argument that GCZMA has rightly sanctioned the reconstruction of Houses No. 438 & 439, it was clearly stipulated in Clause 4 of their sanction letter dated 04.04.2017 that *“the structure should not be used for commercial purpose and not to be sold or transferred to the non-traditional community”*. However, Respondent No. 3 violated both the conditions included in this clause. He transferred the property to Mr. Vijay Gokuldas Komarpant (Respondent No. 2) for a non-traditional community usage by giving a lease and he also allowed the property to be used for commercial purposes which is not only in violation of GCZMA sanction but also in blatant violation of the provisions of CRZ Notification,



2011. The Report is very conveniently silent about these violations & misdemeanours.

R. I further say that the ISLR site plan annexed to the Joint Inspection Report mentions about existence of Structures 'A' and 'B' in Survey No. 100/10 situated in Agonda Village, Canacona Taluka, Goa, having (alleged) original area as per Survey Plan of 47.00 Sq. Mtrs. and 32.00 Sq. Mtrs. respectively. Whereas, the area at present illegally and unlawfully occupied by Respondent Nos. 2 to 4 (as per the ISLR site plan annexed to the Report) is 1160 Sq. Mtrs. In this regard, the Applicant submits as under:

- (i) As per the Form I & XIV, the Respondent Nos. 3 and 4 (being descendants of Maria Fernandes) are entitled to only 50 Sq. Mtrs. in Survey No. 100/10 situated in Agonda Village, Canacona Taluka, Goa.
- (ii) As per the ISLR site plan annexed to the Report, the Structures 'A' and 'B' are alleged to be measuring 47.00 Sq. Mtrs. and 32.00 Sq. Mtrs.



respectively. Thus, at the outset, there is excess illegal occupation of 29 Sq. Mtrs.

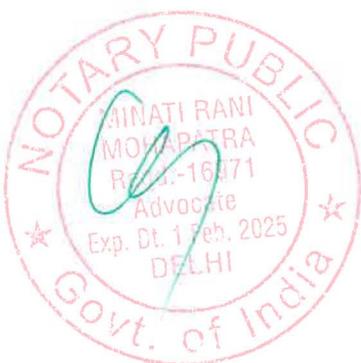
Accepting without admitting, the Report itself states the cumulative occupation of Structures 'A', 'B' and 'C' to be of 1160 Sq. Mtrs. Thus, unequivocally and unhesitatingly, the Respondent Nos. 2 to 4 are in illegal and unlawful occupation of a much larger area of land to what they are originally entitled to. Moreover, such illegal occupation of land is also of permanent construction which is clearly in violation of the CZMP, 2011.

S. I say that originally there existed only one house, as mentioned in the Form I & XIV of Sy. No. 100/10. The relevant portion of the said Form I & XIV is extracted hereunder:

<i>Other Rights</i>	<i>Mutation No.</i>	<i>Remarks</i>
<i>Name of Person holding rights and nature of rights:</i>		
<i>House belongs to:</i>		
<i>A: 1) Maria Fernandes</i> <i>One</i>		



However, it is submitted that the records of the present case will unequivocally demonstrate that over the years the Respondent Nos. 3 and 4 illegally usurped further land and erected structures. It is on these structures that the Respondent No. 1 purportedly issued the impugned permissions. However, despite the said permissions, the Respondent Nos. 3 and 4 are in breach as the Respondent No. 2 is illegally and unlawfully operating a full-fledged commercial resort and restaurant, which is neither permissible nor does the Respondent No. 2 have any permission for the same. It is reiterated that that the GCZMA is in connivance with the Respondents and has been complicit in engineering encroachment of land and creating a false narrative to facilitate the encroachment and development of permanent structures in the ecological sensitive area. This is evident from the fact that the original available area of 50 Sq. Mtrs. was illegally enlarged to 79 Sq. Mtrs. under the ISLR plan, which then became 411.08 Sq. Mtrs. as per the permissions granted by the GCZMA and the same is now



being illegally occupied to the extent of 1160 Sq. Mtrs. (as per the joint site inspection report). It is submitted that from the year 2017 large scale constructions were undertaken by the Respondent Nos. 2 to 4 and structures were created which are now being illegally used for commercial operations. The proof of construction of the illegal structures can be corroborated with the year wise images downloaded from google earth website and annexed by the Applicant. Moreover, originally as per Form I & XIV, there existed one house, which was later passed as two houses and purported permissions have been granted by the GCZMA on the said structures.

- T. At this stage it is pertinent to bring to the notice of this Hon'ble Tribunal that the Applicant herein has received information from the Respondent No. 1, obtained under the Right to Information Act, 2005 ('RTI'), which information unconditionally proves that there is no valid permission/ license/ sanction whatsoever granted by the Respondent No. 1 in favour of the Respondent No. 2 to carry out any commercial activity (ies) in Survey No.



100/10 of Village Agonda, Canacona, Goa. A copy of the information obtained by the Applicant under the Right to Information Act with respect to Survey No. 100/10 of Village Agonda, Canacona, Goa, is annexed herewith as **Exhibit R-3 (Colly)**.

- U. I say that based on the information received under the RTI, it is crystal clear that the only permission granted by the Respondent No. 1 under Survey No. 100/10 of Village Agonda, Canacona, Goa is with respect to the permission for reconstruction of House bearing H. Nos. 438 and 439 and that no other permission have been granted to any other party on the said survey numbers. I say that the information obtained under RTI coupled with the fact that neither of the parties have till date placed on record any valid permission/ sanction/ approval in favour of the Respondent No. 2 to run/ operate the illegal *Dream Discovery Resort* unequivocally establishes that the same is being run in clear violation of the CRZ Rules and other prevalent laws.



V. I say that the information obtained under RTI also highlights that the GCZMA in its 144<sup>th</sup> Meeting held on 21.03.2017 specifically noted that the houses bearing no. 438 and 439 are within 200 m of HTL which is a No Development Zone. Further, while quoting the provisions of para 8 III A (ii) of the CRZ, the GCZMA noted that no construction shall be permitted within NDZ except for repairs and reconstruction of the existing authorised structure and in case of traditional coastal communities, constructions and reconstructions is permissible for dwelling units between 100 to 200 m from the HTL.

However, in this aspect, the GCZMA conveniently and purposely overlooked that the two offending houses i.e. House Nos. 438 and 439 are infact both located within 100 m of HTL and that no permission under para 8 III A (ii) of the CRZ could have been granted/ issued by it for the same. The distance of the said houses from HTL can be corroborated from the ISLR site plan annexed to the joint site inspection report which notes



the distance of structures from HTL viz. 56 Mtrs, 17.90 Mtrs, 30 Mtrs. and 62.50 Mtrs, respectively.

- W. It is also worth mentioning here that the ISLR site map annexed to the Joint Site Inspection Report categorically mentions the area of structure 'A' and 'B' as per survey plan to be 47 Sq. Mtrs. and 32 Sq. Mtrs., respectively. However, while granting the purported permission in favour of the Respondent No. 3, the GCZMA has issued the said purported permission for 217.60 sq. mtrs for House No. 438, and, 193.48 Sq. Mtrs. for House No. 439, totalling to 411.08 Sq. Mtrs.
- X. It is also apposite to mention here that with an intent to seek information from the Village Panchayat of Agonda regarding Survey No. 100/10 of Village Agonda Canacona, Goa, the Applicant had sought specific information under the RTI by way of an application dated 23.05.2023. However, till date the Applicant has received no response to the same. It appears as if specific attempts are being made to curtail/ withhold information and all efforts are being made to overshadow/ protect the



illegal acts of the Respondent No. 2. A copy of the RTI application dated 23.05.2023 filed before the Village Panchayat of Agonda, Goa is annexed herewith as **Exhibit R-4**.

Y. At this stage it is also pertinent to mention that to independently ascertain the levels of illegal encroachment and constructions carried out by the Respondent Nos. 2 to 4, the Applicant on 12.07.2023 had got a drone survey done on site (i.e. Survey No. 100/10 of Village Agonda, Canacona, Goa) to obtain necessary pictures and videos which will prove to the satisfaction of this Hon'ble Tribunal that the structures present on site are permanent in nature, made of permanent construction material and the area (illegally) occupied is far in excess of the area that the Respondent Nos. 3 & 4 are entitled to. Copy of photographs obtained by Applicant through drone survey conducted on site on 12.07.2023 are annexed as **Exhibit R-5 (Colly)**.

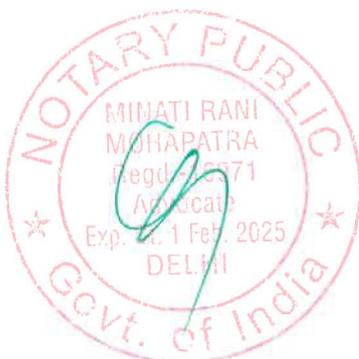
Z. I reiterate that the entire attempt of the Respondent No. 2 is to cover up their self-serving illegal acts which have



been unearthed by the Applicant by way of the captioned OA. However, in light of the facts that have surfaced, the said wrongdoings need to be put at rest by this Hon'ble Tribunal by resorting to stringent methods so as to ensure that the ecological sanctity of the Agonda beach is preserved and maintained.

**PARA WISE REPLY TO THE REPLY AFFIDAVIT OF RESPONDENT NO. 2**

1. I say that the contents of para 1 of the reply affidavit in so far as they relate to matter of record, need no reply.
2. I say that the contents of para 2 of the reply affidavit are wrong and incorrect hence, denied. I say that the contents of the captioned appeal are reiterated and reaffirmed as correct.
3. I say that the contents of para 3 of the reply affidavit are wrong and incorrect hence, denied. I say that the contents of the captioned appeal are reiterated and reaffirmed as correct. It is submitted that the present reply of Respondent No. 2 has been filed at the last



minute with an intent to delay the proceedings of the captioned matter.

4. I say that the contents of para 4 of the reply affidavit are wrong and incorrect hence, denied. I say that the contents of the captioned appeal are reiterated and reaffirmed as correct.

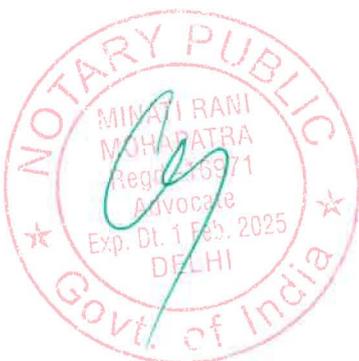
5. I say that the contents of para 5 of the reply affidavit are wrong and incorrect hence, denied. I say that the contents of the captioned appeal are reiterated and reaffirmed as correct.

6-14. I say that the contents of paras 6 to 14 of the reply affidavit are wrong and incorrect, hence denied. I say that *inter-alia* the principal challenge in the captioned OA is to the offending structure(s) constituting the *Dream Discovery Resort*, being constructed in CRZ III Zone which is a No Development Zone and is further an ecologically sensitive area due to it being a turtle nesting site and is commercially run as a Resort without any requisite sanction/ approval/ license/ permission from Respondent No. 1, which have been constructed under



the garb of the permissions dated 04.04.2017 which were granted purportedly for the reconstruction of Houses Nos. 438 and 439. I say that challenge to the permissions dated 04.04.2017, issued by Respondent No. 1 in favour of Respondent No. 3, has been raised as a necessary consequence and corollary to the gross violations committed in respect of the condition no. (iv) of the permissions dated 04.04.2017 which specifically state that *“the structure should not be used for commercial purpose and not to be sold or transferred to the non-traditional community”*. I say that not only the Respondent Nos. 3 & 4 have leased the demised premises to the Respondent No. 2 who has been running a full-fledged commercial resort in the name and style of *“Dream Discovery”*, the said resort is also being used for non-traditional community usage. Thus, there is a clear violation of condition no. (iv) as stated in the purported approvals/ permissions dated 04.04.2017.

I reiterate that the captioned OA principally challenges (i) the illegal encroachments carried out by



Respondent Nos. 2 to 4 in Survey No. 100/10; (ii) construction for commercial exploitation by Respondent Nos. 2 to 4 within 100 m of HTL in Survey No. 100/10; and (iii) hampering of ecological sensitive area and turtle nesting site in Survey No. 100/10. Since, a “*substantial question relating to environment*” (as defined under Section 2(m) of the NGT Act) has been raised in the captioned OA, which question has held to be a substantial by this Hon’ble Tribunal in order dated 21.02.2023, this Hon’ble Tribunal has sufficient powers to deal with “*all civil cases*” under Section 14(1) of the NGT Act. I say that in the captioned OA a substantial question relating to environment degradation and hampering of ecology of a turtle nesting site situated at Village Agonda, Canacona, Goa, has been raised which requires detailed adjudication by this Hon’ble Tribunal under Section 14 of the NGT Act. In this regard, reference of this Hon’ble Tribunal is invited to one of its earlier decision passed by the Hon’ble Principal Bench in the matter of *Goa Foundation & Peaceful Society vs.*



*Union of India & Ors., MA No. 49 of 2013 in Application No. 26 of 2012, wherein this Hon'ble Tribunal discussed in detail about the scope, applicability and jurisdiction of exercising powers under Section 14 versus Section 16 of the NGT Act wherein the Hon'ble Principal Bench *inter alia* held that "..... the Tribunal will have jurisdiction over all civil cases where a substantial question relating to environment arises. The Tribunal will also have jurisdiction where a person approaches the Tribunal for enforcement of any legal right relating to environment. Of course, in either of these events, a substantial question arises out of the implementation of the enactments specified in Schedule I to the NGT Act. Section 15 of the NGT Act provides for awarding of relief and compensation to the victims of pollution and other environmental damage, restitution of property damaged and restitution of the environment for such area(s) as the Tribunal may think fit, in addition to the provisions of Section 14(2) supra". Such a scope and applicability of provisions of Section 14 has also been*



discussed and considered in detail by a full bench judgment of the principal bench of this Hon'ble Tribunal in the matter of *J. Mehta Vs. Union of India & Ors.*, bearing *M.A. No.507/2013, M.A. No.595/2013, M.A. No.644/2013, M.A. No.649/2013 in Application No. 88 of 2013.*

I further say that the cause of action for filing the captioned OA is a bundle of causes of action which are interdependent to one another. In this regard it is pertinent to state that the doctrine of continuous cause of action was reiterated by this Hon'ble Tribunal in its decision in the *Forward Foundation v. State of Karnataka [2015 SCC OnLine NGT 5]*, *Original Application No. 222/2014* wherein this Hon'ble Tribunal held that a recurring or continuous cause of action may give rise to a fresh cause of action resulting in fresh accrual of right to sue. This Hon'ble Tribunal was also of the opinion that a subsequent wrong or injury would become an independent first wrong or injury and a subsequent, composite and complete cause of action and



will not be hit by the term, “*when the cause of action first arose*”, as provided in Section 14(3) of the NGT Act. Moreover, facts of the present case unequivocally demonstrate that a fraud had been perpetuated right from the beginning, information whereof the Applicant is trying to gather till date. Moreover, a full bench judgment of the principal bench of this Hon’ble Tribunal in the matter of *J. Mehta Vs. Union of India & Ors.*, bearing *M.A. No.507/2013, M.A. No.595/2013, M.A. No.644/2013, M.A. No.649/2013 in Application No. 88 of 2013* wherein *inter-alia* this Hon’ble Tribunal held that the cause of action must have a nexus to such dispute which relates to the issue of environment/substantial question relating to environment, or any such proceeding, to trigger the prescribed period of limitation. The term ‘cause of action’ has to be understood in distinction to the nature or form of the suit. A cause of action means every fact which is necessary to establish to support the right to obtain a judgment. It is a bundle of facts which are to be pleaded and proved for the purpose



of obtaining the relief claimed in the suit. A cause of action means every fact which, if traversed, would be necessary for the plaintiff to prove in order to support his right to a judgment of the court. In other words, it is a bundle of facts which, taken with the law applicable to them, gives the plaintiff a right to relief against the defendant. Thus, the cause of action has to have relevancy to the dispute sought to be raised, right to raise such dispute and the jurisdiction of the forum before which such dispute is sought to be raised.

It is submitted that if this Hon'ble Tribunal finds merit in the captioned OA under Section 14, it then thereafter has powers under Section 15 to provide for relief, compensation & restitution in order to balance the loss caused to the victims / properties / environment, as the case may be. In view of the above, there lies no merit in the objection raised by the Respondent No. 2 in the paras under reply.

15. That the contents of Para 15 are wrong and incorrect hence denied. The Applicant reiterates that the captioned



OA principally challenges (i) the illegal encroachments carried out by Respondent Nos. 2 to 4 in Survey No. 100/10; (ii) construction for commercial exploitation by Respondent Nos. 2 to 4 within 100 m of HTL in Survey No. 100/10; and (iii) hampering of ecological sensitive area and turtle nesting site in Survey No. 100/10. In connection with the said challenge, the Applicant has got hands on the permission dated 04.04.2017 issued by Respondent No. 1 in favour of Respondent No. 3, against which the dispute is regarding areas as mentioned in the said permissions and existence of structures mentioned therein. Once, the captioned OA is adjudicated with respect to the allegations of environmental violations carried out by the Respondents, there lies a consequential direction to be passed by this Hon'ble Tribunal to set aside the purported approval/ permission dated 04.04.2017 as the same is being unlawfully used to create further illegalities.

16.

That, the contents of Para 16 are wrong and incorrect hence denied. It is submitted that the submissions made



by the Applicant herein above may kindly be read as part and parcel to the present Para under reply, as the contents whereof are not being repeated for the sake of brevity. However, it is submitted that a cause of action with respect to the purported approval dated 04.04.2017 would attract challenge only once the same is brought to the notice/ knowledge of a particular party. In the instant case the Applicant has categorically pleaded in Para 4.5 of the captioned OA that it was for the first time in the month of June 2022 that the Applicant noticed a huge structure on the beach front of the demised property. Thereafter, upon making enquiries, it came to the knowledge of the Applicant that one Mr. Selso Fernandes was issued a letter dated 04.04.2017 bearing Ref No. GCZMA/S/16-17/69/34 by the Respondent No. 1 conveying permission for reconstruction of House bearing No. 439, located in the demised property, admeasuring 193.48 Sq. Mtrs. A similar letter was issued for yet another structure bearing No. 438, located in the demised property, also admeasuring 193.48 Sq. Mtrs.



Thereafter, the Applicant immediately complained to the Respondent No. 1 about the illegal and unauthorized construction carried out in the demised property. However, Respondent No.1 took no action in the matter. Thus, the Applicant started making further enquires and had to dig concrete information which took time. In view of the above the captioned OA came to be filed *inter alia* challenging the illegal and unlawful use of the demised premises by the Respondent No. 2, on which the Respondent Nos. 3 & 4 had a purported approval dated 04.04.2017, which in the facts of the present case ought not to have been granted at the very beginning.

That, while dealing with a similarly placed matter on facts, and dealing with the issue of limitation with respect to an Original Application under Section 14, a full bench judgment of the principal bench of this Hon'ble Tribunal in the matter of *J. Mehta Vs. Union of India & Ors.*, bearing *M.A. No.507/2013, M.A. No.595/2013, M.A. No.644/2013, M.A. No.649/2013* in *Application No. 88 of 2013 inter-alia* held as under:



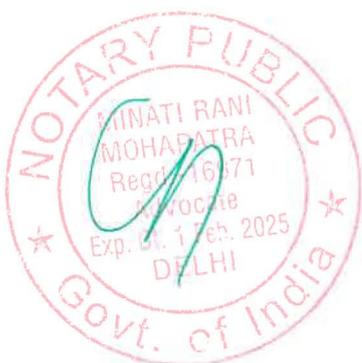
“55. The cause of action is not restricted to ‘in personam’ but is an action available to any person in terms of Section 14 of the NGT Act. It empowers any person aggrieved to raise a substantial question relating to environment including enforcement of any legal right relating thereto. Every citizen is entitled to a clean and decent environment in terms of Article 21 of the Constitution and the term ‘cause of action first arose’ must be understood in that sense and context. The applicant has been able to establish that he first came to know about the misuser and change of user, particularly with regard to adverse environmental impact, only in the middle of December, 2012 and immediately thereafter, he took steps requiring the authorities concerned to take action as per law but to no avail. Then he filed the present application within the prescribed period of six months. The respondents have not been able to rebut successfully the factual matrix stated by the applicant. As already stated, they have withheld relevant facts and information from the Tribunal.

56. A cause of action is a bundle of facts which should give, in its composite form, right to a plaintiff against the defendant to approach a court or Tribunal for a legal remedy or redressal of his



*grievance. Thus, the existence of a legal remedy to the plaintiff is a sine qua non for an actionable cause of action. In view of the above reasoning, we have no hesitation in concluding that the present application is not barred by time.”*

17-18. That, the contents of Paras 17 and 18 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant herein above may kindly be read as part and parcel to the present Para under reply, as the contents whereof are not being repeated for the sake of brevity. It is submitted that having found preliminary favour with the issues raised in the captioned OA, this Hon’ble Tribunal issued not only a notice, but also a direction to carry out a joint inspection of the demised premises and in which report, glaring instances of illegalities have been reported. Infact, this Hon’ble Tribunal *vide* its order dated 21.02.2023 has specifically observed that there is a substantial question relating to environment made in the present case and thus, admitted the application.



19. That, the contents of Para 19 are wrong and incorrect hence denied. It is submitted that the captioned OA raises a substantial question of environment which requires detailed adjudication by this Hon'ble Tribunal. Rather, it is the Respondent No. 3 who has been illegally occupying the demised premises much in excess of the area that he, or his ancestors, were originally entitled to, and has further leased out the said premises to the Respondent No. 2 who has been illegally and unlawfully operating the commercial establishment therein. Further, it is beyond reasonable understanding that under the guise of being a member of toddy tapper community, the Respondent No. 3 is in possession of 1160 Sq. Mtrs. of land whereas as per the ISLR records he is entitled to only 79 Sq. Mtrs. and as per Form I & XIV read with the registered Sale Deed dated 28.06.1982, he is entitled to only 50 Sq. Mtrs. of land in Survey No. 100/10.
20. That, the contents of Para 20 are wrong and incorrect hence denied. It is submitted that without prejudice to the rights available to the Applicant under relevant civil



law, the captioned OA has been filed in order to bring the grave violations of CRZ Rules caused by the Respondents to the notice and knowledge of this Hon'ble Tribunal so as to protect the ecology of the turtle nesting site at Agonda Beach.

21. That, the contents of Para 21 are wrong and incorrect hence denied. It is submitted that the submissions made hereinabove may kindly be read as part and parcel to the present para under reply as the contents whereof are not being repeated for the sake of brevity.
22. That, the contents of Para 22 are wrong and incorrect hence denied. It is submitted that the captioned OA has been filed by the Applicant without prejudice to its rights and contentions as available under civil law to seek its claim over the demised premises. However, it is reiterated that the captioned OA involves a substantial question relating to environment which requires judicial interference by this Hon'ble Tribunal and this Hon'ble Tribunal *vide* its order dated 21.02.2023 has also specifically observed that there is a substantial question



relating to environment made in the present case and thus, admitted the application.

23. That, the contents of Para 23 are wrong and incorrect hence denied. It is submitted that the submissions advanced in the para under reply are not at all relevant for the purpose of deciding the substantial question of environment raised by the Applicant. Rather, the Respondent No. 2 is raising baseless and frivolous statement seeking to prejudice this Hon'ble Tribunal.
24. That, the contents of Para 24 in so far as they relate to Respondent No. 2 filing documents, need no reply. However, the Applicant reserves its right to dispute the veracity and/ or effect of such documents, as and when a need arises.
25. That, the Contents of Para 25 are wrong and incorrect hence denied. It is submitted that originally there existed only one house, as mentioned in the Form I & XIV of Sy. No. 100/10. The relevant portion of the said Form I & XIV is extracted hereunder:



<i>Other Rights</i>	<i>Mutation No.</i>	<i>Remarks</i>
<i>Name of Person holding rights and nature of rights:</i>		
<i>House belongs to:</i> <i>A: 1) Maria Fernandes</i> <i>One</i>		

However, it is submitted that the records of the present case will unequivocally demonstrate that over the years the Respondent Nos. 3 and 4 illegally usurped further land and erected structures which were used for commercial purposes and non-traditional community usage. It is on these structures that the Respondent No. 1 purportedly issued the impugned permissions. However, despite the said permissions, the Respondent Nos. 3 and 4 are in breach as the Respondent No. 2 is illegally and unlawfully operating a full-fledged commercial resort and restaurant, which is neither permissible nor does the Respondent No. 2 have any permission for the same. With respect to the averment of the Respondent No. 2 that the third structure referred to in the Report is already dismantled, it is submitted that the said Respondent be



put to strict proof of the same as it is also not explicitly clear which structure the Respondent No. 2 is referring to.

26. That, the contents of Para 26 are wrong and incorrect, hence, denied. It is submitted that the submissions made by the Applicant hereinabove may kindly be read as part and parcel to the present para under reply as the contents whereof are not being repeated for the sake of brevity.

However, it is pertinent to state herein that the Respondent No. 2 be put to strict proof for making the statement that “...the plinth of the said Houses has remained unchanged over the years.”. I say that in the Minutes of 144<sup>th</sup> Meeting of GCZMA, as supplied to this Applicant under the RTI, it has been specifically stated that the existing plinth of House Nos. 438 and 439 were 217.60 and 193.48 Sq. Mtrs., respectively. The applications for reconstruction made by the Respondent No. 3 and the sanction issued by the GCZMA were also for the same areas i.e. 217.60 and 193.48 Sq. Mtrs., respectively, which is also collusive arrangement



between Respondent Nos. 1 and 2 where Respondent No. 2 has become party to facilitate the Respondent Nos. 2 and 3 in encroachment of the beach area, as the Google Earth images for the relevant period and much later period do not show any such constructions. However, the Joint Site Inspection Report has clearly brought out that the built-up area of House No. 438 is 338 Sq. Mtrs. (RCC Structure), and that of House No. 439 is 462 Sq. Mtr.s (RCC Structure) and 252 Sq. Mtrs. (Wooden Shed). In addition, there is a Structure 'C' measuring 108 Sq. Mtrs.

27. That, the contents of Para 27 are wrong and incorrect, hence, denied. It is submitted that the submissions made by the Applicant hereinabove may kindly be read as part and parcel to the present para under reply as the contents whereof are not being repeated for the sake of brevity. However, at the cost of repetition it is submitted that the purported permission dated 04.04.2017 has been obtained by fraud and manipulation of facts. Further, the said purported permission is now being used to create



further illegalities in the form of a full-fledged *Dream Discovery Resort*.

28. That, the contents of Para 28 are wrong and incorrect, hence, denied. It is submitted that Agonda beach is a designated turtle nesting beach having much significance. With respect to the same beach, the Hon'ble High Court of Bombay at Goa in WP/184/2021 *inter-alia* specifically observed as under:

*“3. The photographs indicate that debris and construction material is still at the site. This has to be cleared forthwith, because, all concerned must remember that this is an ecologically sensitive area where such construction should not have even come up in the first place. The entire process to put up such construction and thereafter demolishing them is itself a serious concern of environmental degradation”*

(emphasis added)

In view of the above, it is unequivocally clear that the said illegal structure pose a great threat to the said ecological sensitive beach where no such construction ought to have come in the first place. It is further submitted that since the offending *Dream Discovery Resort* is within 0 to 100 Mtrs. of HTL, the same is clearly hit by provisions of Clause 8 III A (ii) of the CRZ



Regulations wherein even the GCMZA could not have granted any permission. It is submitted that in all such background, the existence of a full-fledged resort on an ecological sensitive beach without having any valid requisite permission/ sanction/ approval is totally against the interest of protection of the ecology of site and thus liable to be demolished by this Hon'ble Tribunal.

29. That, the contents of Para 29 are wrong and incorrect hence denied. It is submitted that the Respondent Nos. 3 & 4 are in illegal occupation and possession of an area under Survey No. 100/10, than they might be legally entitled to. Further, instead of one house/ structure (as mentioned in the Form I & XIV for Sy. No. 100/10), the Respondent Nos. 3 & 4 have now erected three structures on site along with a separate wooden structure. In this regard the Applicant submits that erection of all such structures and illegal over occupation of land shows *malafide* on the part of the said Respondents. Further, the Respondent Nos. 3 & 4 after submitting forged and fabricated documents have obtained purported approvals



NoC from the concerned authorities, which are liable to be set aside by this Hon'ble Tribunal appropriately. Moreover, under the guise of such purported approval / NoC, the Respondent Nos. 3 & 4 have leased out the demised premises to Respondent No. 2 for the purpose of running and operating a full-fledged commercial resort and restaurant, which is strictly not permissible in terms of the conditions to the approval dated 04.04.2017. Thus, it is clearly established that the Respondents are *inter-se* in collusion to satisfy their self-serving ends.

30. That, the contents of Para 30 are wrong and incorrect hence denied. It is submitted that the averments raised in the para under reply are incomplete contrast to the Joint Site Inspection Report dated 10.04.2023 submitted to this Hon'ble Tribunal. The Applicant craves leave of this Hon'ble Tribunal to rely upon and refer to the said report to demolish the stand of the Respondent No. 3 in the para under reply.

31. That, the contents of Para 31 are wrong and incorrect hence denied. It is submitted that in the para under reply



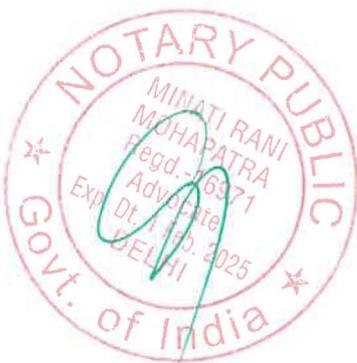
the Respondent No. 2 has submitted that the impugned permissions pertained only to the portion of existing structures, however, the said Respondent has failed to place on record any other valid permission regarding any other structure, as alleged. In the absence of same, the reconstruction work carried purportedly in terms of the impugned permissions, on which an amount of approx. Rs. 3 Crores was spent, was clearly not within the parameters of said impugned permissions.

32. That, the contents of Para 32 are wrong and incorrect hence denied. It is submitted that from the peculiar facts of the present case it transpires that it is the Respondent No. 2 who manipulated the Respondent No. 3 in obtaining illegal/ forged permissions so as to serve their *malafide* ends and objectives. Further, despite ample opportunity, the Respondent No. 2 has miserably failed to place on record even a single piece of document to show/ establish / prove that they have any valid requisite permission/ approval/ sanction from necessary authorities to commercially run and operate the *Dream*



*Discovery Resort*. All the submissions made in the para under reply are baseless and without any cogent proof, thus, the Respondent No. 2 be put to strict proof of the same.

33. That, the contents of Para 33 are wrong and incorrect hence denied. It is submitted that by the extent of construction carried out by the Respondent Nos. 2 to 4 on the demised premises with a coverage of about 1160 Sq. Mtrs. having permanent construction nature, as noted in the Joint Site Inspection Report, it is implausible to fathom that the same has been done without cutting of sand dunes or land filling or felling of any natural vegetation or soil erosion or pollution or disturbance of ecological balance. It is specifically stated that the Respondent No. 3 is not only in illegal over occupation of the demised premises, but is also in breach and violation of following the terms and conditions of the impugned permissions, and in this process Respondent No. 3 has allowed the Respondent No. 2 to illegally and unlawfully operate a full-fledged commercial resort and



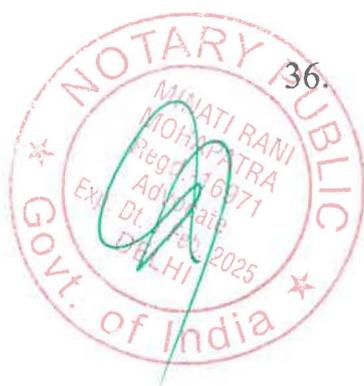
restaurant, which otherwise is impermissible on the demised premises.

34. That, the contents of Para 34 are wrong and incorrect hence denied. It is submitted that the submissions made above may kindly be read as part and parcel to the instant Para under reply, as the contents whereof are not being repeated for the sake of brevity. It is however reiterated that the deed of lease executed by Respondent Nos. 3 and 4 in favour of Respondent No. 2, which has not been produced by either party, is in violation of the condition no. (iv) of the GCZMA permissions dated 04.04.2017.
35. That, the contents of Para 35 are wrong and incorrect hence denied. It is submitted that the BCCR is a widely published and publicly available document which details about the carrying capacity of beaches. It is submitted that as per the Report titled '*Carrying Capacity of Beaches of for Providing Shacks & Other Temporary Seasonal Structures in Private Areas*', prepared by the National Centre for Sustainable Coastal Management,



(NCSCM), MoEFCC, Government of India, submitted to the Government of Goa, it has been recommended that for Agonda beach, *“no additional shacks, huts / Tents / cottages should be considered as this is a designated turtle nesting site”*. The said report has been accepted by the Respondent No. 1 in its 218<sup>th</sup> meeting of held on 18.12.2019 wherein the Respondent No. 1 observed under Case No. 1.10, that the Beach Carrying Capacity Report (BCCR) has been accepted by the GCZMA and it has been the base for deciding all such applications which are received in the NDZ area. It is pertinent to note that even as per CZMP approved in the year 2022, for the coastal zone of Village of Agonda, the demised property is shown in the NDZ area and abutting turtle nesting sites, right in front of the demised property. The Respondent No. 2 has in fact even encroached a portion of the beach by construction of permanent cemented and tiled platform and steps in the CRZ-I area.

36. That, the contents of Para 36 are wrong and incorrect hence denied. It is submitted that the photographs



annexed to the application and report dated 23.12.2022 are in complete sync with the Joint Site Inspection Report dated 10.04.2023, which only goes to prove the authenticity and veracity of the same.

37. That, the contents of Para 37 are wrong and incorrect hence denied. It is submitted that the reference of Appeal Nos. 22 of 2022 and 23 of 2022 has been made so as to show that a license/ permission of a similarly placed resort was set aside by this Hon'ble Tribunal which was adjacent to the present resort in question. It is submitted that the demised premises in the present matter are clearly within the NDZ area where no permission for construction could have been granted by the Respondent No. 1.

38. That, the contents of Para 38 are wrong and incorrect hence denied. It is submitted that the statements made by the Respondent No.2 are not only patently incorrect and *malafide*, but are also contrary to its own statements made to public at large in their website i.e. <https://www.dreamdiscovery.in>. It is submitted that by



way of the multiple photographs available on the website of Respondent No.2, as well as by way of various photographs annexed by the Applicant, it is unequivocally clear that the *Dream Discovery Resort* consist of multiple illegal construction, expansion and encroachment which is being unlawfully used for illegal commercial operation of a resort/hotel/restaurant known as "*Dream Discovery Sea View Resort and Beach Café*" without there being any valid permission/ sanction/ license/ approval from competent authorities.

39. That, the contents of Para 39 are wrong and incorrect hence denied. It is specifically submitted that the *Dream Discovery Resort* is a commercial resort operating on a designated turtle nesting site. It is submitted that the said resort is being operated without having any requisite permission/ approval /sanction from the local authorities including the GCZMA. It is submitted that the said fact of *Dream Discovery Resort* not having any valid permission to operate has not been controverted by the Respondent No.2 in its reply nor has it submitted any



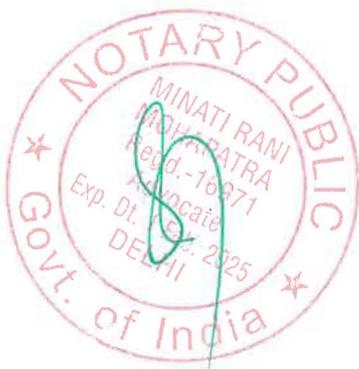
document by way of an approval issued to it for running the said Resort. In these circumstance, the averments raised by the Applicant are deemed accepted, in view whereof the illegal structures created, and being operated, by the Respondent No.2 are liable to be ordered for demolition by this Hon'ble Tribunal.

40. That, the contents of Para 40 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.
41. That, the contents of Para 41 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.
42. That, the contents of Para 42 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA,



may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.

43. That, the contents of Para 43 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.
44. That, the contents of Para 44 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.
45. That, the contents of Para 45 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para



under reply, as the contents whereof are not being repeated for brevity.

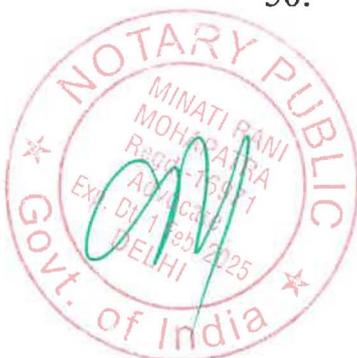
46. That, the contents of Para 46 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.
47. That, the contents of Para 47 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.
48. That, the contents of Para 48 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity. However, it is specifically



submitted that the respective distances of structures existing on site from the HTL, being within 100 Mtrs. thereof, have been reconfirmed in the Joint Site Inspection Report submitted before this Hon'ble Tribunal.

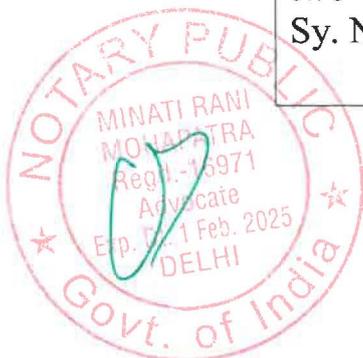
49. That, the contents of Para 49 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity. However, it is submitted that as per Respondent No. 2's own admission on their website, the Respondent No. 2 is operating a full-fledged resort for commercial purposes, which is being done without having any valid requisite permission/ license /approval and being in breach of the conditions of permissions dated 04.04.2017.

50. That, the contents of Para 50 are wrong and incorrect hence denied. It is submitted that over the years, Respondent Nos. 3 and 4 have usurped a larger area than



what they would be otherwise entitled to for their *malafide* motives and intentions. It is further submitted that the Respondent Nos. 3 and 4 then leased a much larger area to the Respondent No.2 who further over occupied the land illegally and created a full-fledged commercial resort. For the ready and kind perusal of this Hon'ble Tribunal, a table showing the illegal occupation of land by Respondent Nos. 2 to 4 in Survey No. 100/10 and the changes made in occupation thereof is appended below:

<b>Particulars</b>	<b>Area (In Sq. Mtrs.)</b>		<b>Total (In Sq. Mtrs.)</b>
Land belonging to Maria Fernandes on which there was one house as per Form I & XIV	50		50
ISLR survey plan showing two houses in Sy. No. 100/10	<b>Structure 'A'</b> <b>H. No. 438</b>	<b>Structure 'B'</b> <b>H. No. 439</b>	79
	47	32	



Area as per GCZMA permissions dated 04.04.2017 in Sy. No. 100/10	<b>Structure 'A'</b> <b>H. No. 438</b>		<b>Structure 'B'</b> <b>H. No. 439</b>		411.08	
	217.60		193.48			
Area constructed by Respondent Nos. 2 to 4 as per ISLR site plan annexed to Joint Site Inspection Report	<b>Structure 'A'</b> <b>H. No. 438</b>	<b>Structure 'B'</b> <b>H. No. 439</b>		<b>Structure 'C'</b>		1160
	338.00	462.00*		108.00		
		252.00@				

\* *RCC Structure.*

@ *RCC/ permanent structure but alleged to be wooden structure.*

It is further submitted that the Respondent Nos. 2 has been repeatedly referring to structures being existing prior to 1991. The said averment is false to the knowledge of the Applicant. Furthermore, without prejudice it is submitted that the said Respondent has not produced any authority which gives protection to pre-existing structures. The Respondent No. 2 may be put to strict proof in this regard.

51. That, the contents of Para 51 are wrong and incorrect hence denied. It is submitted that the submissions made



by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.

52. That, the contents of Para 52 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity. However, it is submitted that the Joint Site Inspection Report carried out under the *aegis* of this Hon'ble Tribunal has categorically noticed and stated in its report that the structures identified as 'A' and 'B' are permanent in nature. The said report has also noticed and identified the distance of the said structures from HTL, all being within 100 Mtrs. In view of the above, the submission made by the Respondent No.2 are refuted accordingly.

53. That, the contents of Para 53 are wrong and incorrect hence denied. It is submitted that the submissions made



by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.

54. That, the contents of Para 54 are wrong and incorrect hence denied. It is submitted that the submissions made hereinabove may kindly be read as part and parcel to the present para under reply as the contents whereof are not being repeated for the sake of brevity. It is submitted that the Respondent No. 1 granted the impugned permission dated 04.04.2017 under Clause 8 III. A (ii) of the CRZ Regulation, 2011 wherein reconstruction of existing authorized structure not exceeding FSI, plinth, density and reconstruction of dwelling units of traditional coastal communities including fisherfolk was permitted between 100 and 200 metres from the HTL along the seafront. However, the Applicant submits that the Respondent No. 1 misconceived the facts that the structures in question are all within 100 Mtrs. of HTL. Further, the Respondent No. 2 does not pertain to any traditional community and



in fact is hand in glove with other local authorities such as Panchayat, who issued the purported NoC's dated 1984 and 1985. The Applicant submits that in the said purported NoC's, a much excess area has been shown than what the Respondent No. 3 is entitled to. It is further pertinent to note that though the Respondent No. 3 claims to have been running the said structures for commercial purposes prior to 19.02.1991, the said Respondent has however failed to place any material on record to substantiate the same. Rather, the Applicant submits that the said structure(s) was a dwelling house of not more than 50 Sq. Mtrs. as per the Form I & XIV. The said fact is also corroborated upon perusal of the application dated 07.12.2016 submitted by the Respondent No. 3 before the GCMZA seeking CRZ clearance which itself records the subject as '*NoC for proposed reconstruction of residential/ existing house*'. Further, the Site Inspection Report prepared by the Expert Member of GCZMA in pursuance of the said applications also clearly mentions the existing land use



as “Residential House”. Thus, the submissions made by the Respondent No. 3 are a mere narrative to justify misuse of the premises and to wriggle out of his liabilities. In light of the above, the Applicant submits that the purported NoC’s of Panchayat of the year 1984 and 1985 appear to be forged and fabricated and the Respondent No. 3 be put to strict proof of the same to show his *bonafide*.

It is further submitted that the said structures are right on the beach and within the closest proximity the turtle nesting site on the Agonda Beach and within less than 100 Mts. from the HTL as brought out in the Joint Site Inspection Report. Therefore, as per their own conditions, no permission for reconstruction of even dwelling units of traditional coastal communities could be granted by the Respondent No.1 under 8 III. A (ii) of the CRZ Regulation in any case. It is further submitted that the Respondent No. 3 is trying to give an unreasonable and an impractical meaning to the conditions mentioned in the impugned permission to suit

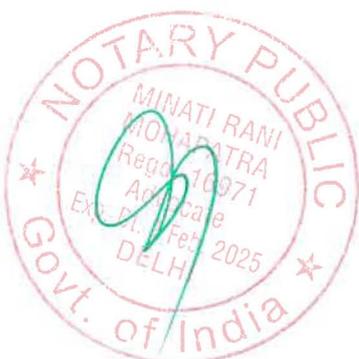


its ill motives. It is submitted that even if it is admitted for the sake of argument that the offending structures were being used for commercial purpose prior to 1991, the same will have no bearing on the present matter whatsoever as the same are now being run by a third party for non-traditional community usage.

The Applicant submits that it is difficult to fathom the interpretation of the Respondent No. 3 that the Condition (iv) of the Permission dated 04.04.2017 is not applicable to the present constructions as they are (allegedly) applicable to only those structures which were regularized in terms of Regulation 6(d). The said interpretation finds no relevance/ reference in the CRZ, Regulation 2011. The regulation under Paragraph 8 III A (ii) is a self-contained provision under the CRZ, 2011 Regulations, applicable to the case of the Respondent No. 3 and has been applied as such. As stated above, the application dated 07.12.2016 submitted by the Respondent No. 3 before the GCMZA seeking CRZ clearance itself records the subject as '*NoC for proposed*



*reconstruction of residential/ existing house*'. Further, the Site Inspection Report prepared by the Expert Member of GCZMA in pursuance of the said applications also clearly mentions the existing land use as "*Residential House*". Thus, the submissions made by the Respondent No. 3 are a mere narrative to justify misuse of the premises and to wriggle out of his liabilities. The Applicant submits that the original purpose of usage of the premises was residential, therefore, the GCZMA while granting the permission dated 04.04.2017 has pertinently laid down Condition No. (iv) without there being any caveat to its application. Had there been an intent to use the said premises for commercial uses, the Respondent No. 3 would have stated so in his application and/ or such a Condition No. (iv) would not have been incorporated by the GCZMA therein. It is specifically submitted that Regulation 6(d) is not at all applicable in the present case and the Respondent No. 3 is trying to take shelter under



incorrect/ inapplicable provisions in order to mislead this Hon'ble Tribunal.

55. That, the contents of Para 55 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.
56. That, the contents of Para 56 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity.
57. That, the contents of Para 57 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para



under reply, as the contents whereof are not being repeated for brevity.

58. That, the contents of Para 58 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity. The statement of the Respondent No. 2 that the said property does not lie within NDZ stands controverted by the Joint Site Inspection Report.
59. That, the contents of Para 59 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity. The contents of corresponding paragraph of the OA are reiterated and reaffirmed as correct.



60. That, the contents of Para 60 are wrong and incorrect hence denied. It is submitted that the submissions made by the Applicant hereinabove, and in the captioned OA, may kindly be read as part and parcel to the present para under reply, as the contents whereof are not being repeated for brevity. The contents of corresponding paragraph of the OA are reiterated and reaffirmed as correct.
61. That, the contents of Para 61 are wrong and incorrect hence denied. It is submitted that in terms of the submissions detailed in the captioned OA as well as in the instant Rejoinder, the captioned OA deserves to be allowed with costs.
62. That, the contents of Para 62 merit no response.
63. I say that the contents of Paras I(p), J, K(p), L(p), N(p), O(p), R(p), S(p), Y(p) and Paras 6-14(p), 25(p), 29(p), 36(p) and 50(p) are true to my knowledge, and the contents of Paras A-H, I(p), K(p), L(p), M, N(p), O(p), P, Q, R(p), S(p), T-X, Y(p), Z, and Paras 1-5, 6-14 (p),



15-24, 25(p), 26-28, 29(p), 30-35, 36(p), 37-49, 50(p), and 51-62 are based on legal submissions which I believe to be true. The Exhibits annexed are true copies of the original.



PRESENTLY AT DELHI  
PLACE: New Delhi  
DATE: 24.07.2023

25 JUL 2023



Applicant

Advocate for the Applicant

IDENTIFIED

25 JUL 2023



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

ATTESTED  
MINATI RANI MOHAPATRA  
NOTARY DELHI-R-16971  
GOVERNMENT OF INDIA  
SUPREME COURT OF INDIA  
COMPOUND NEW DELHI  
REGISTER Pg./Si. No. *104*

IDENTIFIED THAT THE DOCUMENTS  
of Smt. *Akshay Sharma*  
W/o *S.K. Sharma*  
Identified by Sh. *Karan Kumar Gupta*  
as solemnly affirmed to me at Delhi  
No. *275*  
the contents of the affidavit which have  
been read over to me and they are true

EMPOWERED TO ADMINISTER THE OATH  
SECTION 139 OF CPC 1908  
SECTION 297 OF CRPC 1973  
DELHI HIGH COURT RULES 1967  
PART-6, CHAPTER XVIII-227  
EVIDENCE BY AFFIDAVIT BEFORE NOTARY  
SUPREME COURT RULES, 2013  
ORDER IX-7





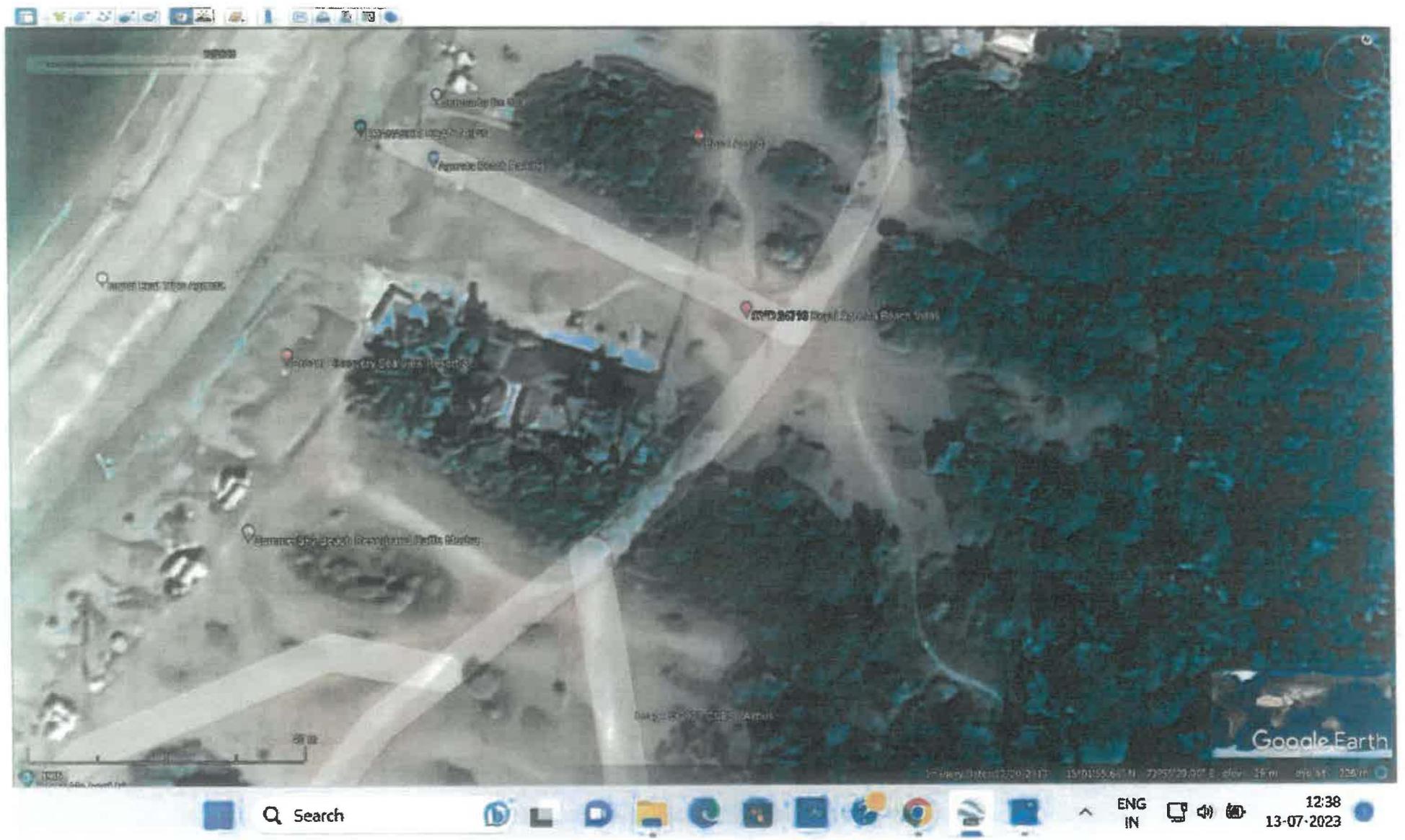
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31st March, 2009



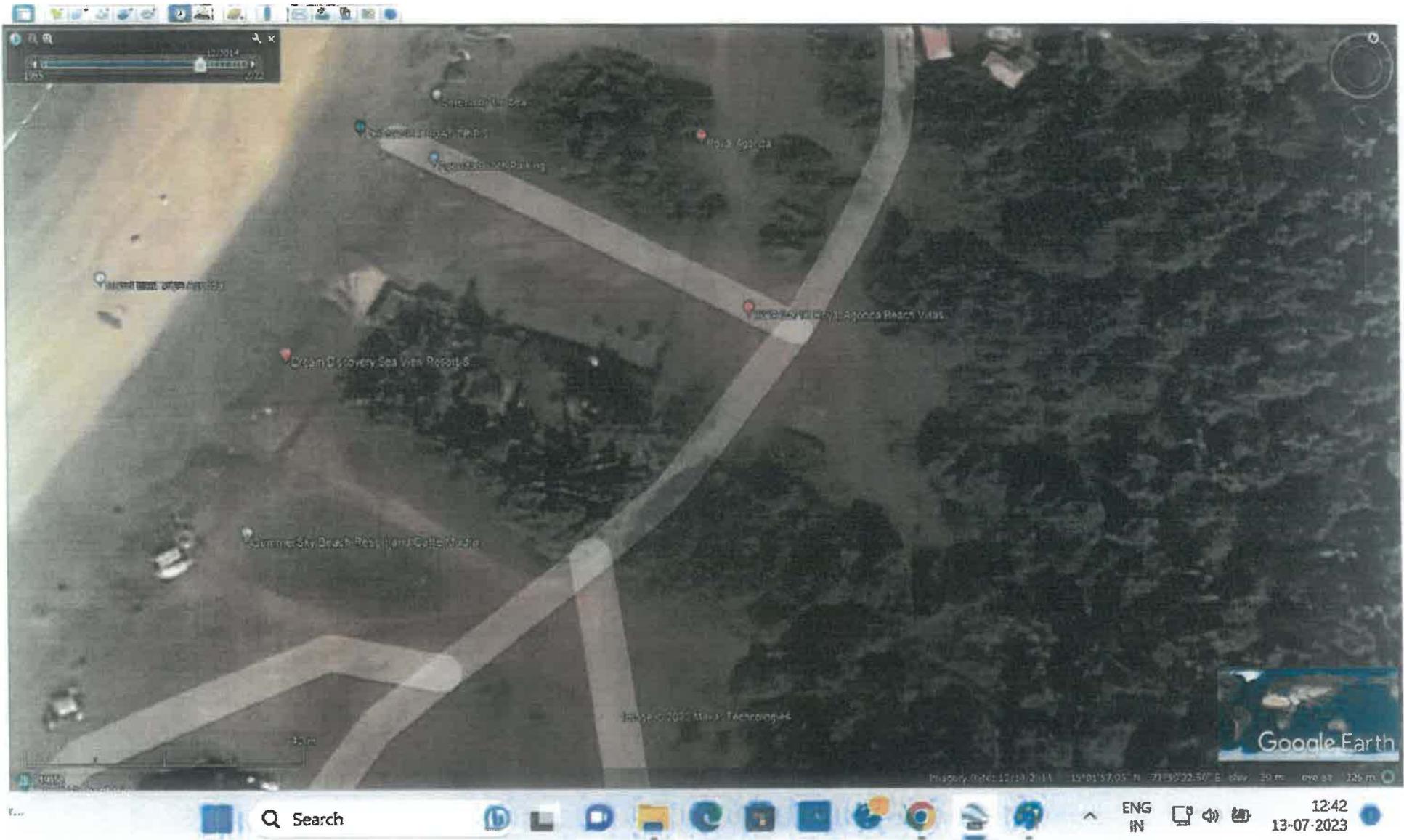
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20th December, 2013

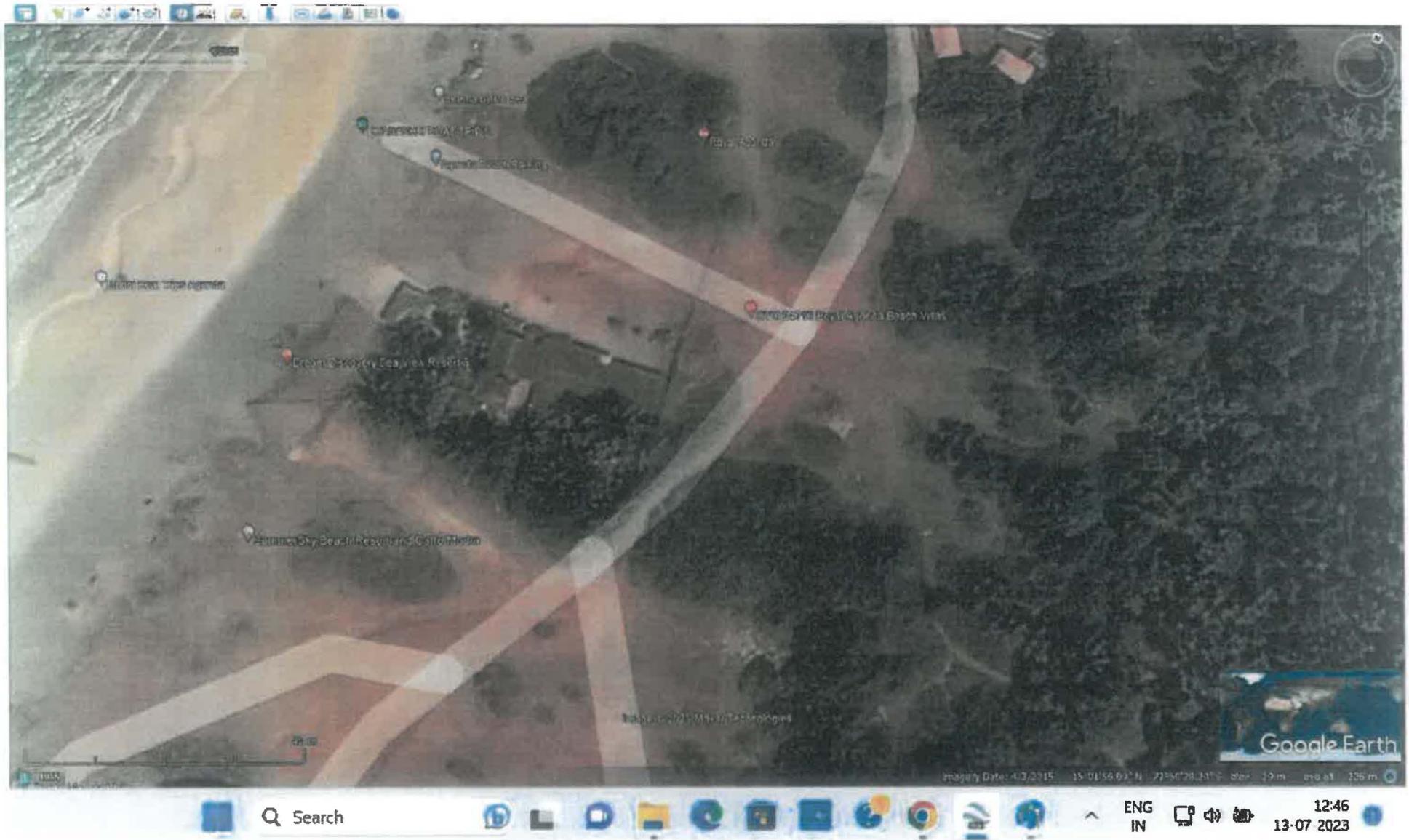


772

14th December, 2014



03rd April, 2015



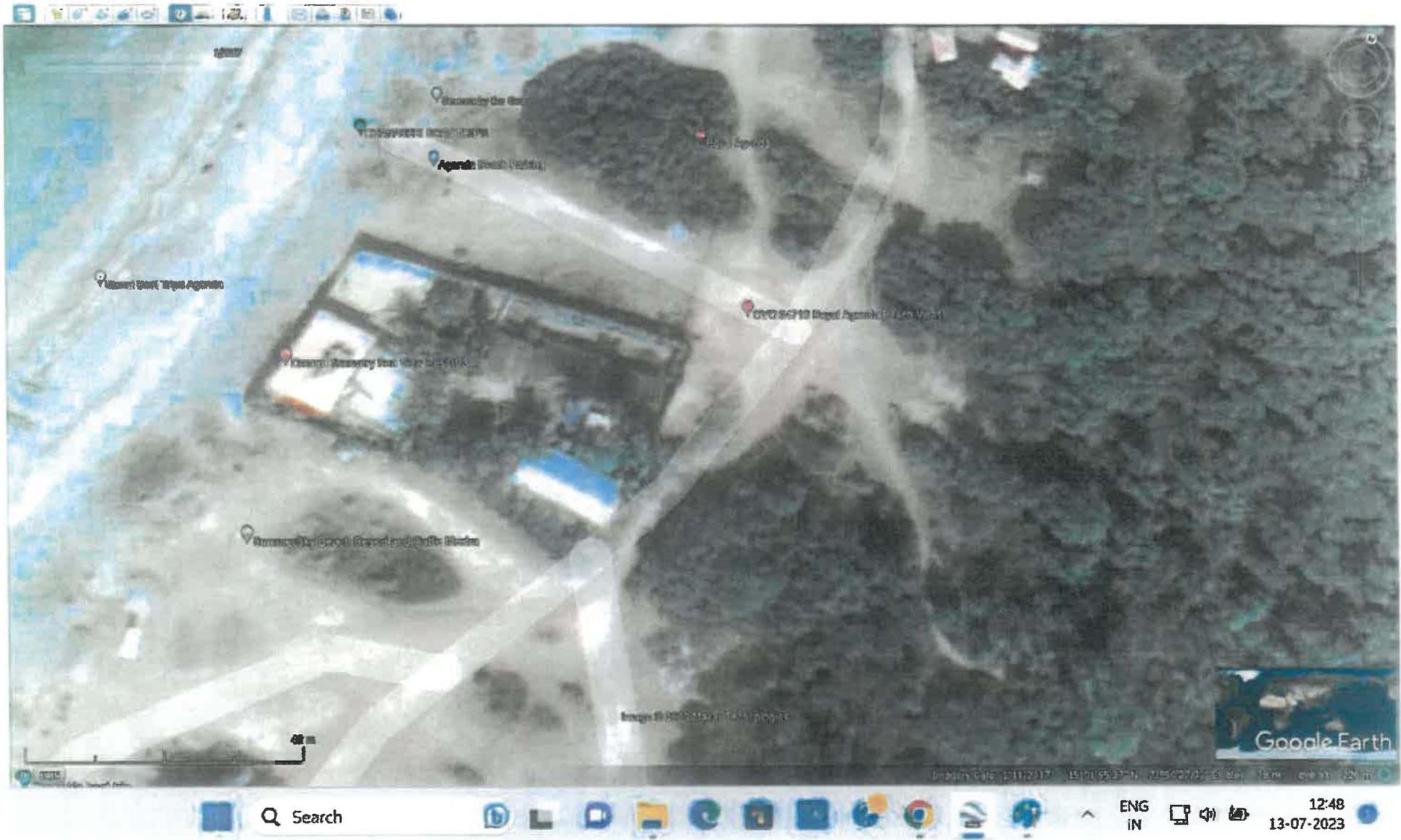
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28th January, 2016



775

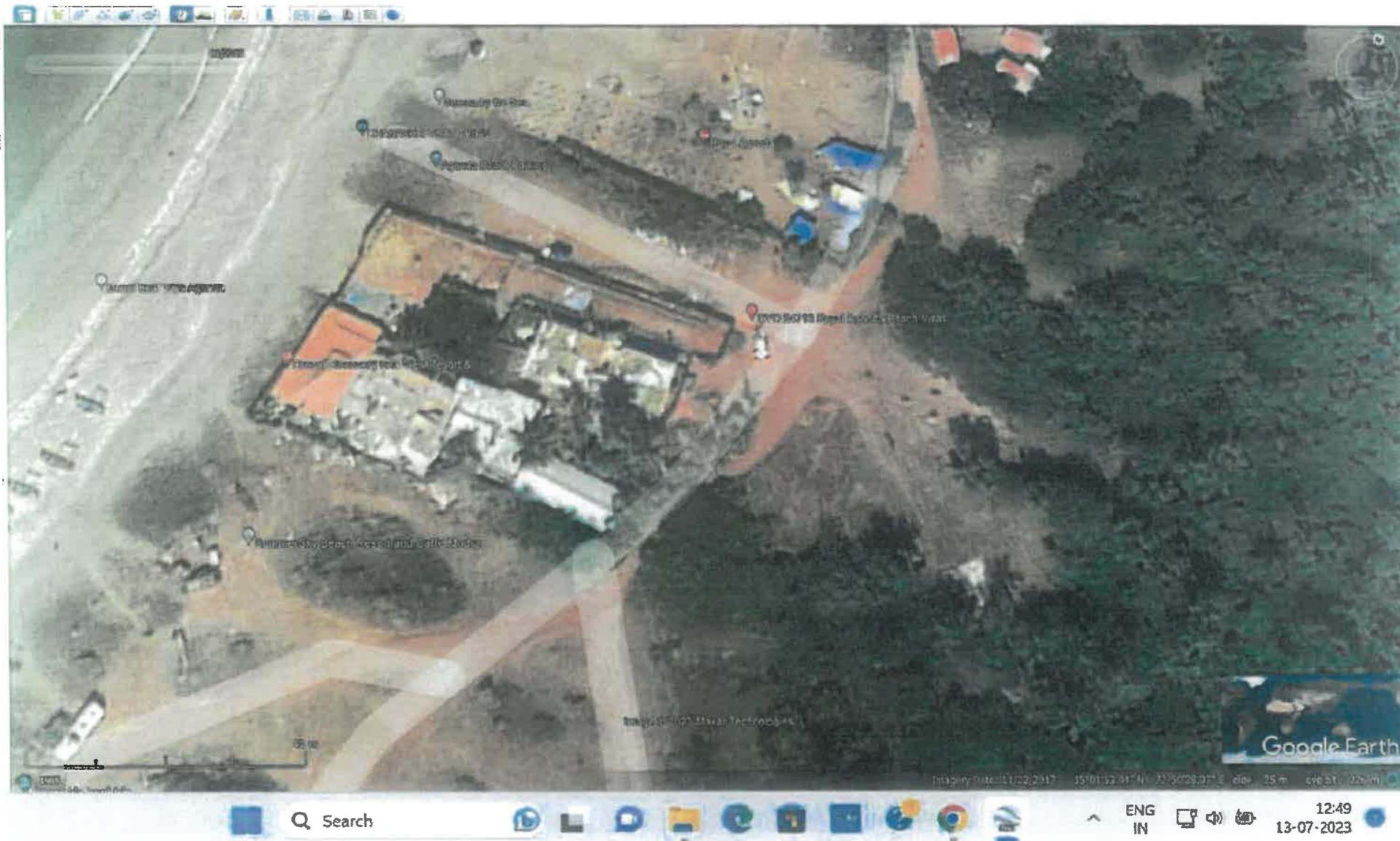
11th January, 2017





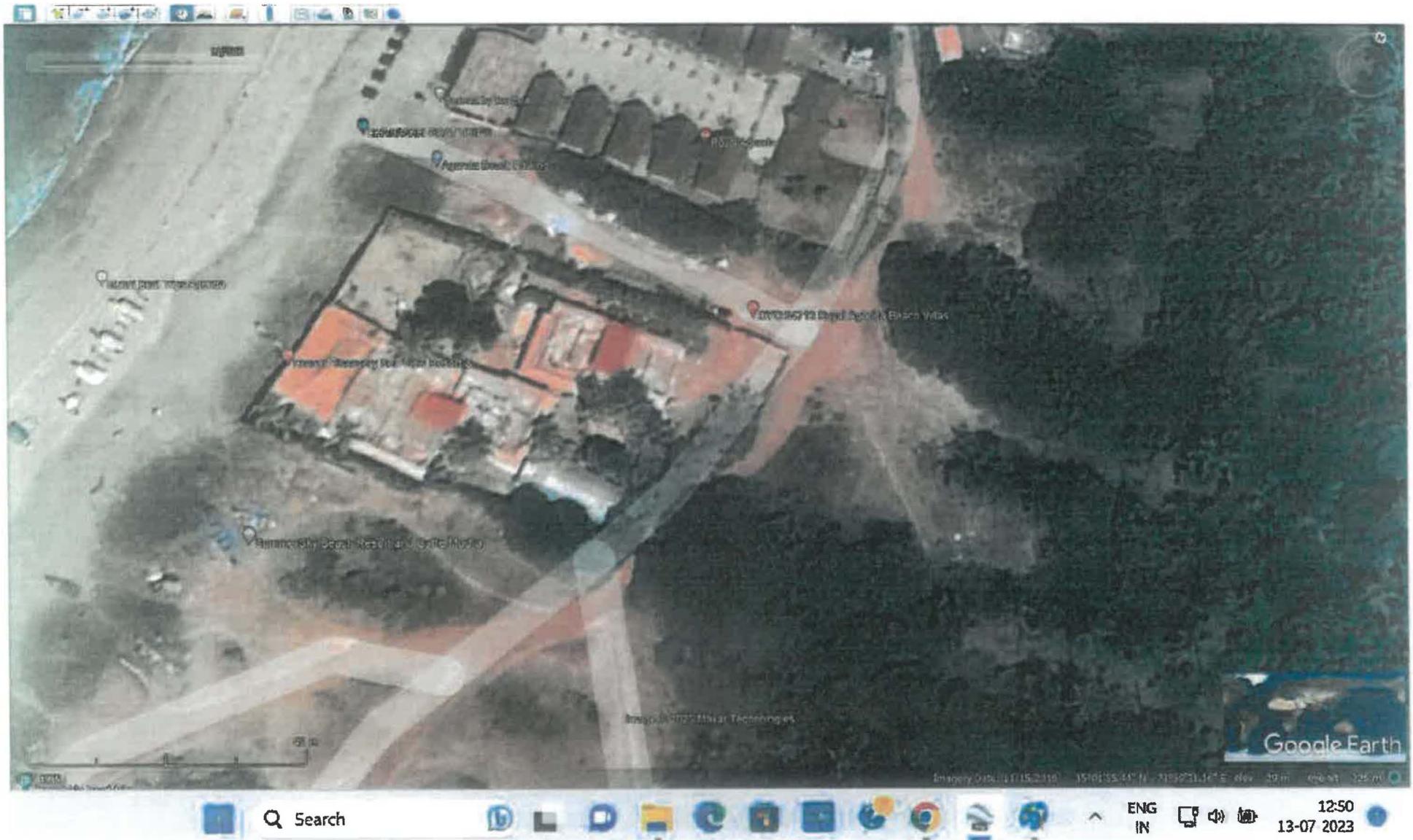
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22nd November, 2017



778

15th November, 2018



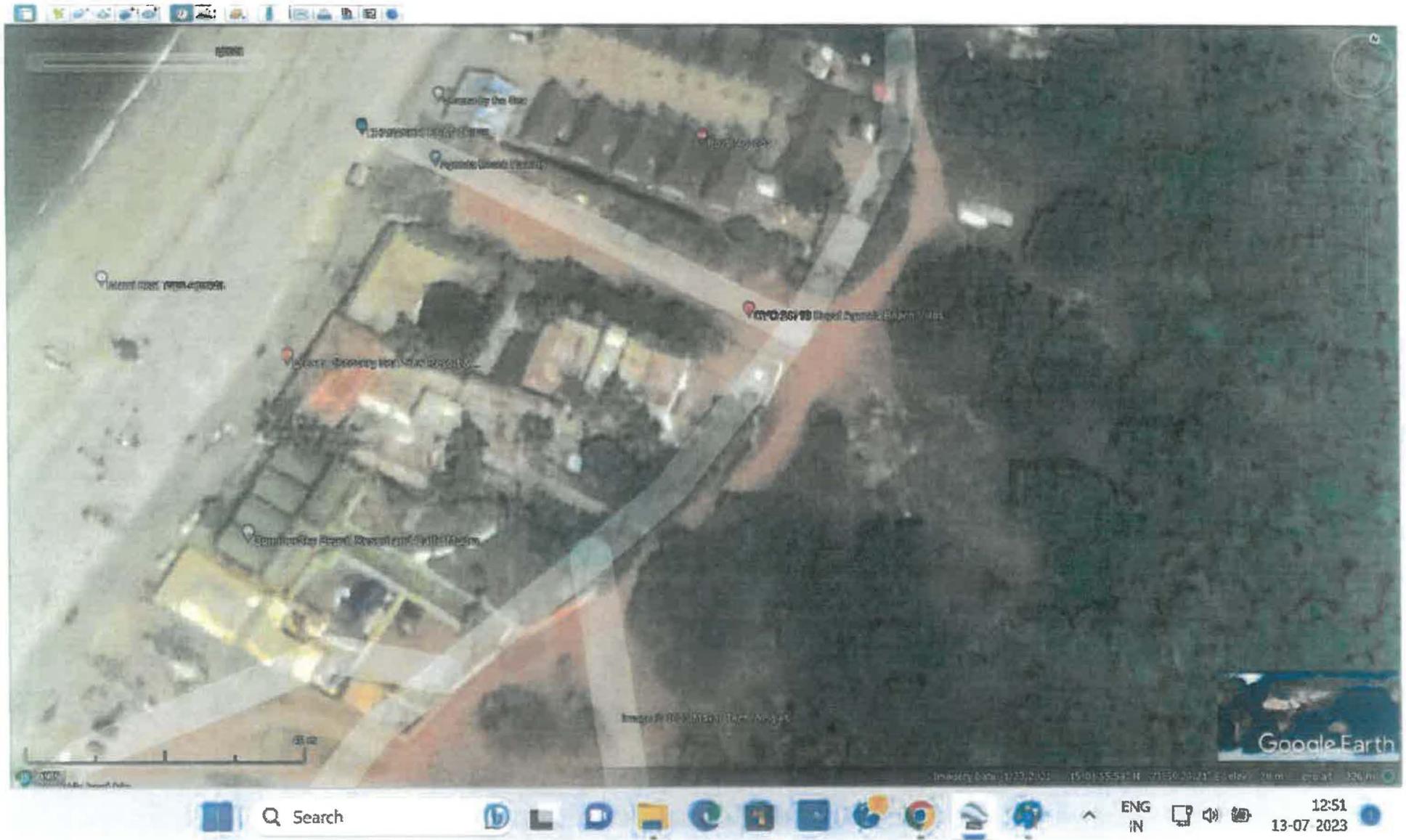
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23rd November, 2019



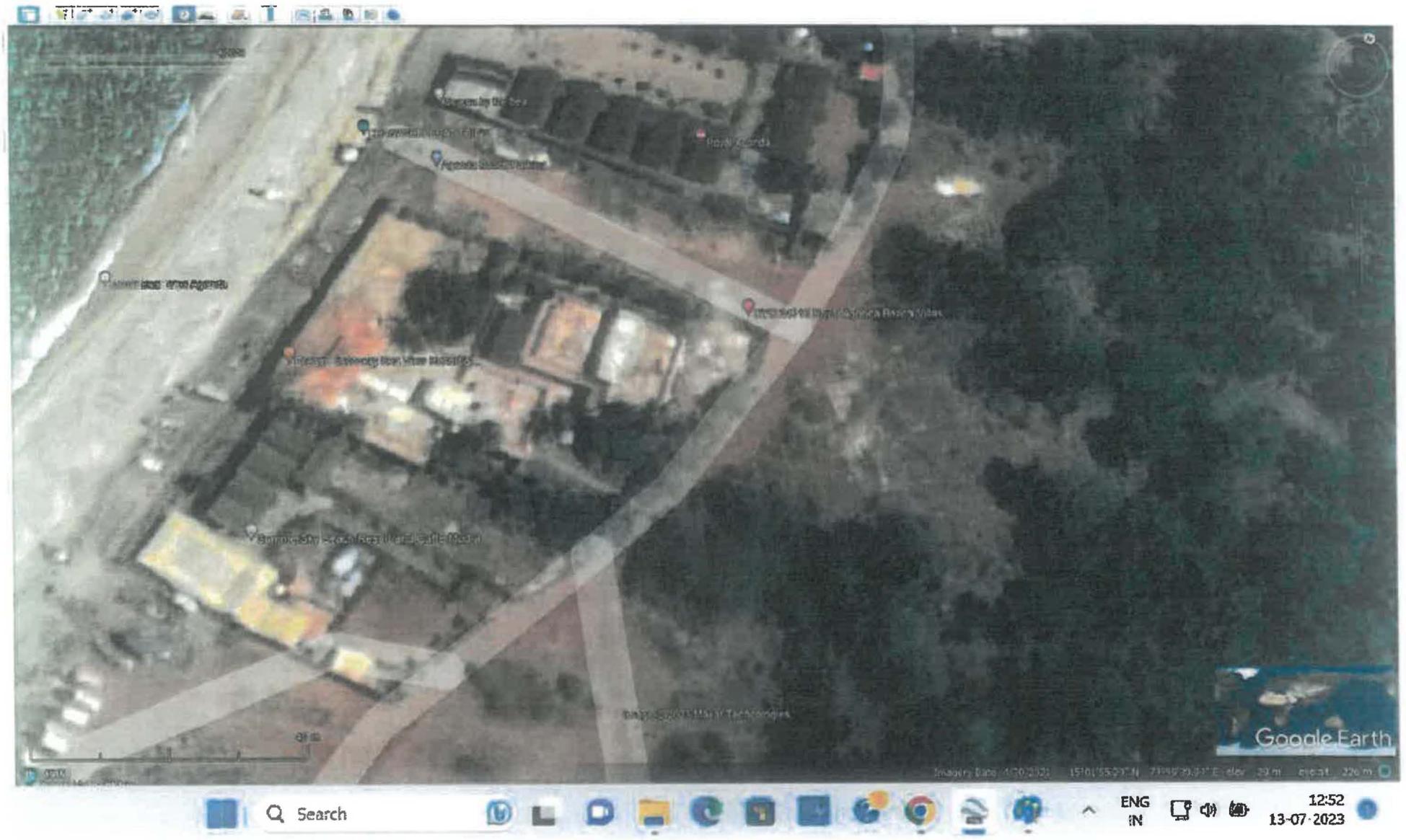
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23rd January, 2021



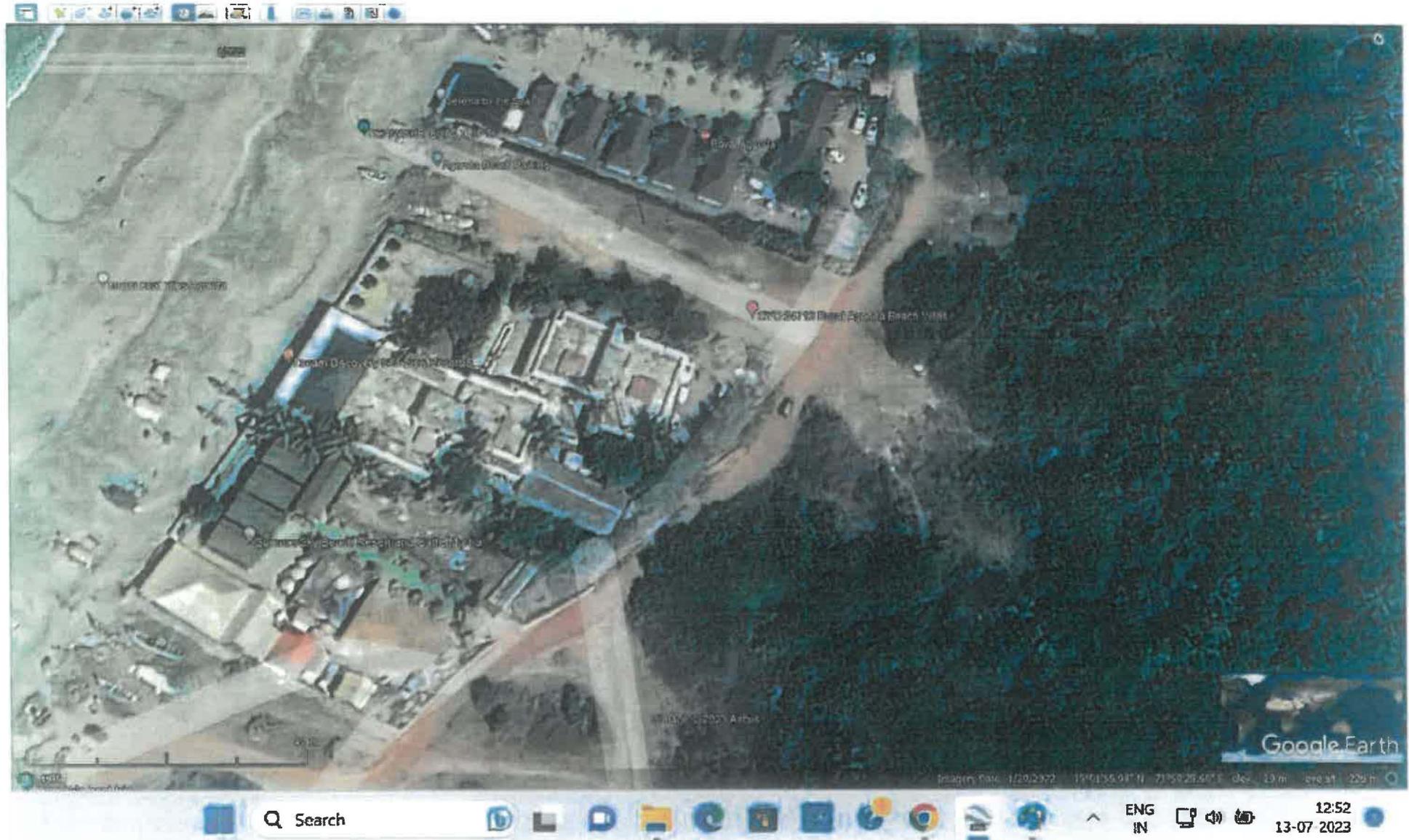
781

30th April, 2021



29th January, 2022

782



783

18th December, 2022



True Copy

784

EXHIBIT A-2 (copy)



**Welcome To**  
**DREAM DISCOVERY**  
 BEACH CAFE  
 SEAFOOD | INDIAN | CONTINENTAL | CHINESE

*Our Beach Front Cafe gives stunning view of Famous Agonda Beach where one can enjoy the meal/drink overlooking beautiful Arabian Sea. We can proudly tell that one can enjoy stunning sunset from restaurant. We serve Indian, Continental, Chinese, etc & our speciality is Sea Food. We also serve all kind of Liquor. To experience our restaurant please click below*



**View From Restaurant**

1



[ABOUT US](#) [CANCELLATION POLICY](#) [TERMS & CONDITIONS](#) [PRIVACY POLICY](#) [MANAGE MY BOOKING](#)



Name

Email

SUBJECT



True Copy



- HOME
- STAY
- EAT
- RELAX
- GALLERY
- CONTACT US

WHATSAPP US +918181810208



## About Us

Finding Inspiration in Every Turn

Dream Discovery group is a registered company under Partnership Act of Govt Of India . Our Company is also recognised by Tourism Department , Govt. of Goa.We started a journey in December 2020 with Sea Facing beach cafe and then exactly after two years that is in December 2022 we opened as a full fledged resort . We are located right on the world famous Ananda Beach which is also known as Turtle Beach.Our moto is to cater world class service to our guest who will visit our resort for their holiday.Our Resort offers Five star category Accomodations mouth watering food in our sea facing beach cafe . For further details or enquiry please feel free to contact us through email ,phone call or whatsapp.



## Our Partners



- ABOUT US
- CANCELLATION POLICY
- TERMS & CONDITIONS
- PRIVACY POLICY
- MANAGE MY BOOKING



Name  
Address  
Reviews  
Photos  
Map



# DREAM DISCOVERY

LOSE | YOURSELF | DISCOVER | YOURSELF

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STAY

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RELAX

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Beach



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Exterior



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Property Exterior



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Govt. of Goa

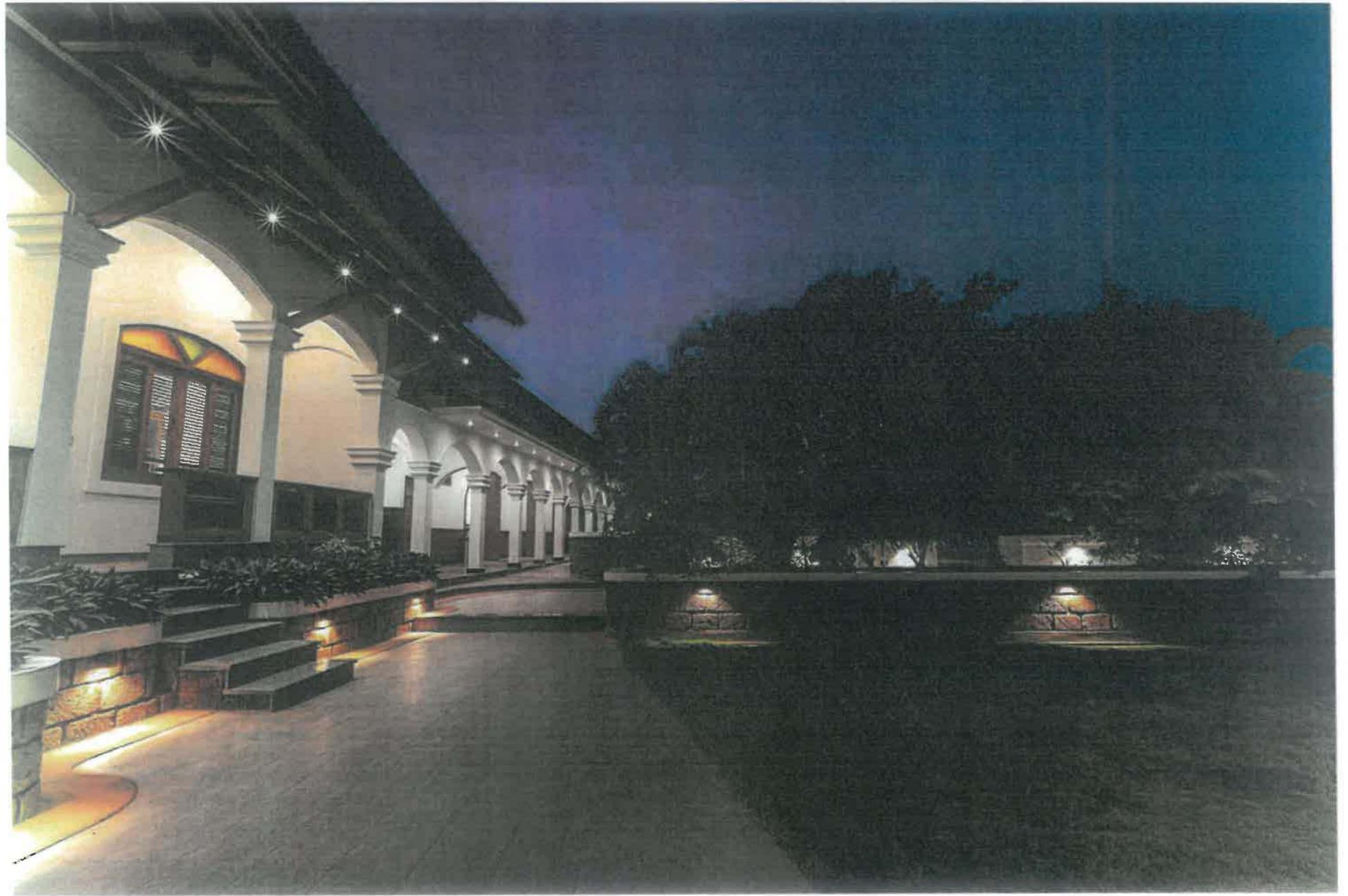
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Property Exterior







793



True Copy

794  
EXHIBIT R-3 (copy)

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

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

Dempo Tower 4<sup>th</sup> Floor, Patto Plaza- Panaji Goa

Website : [www.czma.goa.gov.in](http://www.czma.goa.gov.in)

Tel.: 0832-2951089

Ref. No. GCZMA/RTI/22-23/01/770

Date : 13 / 06 / 2023

To,  
✓ Jayant Karn,  
5<sup>th</sup> Floor, Satt Adhar Chambers,  
Patto Panaji Goa.

**Sub : Information under Right to Information Act 2005.**

Ref : Your RTI Application dated 23/05/2023 and received by this Authority on 23/05/2023.

Sir,

With reference to above referred RTI application dated 23/05/2023, it is informed as under.

Sr. No	Information Sought	Reply of PIO
1	Entire documentation/file relating to any permission /license given to any person pertaining to survey no. 100/10 of village Agonda, Canacona, Goa.	Enclosed Copy of entire file No. GCZMA/S/16-17/69 and No. GCZMA/S/16-17/70.
2	All documents/file pertaining to the permission granted to Mr. Selso Fernandes with respect to the property bearing Survey No. 100/10 of Village Agonda, Canacona Goa.	
3	Documents submitted by Mr. Selso Fernandes for availing any permission /license with respect to any structures in survey No. 100/10 of Village Agonda Canacona, Goa.	
4	Any permission/license granted to Mr. Selso Fernandes, Ms. Concecao Fernandes, M/s. Dream Discovery with respect to any structures in Survey No. 100/10 of village Agonda, Canacona, Goa.	
5	Whether Mr. Selso Fernandes has been permitted to carry out any commercial activity in any structures in Survey No. 100/10 of Village Agonda, Canacona, Goa.?	The applicant has sought the opinion which is not information under the RTI, As such this office cannot provide opinion under the RTI Act.

True Copy



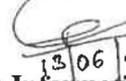
795

The reply/information available with this office may be collected on payment of Rs. 106/- ( Rupees One Hundred Six Only )

The period within which an appeal against such rejection may be preferred within 30 (Thirty) days and the particulars of the Appellate Authority are as follows:

“The Member Secretary, Goa Coastal Zone Management Authority, who is the First Appellate Authority (FAA) having Office at Dempo Tower, 4<sup>th</sup> floor, Patto Plaza – Panaji Goa.”

Yours faithfully

  
13/06/2023

**Public Information Officer**  
(Goa Coastal Zone Management Authority)

**Encl : As above**

796

INFORMATION ISSUED UNDER RTI ACT, 2005

1912

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)
1st Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.
Email: dir-ste.goa@ nic.in, goacoastal zone @ gmail.com.

Ref. No. GCZMA/S/16-17/69/34

Dated: 04/09/2017

To,
Mr. Sello Fernandes
Agonda-Canacona

Sub: Clearance for proposed reconstruction of house bearing H.No. 439 located in the property bearing Survey No. 100/10 at Agonda Village Canacona Taluka
Ref: Your application no. nil dated 19/07/2016.

With reference to your application on the above mentioned subject, it is hereby conveyed that the Goa Coastal Zone Management Authority (GCZMA) has examined your proposal in the 144th GCZMA Meeting held on 21/03/2017 in accordance to the para 8 of the CRZ Notification 2011, as amended. Accordingly approval/clearance is hereby granted in terms of CRZ angle in terms of the CRZ Notification 2011, as ammended, to you for re-construction of the existing house bearing H.No. 439 located in Sy. No. 100/10 of Agonda Village, Canacona Taluka, as per attached plan thereby not exceeding existing FAR, existing plinth area and existing density, to the confirmation with local building bye laws.



Certified Copy of The Document Available in Office Records

- 1. This approval is subject to the compliance of following conditions:
All the provisions of the CRZ Notification 2011, as amended should be strictly complied with.
2. This NOC/Approval is issued without prejudice to any other permission as required under the law including that of ownership of house, court case etc. As such, prior to the commencement of the 're-construction' work, it will be incumbent upon the applicant to obtain permission for any other authority as required under the law including from the local authority, Town and Country Planning Department, Revenue Authority etc.,
3. Traditional access/easement shall not be blocked. No construction should be carried out in the NDZ area between 0-200 mts. from the High Tide Line.
4. The structure should not be used for commercial purpose and not to be sold or transferred to the non-traditional community.
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.

Yours faithfully,

Handwritten signature of Agnelo Fernandes

(Agnelo Fernandes)
Member Secretary (GCZMA)

Encl: As above
Copy to:

- 1. P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information.
2. The Chief Town Planner, Town & Country Planning Department, Patto, Panaji - Goa..... for information and necessary action.
3. The Deputy Collector & S.D.O. (Canacona), Canacona - Goa.... for information and necessary action.
4. The Secretary, Village Panchayat of Agonda, Canacona - Goa....for information and necessary action.

797

INFORMATION ISSUED UNDER RTI ACT, 2005

18/12

Member Secretary  
G.C.Z.M.A.  
Inward No. 4953/L  
Date 14/03/17

To,  
GCZMA  
Porvorim – Goa

*Fernandes*

Ref:No.GCZMA/S/16-17/69/2372 Dated: 16/03/2017.

Sub: Clearance for proposed reconstruction Hno 439 Bearing  
Survey no 100/10 Agonda village Canacona Taluka.

Sir,

With reference with the above cited subject and decision taken by your authority in the 137<sup>th</sup> GCZMA meeting on 24<sup>th</sup> Jan 2017. I am here to submit that I am from the traditional toddy tapper community. And i am here by submitting my new plans for only the ground floor.

kindly oblige with the matter

MANAGEMENT AUTHORITY  
DEPT OF ENVIRONMENT  
WASTE CHANGE

\* Thanking You

Selso Fernandes



Enclosed Plans 5 copies

**EXTRACT OF THE MINUTES OF THE 144<sup>TH</sup> GCZMA MEETING HELD ON 21/03/2017**

**Case No. 4.4**

**Clearance for proposed reconstruction of house bearing H. No. 439 located in the property bearing Sy. No. 100/10, Agonda, Canacona Taluka by Mr. Celso Fernandes.**

**Background:** The applicant has sought clearance for proposed reconstruction of house bearing H. No. 439 located in the property bearing Sy. No. 100/10, Agonda, Canacona – Goa. The applicant has submitted a copy of Certificate issued by the Village Panchayat of Agonda wherein it is stated that the said house was assessed for house tax in the name of Smt. Maria Fernandes since the year 1980-81 to 2004-05 and the same was transferred in the name of Selso Fernandes in the year 2005-06 and has also submitted a certified copies of house tax receipts from the year 1979-80 etc. And a copy of Certificate issued by the Toddy Tappers Association stating that Mr. Selso Fernandes, S/o. Late Mr. Pedro Fernandes and Maria Fernandes belongs to the "Christian Renders" Community / Class which is recognised as OBC. The name of Applicant's mother i.e. Maria Fernandes is reflected in the column of other rights.



**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 hthat the house tax is paid from 1980-81 till 03/06/2015 regularly. Since the Applicant belong to local community Applicant may be allowed for construction.

The said proposal was placed in the 137<sup>th</sup> GCZMA meeting held on 24/01/2017 wherein the Authority observed that the said proposal is for construction of a First floor on existing ground floor as could be seen from the plan attached to the Application. The said plot is located in the No Development Zone (NDZ) i.e. within 200m from the HTL.

As provided in para 8 III. A (ii) "No construction shall be permitted within NDZ except for repairs and reconstruction of the existing authorized structure not exceeding the Floor Space Index, existing plinth area and existing density. In case of traditional coastal communities including fisherfolks constructions and reconstructions is permissible for dwelling units between 100 to 200 m from the HTL along the seafront in accordance with the comprehensive plan prepared by the State Government in consultation with

799

INFORMATION ISSUED UNDER RTI ACT, 2005

10/10

traditional coastal communities including fisherfolks and incorporating necessary disaster management provision as recommended by State Coastal Zone Management Authority to the National Coastal Zone Management authority for approval of Ministry of Environment and Forests ”

The Authority noted that a comprehensive plan as required under para 8 III A (ii) is not yet formulated and approved by the MoEF and hence the Authority decided that the present Application for proposed construction of first floor on existing ground floor cannot be considered and the Applicant may be informed accordingly.

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

Area of the 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. As such the Authority after detailed discussion and due deliberation and on considering the site inspection report of the then Expert members of the GCZMA, decided to approve the said proposal of reconstruction of house bearing H. No. 439 located in the property bearing Sy. No. 100/10, Agonda, Canacona – Goa in terms of the CRZ Notification, 2011, as amended.



INFORMATION ISSUED UNDER RTI ACT, 2005

156

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)  
1<sup>st</sup> Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.  
Email: dir-ste.goa@ nic.in, goacoastal zone @ gmail.com.

Ref. No. GCZMA/S/16-17/69|2372

Dated: 10/03/2017

To,  
Mr. Selso Fernandes  
Agonda-Canacona

Sub: Clearance for proposed reconstruction of house bearing H.No. 439 located in the property bearing Survey No. 100/10 at Agonda Village Canacona Taluka  
Ref: Your application no. nil dated 19/07/2016.

Certified Copy of The Document  
Available in Office Records

Sir,

With reference to your application on the above mentioned subject, it is hereby conveyed that the Goa Coastal Zone Management Authority (GCZMA) has examined your proposal in the 137<sup>th</sup> GCZMA Meeting held on 24/01/2017. The Authority noted that a comprehensive plan as required under para 8 III A(ii) not yet formulated and approved by the Ministry of Environment and Forests and hence the Authority decided that the present application for proposed construction of first floor on existing ground floor cannot be considered.

for your information.



Yours faithfully,  
*Agnelo Fernandes*  
(Agnelo Fernandes)  
Member Secretary (GCZMA)  
o/c

Encl: As above

P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information

801

INFORMATION ISSUED UNDER RTI ACT, 2005

14/10

EXTRACT OF THE MINUTES OF THE 137<sup>TH</sup> GCZMA MEETING HELD ON 24/01/2017

Case No. 2.4

**Clearance for proposed reconstruction of house bearing H. No. 439 located in the property bearing Sy. No. 100/10, Agonda, Canacona Taluka by Mr. Celso Fernandes.**

**Background:** The applicant has sought clearance for proposed reconstruction of house bearing H. No. 439 located in the property bearing Sy. No. 100/10, Agonda, Canacona – Goa. The applicant has submitted a copy of Certificate issued by the Village Panchayat of Agonda wherein it is stated that the said house was assessed for house tax in the name of Smt. Maria Fernandes since the year 1980-81 to 2004-05 and the same was transferred in the name of Selso Fernandes in the year 2005-06 and has also submitted a certified copies of house tax receipts from the year 1979-80 etc. And a copy of Certificate issued by the Toddy Tappers Association stating that Mr. Selso Fernandes, S/o. Late Mr. Pedro Fernandes and Maria Fernandes belongs to the “Christian Renders” Community / Class which is recognised as OBC. The name of Applicant’s mother i.e. Maria Fernandes is reflected in the column of other rights.

**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 paid from 1980-81 till 03/06/2015 regularly. Since the



Applicant belong to local community Applicant may be allowed for construction.

The Authority observed that the said proposal is for construction of a First floor on existing ground floor as could be seen from the plan attached to the Application. The said plot is located in the No Development Zone (NDZ) i.e. within 200m from the HTL.

As provided in para 8 III. A (ii) “No construction shall be permitted within NDZ except for repairs and reconstruction of the existing authorized structure not exceeding the Floor Space Index, existing plinth area and existing density. In case of traditional coastal communities including fisherfolks constructions and reconstructions is permissible for dwelling units between 100 to 200 m from the HTL along the seafront in accordance with the comprehensive plan prepared by the State Government in consultation with traditional coastal communities including fisherfolks and incorporating necessary disaster management provision as recommended by State Coastal Zone Management Authority to the National Coastal Zone Management authority for approval of Ministry of Environment and Forests ”

**Decision:** The Authority noted that a comprehensive plan as required under para 8 III A (ii) not yet formulated and approved by the MoEF and hence the Authority decided that the present Application for proposed construction of first floor on existing ground floor cannot be considered and the Applicant may be informed accordingly.

## INFORMATION ISSUED UNDER RTI ACT, 2005

SITE INSPECTION REPORT

1. Date & time of inspection:
2. Name of the project: NOC for proposed reconstruction of Existing house
3. Location:  
 Survey No. 100/10 Village: Agonda Taluka: Caranora  
 Chalta No. \_\_\_\_\_ P.T.S. No: \_\_\_\_\_ Town: \_\_\_\_\_
4. Detailed description of status of adjoining properties:  
Wooden shed/Residential/Vacant
5. Existing Land Use: Residential house
6. Accessibility: Yes
7. Topography:  
 Type of soil: Sandy, Rocky, Clay, Lateritic etc.  
 Topography: Plain, Undulating, Gently sloping, Cliff etc.  
 Existence of Sand dunes: Yes/No  
 If Yes, Number of dunes in the property:  
 Height of the dunes: No  
 Slope:  
 Whether the dunes are virgin or tampered: Yes/No  
 If Yes, give details  
No
- Whether any lagoons, backwaters, or other water bodies exist in the plot.  
No
- (The location of sand dunes and water bodies should be marked on the site plan)  
No
8. Vegetation:  
 Pioneer vegetation like bushes, creepers and grasses:  
 Secondary vegetation like coconut, casuarina or other trees.  
 Mangroves: No  
 Any other vegetation or trees:  
Ornamental trees
9. Distance of seaward boundary from river/sea High Tide Line:  
within 200 m of H.T.L



12/c

10. Existing structures within the plot: *old house*

11. Whether any proposed work has been carried out at the site: (a brief description of the type and extent of the work carries out) *No*



12. Whether any traditional access through the plot exists: *No*

13. Any other information about the site that is relevant to the environment:

- (1) The house is shown on D.S.L.R plan.
- (2) The name of applicant *made* refer on the form I & II
- (3) The applicant belong to a toddy tapper community village. Dated: is enclosed to the file. Also ~~doing~~ <sup>doing</sup> inspection it is observed that there Place: two adjoining existing structures is indicated in the submitted plan and one of which is a wooden shed.   
 *Signature, Name and Designation*
- (4) The applicant has a affidavit of purchase stating that the house tax is paid from 1991-present.
- (5) Since the applicant belong to local community - applicant may be allowed to construct.
- (6) Authority to decide.

*R.M. Dhumre*

INFORMATION ISSUED UNDER RTI ACT, 2005

11C

Application format for proposed  
Projects/Constructions/Repairs in CRZ

Member Secretary  
G.C.Z.M.A.  
Inward No. 1710/F  
Date 19/10/16

From: (Name and full postal address of the owner)

Geeto Fernandes  
Agenda-Goa

To:  
The Member Secretary,  
Goa Coastal Zone Management Authority,  
Dempo Tower, 3<sup>rd</sup> Floor,  
Patto, Panaji-Goa.

Subject: NOC for proposed for residential house  
Sir.

I intend to carry out the under-mentioned development in the plot of land under Survey no. 100/10 (Chaha No. \_\_\_\_\_ P.T. Sheet No. \_\_\_\_\_) of Agenda Village-Town, Coma (ong) Taluka, in accordance with the Coastal Regulation Zone (CRZ) Notification dated 19<sup>th</sup> February 1991 and 6<sup>th</sup> January 2011 as amended subsequently

(Please give particulars of the proposed development)

I am enclosing herewith the following documents.

1. Ownership documents.
2. Form I & XIV.
3. Certified copy of Survey Plan issued by Directorate of Settlements & Land Records. (Showing 200 meter to 500 meter line (compulsory))
4. ~~Approved~~ Plan showing the existing and proposed developments (duly coloured as per colour RANGE) countersigned by the Owner and Architect/Engineer/Town Planner registered with their respective associations.
5. One copy of the detailed plans of the proposed developments countersigned by the Owner and Architect/Engineer/Town Planner registered with their respective associations.
6. Contour Plan of the plot with 50 cm. Counter interval (Not applicable in case of reconstruction and repair)
7. CRZ Clearances questionnaire duly completed (Form "A")
8. Environmental Impact Assessment (EIA) Report (Not applicable for compound walls, reconstruction, repair and single dwelling units).
9. Existing and proposed vegetation plan (Not applicable for compound walls, reconstruction and repair).
10. Photographs of the property from all sides showing the existing landscape, structure etc
11. This NOC will be issued subsequent to the payment of fees by the applicant of Rs. 2000 /- vide D.D. No. 734939 dated    /    /    in favour of Goa Coastal Zone Management Authority payable at Panjim. *Dues*

I request that the clearance for the proposed development in the CRZ may be accorded.

Date: 7/12/16

*Signature*  
Signature of the Owner

805

INFORMATION ISSUED UNDER RTI ACT, 2005



13/13/2003-SWD/1740

(Regd. No. 16)

10/10  
D. C. M. ...  
MARGAO,  
GOA. 403601  
Phone No.: 2715446

Ref.

AGTTA/96/10/1208

CERTIFICATE

This is to certify that Mr. Sello A. P. Fernandes son of late Mr. Pedro A. Fernandes and late Mrs. Maria F. Fernandes Resident of HNo. 439, Ward Val, Village Agonda, Taluka of Canacona, Sub Division South Goa District, in the State of Goa Belongs to the "CHRISTIAN RENDERS" COMMUNITY/CLASS Which is recognized as OTHER BACKWARD CLASS for the State of Goa vide Govt. Notification no. 13/13/2003-SWD/1740 dtd 22.6.2009.



for ALL GOA TODDY-TAPPERS' ASSOCIATION

*[Signature]*  
PRESIDENT

MARGAO-GOA.  
6<sup>th</sup> July, 2010.



INFORMATION ISSUED UNDER RTI ACT, 2005

a/e

Ph. No. : 2647357



## OFFICE OF THE VILLAGE PANCHAYAT

Agonda - Canacona - S. Goa

ग्राम पंचायत आगोंदा

काणकोण - गोवा

Ref No. : VPA/CANI/2616-17) 329

Date: 3/6/2016

CERTIFICATE

This is to certify that, House No. 439, was assessed for house tax in the name of Smt. Maria Fernandes, since the year 1980-81 to 2004-05 and in the year 2005-06 the said house was transferred in the name of Shri Selso A. P. Fernandes as per Village Panchayat Assessment Register and he is paying said house tax regularly till date in the name of Selso A.P. Fernandes.

This certificate has been issued on the request of Selso A.P. Fernandes r/o Vall Agonda, Canacona Goa, in order to produce before Tourism Department Panaji Goa.



(Navanita N, Naik Gaunkar)

SARPANCH  
VILLAGE PANCHAYAT  
AGONDA, CANACONA-GOA

807

810



MU. COPY

Form No. 4 RECEIPT

Receipt Book No. 166 Receipt No. 82

The Village Panchayat V.P. Agarda

Received with thanks from Maria Fernandez

Rupees ( 5/- Five only )

on account of House tax of H.N. 439 for the

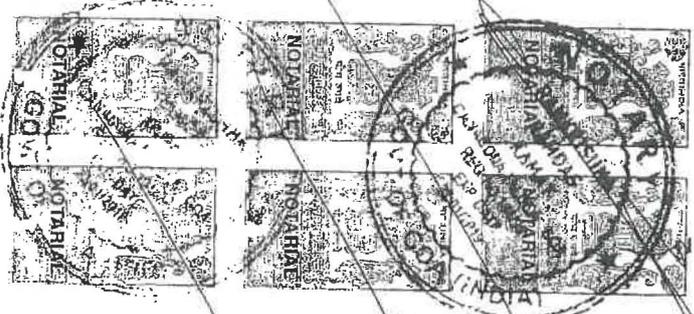
Date 30/01/2011 year 1990-91 to, 1991-92

Reference to cash entry

Book \_\_\_\_\_ Signature and Designation of \_\_\_\_\_

Page No. \_\_\_\_\_ Issuing officer \_\_\_\_\_

The seal of the fund shall be affixed to each Receipt before it is issued. The carbon copy shall be retained and the original sent to the Government of Goa.



CERTIFIED COPY OF THE

STATE OF GOA (INDIA) REG NO. 933 of 2015 26/01/2015

INFORMATION ISSUED UNDER RTI ACT, 2005

#1c



TRUE COPY

Form No. 4  
RECEIPT

Receipt Book No. 123

Receipt No. 35

The Village Panchayat of Agonda

Received with thanks from Maria Fernandes

Rupees ( 4/- ) four only

on account of House tax of H.N. 439 for the year 1981-82

Date 28/11/1982

Reference to cash entry

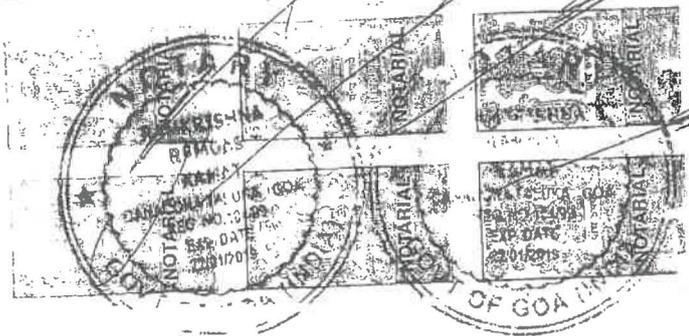
Book

Page No

Secretary  
Village Panchayat  
Agonda

VILLAGE PANCHAYAT AGONDA

The seal of the fund shall be affixed to each Receipt before it is issued.



CERTIFIED TO BE TRUE COPY OF THE ORIGINAL

NOTARY  
STATE OF GOA  
REG. NO. 977-01/2015  
DATE 06-08-2015

809

INFORMATION ISSUED UNDER RTI ACT, 2005

etc



TRUE COPY

V.P.

FORM No. 4

Original

RECEIPT

Receipt Book No. 114 Receipt No. 56

The V.P. Agenda

Received with thanks from Maria Pemanu

Rupees Thirteen 9 (Rs. 13/9)

on account of house tax of Rs. 439 for

Date 20/1/86 the year 1982-83 to

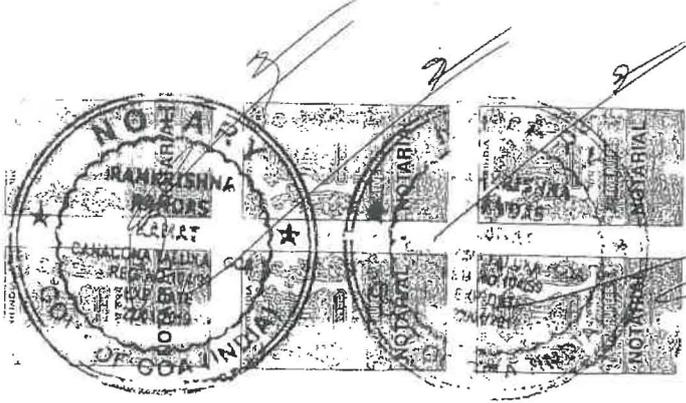
Reference to cash entry 1985-86

Book

Page No.



Signature and Designation of Issuing Officer  
VILLAGE PANCHAYAT AGONDA  
CANACONA TALUKA  
GOA



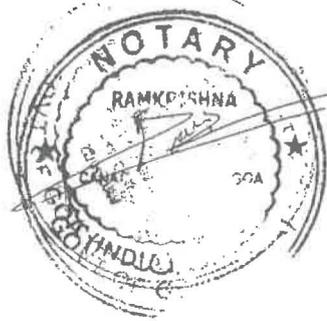
CERTIFIED TO BE TRUE COPY OF THE ORIGINAL

RAMKRISHNA KAMAT  
NOTARY  
CANACONA

STATE OF GOA  
RBC NO. 104 of 2015  
DATE 08-05-2015

INFORMATION ISSUED UNDER RTI ACT, 2005

5/6



FORM No. 4  
RECEIPT

val Original  
Rs. 2.50

Receipt Book No. 146 ..... Receipt No. 60

The V.P. Agonda

Received with thanks from Maria Fernandes

Rupees 1.00 and paise fifty of

on account of house tax of Rs. 439 for

Date 13/11/87 the year 1986-87

Reference to cash entry

Book

Page No. ....

*[Signature]*

Signature and Designation of issuing Officer

Govt. Ptg. Press, Panaji-Goa - 618/6,000 Bids. 6/1984

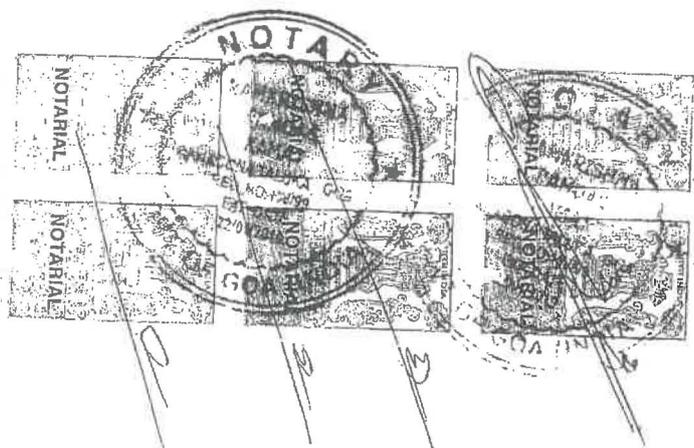
Secretary

VILLAGE PANCHAYAT AONDA  
CANARA GOA



CERTIFIED TO BE TRUE  
COPY OF THE ORIGINAL

SANKRISHNA KAMAT  
NOTARY  
STATE OF GOA, INDIA  
REG NO. 915  
DATE 27/07/2015



811

## INFORMATION ISSUED UNDER RTI ACT, 2005

4/c

100005732521



## FORM I &amp; XIV

नमुना नं १ व १४

Date : 01/09/2016

Page 1 of 1

Taluka	CANACONA	Survey No.	100
तालुका		सर्वे नंबर	
Village	Agonda	Sub Div. No.	10
गांव		हिस्ता नंबर	
Name of the Field	Val	Tenure	
शेताचे नांव		सत्ता प्रकार	

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. अर. चौ. मी.)

Dry Crop	Garden	Rice	Khajan	Ker	Morad	Total Cultivable Area
जिरायत	बागायत	तरी	खाजन	केर	मोरड	एकूण लागण क्षेत्र
0000.00.00	0000.52.50	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.52.50

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. अर. चौ. मी.)

Class (a)	Class (b)	Total Un-Cultivable Area	Grand Total	Remarks
वर्ग (अ)	वर्ग (ब)	एकूण नापिक जमीन	एकूण	शेरा
0000.01.00	0000.00.00	0000.01.00	0000.53.50	

Assessment : Rs. 0.00	Foro Rs. 0.00	Predial Rs. 0.00	Rent Rs. 0.00
आकार	फोर	प्रेदियाल	रेंट

S.No.	Name of the Occupant	Khata No.	Mutation No.	Remarks
	कब्जेदाराचे नांव	खाते नंबर	फेरफार नं	शेरा
1	Janki Devappa Dessai One			

S.No.	Name of the Tenant	Khata No.	Mutation No.	Remarks
	कुळाचे नांव	खाते नंबर	फेरफार नं	शेरा
1	-----Nil-----			

Other Rights	Mutation No.	Remarks
इतर हक्क	फेरफार नं	शेरा
Name of Person holding rights and nature of rights: -----Nil-----		
House belongs to: At No. Maria Fernandes GATE CHANGE One		

## Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year	Name of the Cultivator	Mode	Season	Name of Crop	Irrigated	Unirrigated	Land not Available for cultivation	Source of irrigation	Remarks
वर्ष	लागण करणा-याचे नांव	रीत	सौसम	पिकाचे नांव	बागायत	जिरायत	Nature	सिंचनाचा प्राि	शेरा
					Ha.Ars.Sq.Mts	Ha.Ars.Sq.Mts	प्रकार	हे. अर. चौ. मी.	
	-----Nil-----				हे. अर. चौ. मी.	हे. अर. चौ. मी.			

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.

Copy relayed on  
Copy delivered  
Fee charge  
C.A.R. Ft. No.  
Date

1/9/2016  
157  
537/50  
1/9/2016

Mamlatdar of Canacona Taluka  
Canacon

INFORMATION ISSUED UNDER RTI ACT, 2005

3/c



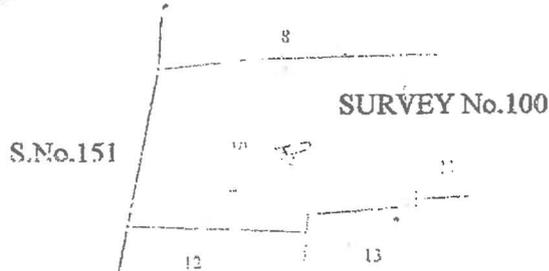
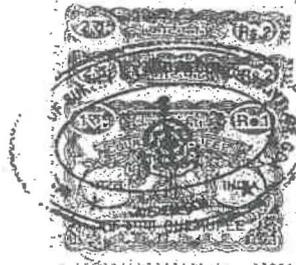
GOVERNMENT OF GOA  
Directorate of Settlement and Land Records  
Office of Inspector of Survey and Land Records  
QUEPEM-GOA



Inward No: 4056

Plan Showing plots situated at  
Village : AGONDA  
Taluka : CANACONA  
Survey No./Subdivision No. : 100/ 10.  
Scale :1:2000

*[Signature]*  
Inspector of Survey & Land Records.



*[Signature]*  
Generated By : Dinesh Naik (D,Man Gr. II.)  
On : 01-09-2016.

*[Signature]*  
Compared By: 01/09/16

813

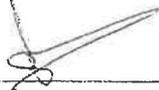


GOVERNMENT OF GOA  
Directorate of Settlement and Land Records  
Office of Inspector of Survey and Land Records  
QUEPEM-GOA



Inward No: 4056

Plan: Showing plots situated at  
Village : AGONDA  
Taluka : CANACONA  
Survey No. Subdivision No. : 100/  
Scale : 1:2000

  
Inspector of Survey & Land Records.

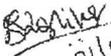


SURVEY No.100

S.No.151



  
Generated By : Dinesh Naik (D,Man Gr. II.)  
On : 01-09-2016.

  
Compared By: 01/09/16

814

INFORMATION ISSUED UNDER RTI ACT, 2005

1616

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)  
1<sup>st</sup> Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.  
Email: dir-ste.goa@ nic.in, goacoastal zone @ gmail.com.

Ref. No. GCZMA/S/16-17/70/35

Dated: 04/04/2017

To,  
Mr. Selso Fernandes  
Agonda-Canacona

**Sub:** Clearance for proposed reconstruction of house bearing H.No. 438 located in the property bearing Survey No. 100/10 at Agonda Village Canacona Taluka  
**Ref:** Your application no. nil dated 19/07/2016.

With reference to your application on the above mentioned subject, it is hereby conveyed that the Goa Coastal Zone Management Authority (GCZMA) has examined your proposal in the 144<sup>th</sup> GCZMA Meeting held on 21/03/2017 in accordance to the para 8 of the CRZ Notification 2011, as amended. Accordingly approval/clearance is hereby granted in terms of CRZ angle in terms of the CRZ Notification 2011, as ammended, to you for re-construction of the existing house bearing H.No. 438 located in Sy. No. 100/10 of Agonda Village, Canacona Taluka, as per enclosed plan thereby not exceeding existing FAR, existing plinth area and existing density, and further subject to the confirmation with local building bye laws.



Certified Copy of The Document  
Available in Office Records

This approval is subject to the compliance of following conditions: All the provisions of the CRZ Notification 2011, as amended should be strictly complied with.

1. This NOC/Approval is issued without prejudice to any other permission as required under the law including that of ownership of house, court case etc. As such, prior to the commencement of the 're-construction' work, it will be incumbent upon the applicant to obtain permission for any other authority as required under the law including from the local authority, Town and Country Planning Department, Revenue Authority etc.,
2. Traditional access/easement shall not be blocked. No construction should be carried out in the NDZ area between 0-200 mts. from the High Tide Line.
3. The structure should not be used for commercial purpose and not to be sold or transferred to the non-traditional community.
4. 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.

Yours faithfully,

(Agnel Fernandes)

Member Secretary (GCZMA)

Encl: As above

Copy to:

1. P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information.
2. The Chief Town Planner, Town & Country Planning Department, Patto, Panaji - Goa..... for information and necessary action.
3. The Deputy Collector & S.D.O. (Canacona), Canacona - Goa.... for information and necessary action.
4. The Secretary, Village Panchayat of Agonda, Canacona- Goa....for information and necessary action.

815

INFORMATION ISSUED UNDER RTI ACT, 2005

151C

Member Secretary  
G.C.Z.M.A.  
Inward No. 4952/L  
Date 14/03/17

To,  
  
GCZMA  
  
Porvorim – Goa

*Fernandes*

Ref:No.GCZMA/S/16-17/69/2372 Dated: 16/03/2017.

Sub: Clearance for proposed reconstruction Hno 438 Bearing  
Survey no 100/10 Agonda village Canacona Taluka.

Sir,

With reference with the above cited subject and decision taken by your authority in the 137<sup>th</sup> GCZMA meeting on 24<sup>th</sup> Jan 2017. I am here to submit that I am from the traditional toddy tapper community. And i am here by submitting my new plans for only the ground floor.

Kindly oblige with the matter



Selso Fernandes



Enclosed Plans 5 copies

EXTRACT OF THE MINUTES OF THE 144<sup>TH</sup> GCZMA MEETING HELD ON 21/03/2017

Case No. 4.3

Clearance for proposed reconstruction of house bearing H. No. 438 located in the property bearing Sy. No. 100/10, Agonda, Canacona Taluka by Mr. Celso Fernandes.

**Background:** The applicant has sought clearance for proposed reconstruction of house bearing H. No. 438 located in the property bearing Sy. No. 100/10, Agonda, Canacona – Goa. The applicant has submitted a copy of Certificate issued by the Village Panchayat of Agonda wherein it is stated that the said house was assessed for house tax in the name of Smt. Conceicao Fernandes since the year 1990-91 to 2000-01 and the same was transferred in the name of Selso Fernandes in the year 2001-02 and has also submitted a certified copies of house tax receipts for the year 1981-82 to 1994-95, a copy of plan issued by DSLR wherein the structure is reflected and a copy of Certificate issued by the Toddy Tapers Association stating that Mr. Selso Fernandes, S/o. Late Mr. Pedro Fernandes and Maria Fernandes belongs to the “Christian Renders” Community / Class which is recognised as OBC. The name of Applicant’s mother i.e. Maria Fernandes is reflected in the column of other rights.

**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 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 belongs to a toddy tappers community, Certificate is enclosed to the file. The applicant has a Certificate of Panchayat stating that the house tax is paid from 1991 to present. Since the Applicant belong to local community Applicant may be allowed for construction.

The said proposal was placed in the 137<sup>th</sup> GCZMA meeting held on 24/01/2017 wherein the Authority observed that the said proposal is for construction of a First floor on existing ground floor as could be seen from the plan attached to the Application. The said plot is located in the No Development Zone (NDZ) i.e. within 200m from the HTL.

As provided in para 8 III. A (ii) “No construction shall be permitted within NDZ except for repairs and reconstruction of the existing authorized structure not exceeding the Floor Space Index, existing plinth area and existing density. In case of traditional coastal communities including fisherfolks constructions and reconstructions is permissible for dwelling units between 100 to 200 m from the HTL along the seafront in accordance with



the comprehensive plan prepared by the State Government in consultation with traditional coastal communities including fisherfolks and incorporating necessary disaster management provision as recommended by State Coastal Zone Management Authority to the National Coastal Zone Management authority for approval of Ministry of Environment and Forests ”

The Authority noted that a comprehensive plan as required under para 8 III A (ii) is not yet formulated and approved by the MoEF and hence the Authority decided that the present Application for proposed construction of first floor on existing ground floor cannot be considered and the Applicant may be informed accordingly.

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

Area of the 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 Authority after detailed discussion and due deliberation and on considering the site inspection report of the then Expert members of the GCZMA, decided to approve the said proposal of reconstruction of house bearing H. No. 438 located in the property bearing Sy. No. 100/10, Agonda, Canacona – Goa in terms of the CRZ Notification, 2011, as amended.



## INFORMATION ISSUED UNDER RTI ACT, 2005

## GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)  
 1<sup>st</sup> Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.  
 Email: dir-ste.goa@nic.in, goacoastal zone @ gmail.com.

Ref. No. GCZMA/S/16-17/70/2371

Dated: 10/03/2017

To,  
 Mr. Selso Fernandes  
 Agonda-Canacona

**Sub:** Clearance for proposed reconstruction of house bearing H.No. 438 located in the property bearing Survey No. 100/10 at Agonda Village Canacona Taluka  
**Ref:** Your application no. nil dated 19/07/2016.

Certified Copy of The Document  
 Available in Office Records

Sir,

With reference to your application on the above mentioned subject, it is hereby conveyed that the Goa Coastal Zone Management Authority (GCZMA) has examined your proposal in the 137<sup>th</sup> GCZMA Meeting held on 24/01/2017. The Authority noted that a comprehensive plan as required under para 8 III A(ii) not yet formulated and approved by the Ministry of Environment and Forests and hence the Authority decided that the present application for proposed construction of first floor on existing ground floor cannot be considered.

This is for your information.



Encl: As above

Yours faithfully,

*Agnelo Fernandes*

(Agnelo Fernandes)

Member Secretary (GCZMA)

o/c

P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information

EXTRACT OF THE MINUTES OF THE 137<sup>TH</sup> GCZMA MEETING HELD ON 24/01/2017

Case No. 2.3

Clearance for proposed reconstruction of house bearing H. No. 438 located in the property bearing Sy. No. 100/10, Agonda, Canacona Taluka by Mr. Celso Fernandes.

**Background:** The applicant has sought clearance for proposed reconstruction of house bearing H. No. 438 located in the property bearing Sy. No. 100/10, Agonda, Canacona – Goa. The applicant has submitted a copy of Certificate issued by the Village Panchayat of Agonda wherein it is stated that the said house was assessed for house tax in the name of Smt. Conceicao Fernandes since the year 1990-91 to 2000-01 and the same was transferred in the name of Selso Fernandes in the year 2001-02 and has also submitted a certified copies of house tax receipts for the year 1981-82 to 1994-95, a copy of plan issued by DSLR wherein the structure is reflected and a copy of Certificate issued by the Toddy Tappers Association stating that Mr. Selso Fernandes, S/o. Late Mr. Pedro Fernandes and Maria Fernandes belongs to the “Christian Renders” Community / Class which is recognised as OBC. The name of Applicant’s mother i.e. Maria Fernandes is reflected in the column of other rights.

**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 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 paid from 1991 to present. Since the Applicant belong to



total community Applicant may be allowed for construction. The Authority observed that the said proposal is for construction of a First floor on existing ground floor as could be seen from the plan attached to the Application. The said plot is located in the No Development Zone (NDZ) i.e. within 200m from the HTL.

As provided in para 8 III. A (ii) “No construction shall be permitted within NDZ except for repairs and reconstruction of the existing authorized structure not exceeding the Floor Space Index, existing plinth area and existing density. In case of traditional coastal communities including fisherfolks constructions and reconstructions is permissible for dwelling units between 100 to 200 m from the HTL along the seafront in accordance with the comprehensive plan prepared by the State Government in consultation with traditional coastal communities including fisherfolks and incorporating necessary disaster management provision as recommended by State Coastal Zone Management Authority to the National Coastal Zone Management authority for approval of Ministry of Environment and Forests ”

**Decision:** The Authority noted that a comprehensive plan as required under para 8 III A (ii) not yet formulated and approved by the MoEF and hence the Authority decided that the present

INFORMATION ISSUED UNDER RTI ACT, 2005

10/c

Application for proposed construction of first floor on existing ground floor cannot be considered and the Applicant may be informed accordingly.



821

INFORMATION ISSUED UNDER RTI ACT, 2005

9/c

SITE INSPECTION REPORT

1. Date & time of inspection:
2. Name of the project: Noc for proposed reconstruction of Existing house
3. Location:  
 Survey No. 100/10 Village: Agonda Taluka: Canara  
 Chalta No. \_\_\_\_\_ P.T.S. No: \_\_\_\_\_ Town: \_\_\_\_\_
4. Detailed description of status of adjoining properties:  
Residential / Vacant.
5. Existing Land Use: Residential house
6. Accessibility: Yes.
7. Topography:  
 Type of soil: Sandy, Rocky, Clay, Lateritic etc.  
 Topography: Plain, Undulating, Gently sloping, Cliff etc.  
 Existence of Sand dunes: Yes/No  
 If Yes, Number of dunes in the property: \_\_\_\_\_  
 Height of the dunes: NA  
 Slope: \_\_\_\_\_  
 Whether the dunes are virgin or tampered: Yes/No  
 If Yes, give details \_\_\_\_\_  
NA  
 Whether any lagoons, backwaters, or other water bodies exist in the plot.  
NA  
 (The location of sand dunes and water bodies should be marked on the site plan)  
NA
8. Vegetation:  
 Pioneer vegetation like bushes, creepers and grasses: \_\_\_\_\_  
 Secondary vegetation like coconut, casuarina or other trees: \_\_\_\_\_  
 Mangroves: No  
 Any other vegetation or trees:  
ornamental trees.
9. Distance of seaward boundary from river/sea High Tide Line:  
within 20m of H.T.L



822

10. Existing structures within the plot: *old house*

11. Whether any proposed work has been carried out at the site: (a brief description of the type and extent of the work carries out)  
*No*

12. Whether any traditional access through the plot exists:  
*No*

13. \* Any other information about the site that is relevant to the environment:

- (1) The house is shown on D.S.L.R plan.
  - (2) The name of applicant <sup>mother</sup> reflect on form I & IX.
  - (3) The applicant belong to a toddy tapper community. Certificate is enclosed to the file.
- Dated:  
Place:

Signature, Name and Designation

(1) The applicant has a certificate of purchase stating that the house tax is paid from 1980-1981 till 31/6/2016 regularly.

(5) Since the applicant belong to ~~the~~ <sup>local</sup> community applicant may be allowed <sup>for</sup> construction.

(6) Authority may decide.

*R. M. Shumra*



823

7/c

Member Secretary  
C.C.Z.M.A.  
Invt. No. 1710/F  
Date 19/07/16

Application format for proposed  
Projects/Constructions/Repairs in CRZ

From: (Name and full postal address of the owner)  
Eelso Fernandes  
Agenda - Goa

To:  
The Member Secretary,  
Goa Coastal Zone Management Authority,  
Dempo Tower, 3rd Floor,  
Panaji, Panaji-Goa.

Subject: NOC for proposed reconstruction of existing house  
Sir,

I intend to carry out the under-mentioned development in the plot of land under Survey  
no 100/10 (Challan No. \_\_\_\_\_ P.T. Sheet No. \_\_\_\_\_) of Agenda Village/Town  
Comatong Taluka, in accordance with the Coastal Regulation Zone (CRZ) Notification dated  
19<sup>th</sup> February 1991 and 6<sup>th</sup> January 2011 as amended subsequently

(Please give particulars of the proposed development)

I am enclosing herewith the following documents.

1. Ownership documents.
2. Form I & XIV.
3. Certified copy of Survey Plan issued by Directorate of Settlements & Land Records.  
(Showing 200 meter to 500 meter line compulsory)
4. Site Plan showing the existing and proposed developments (duly coloured as per colour  
code) countersigned by the Owner and Architect/Engineer/Town Planner registered with  
respective associations.
5. One copy of the detailed plans of the proposed developments countersigned by the  
Architect/Engineer/Town Planner registered with their respective  
associations.
6. Contour Plan of the plot with 50 cm. Counter interval (Not applicable in case of re-  
construction and repair)
7. CRZ Clearances questionnaire duly completed (Form "A")
8. Environmental Impact Assessment (EIA) Report (Not applicable for compound walls, re-  
construction, repair and single dwelling units).
9. Existing and proposed vegetation plan (Not applicable for compound walls, re-  
construction and repair).
10. Photographs of the property from all sides showing the existing landscape, structure etc
11. This NOC will be issued subsequent to the payment of fees by the applicant of  
Rs. 2000 vide D.D. No. 734938 dated     /     / 2016. In favour of  
Goa Coastal Zone Management Authority payable at Panjim.



I request that the clearance for the proposed development in the CRZ may be  
accorded.

Date: 07/12/16

Signature of the Owner



REGISTRATION  
GOA, 400001  
Phone No: 271 043

6/6

Ref.

AGTTA/96/10/1208

**CERTIFICATE**

This is to certify that Mr. Sello A. P. Fernandes son of late Mr. Pedro A. Fernandes and late Mrs. Maria F. Fernandes Resident of HNo. 439, Ward Val, Village Agonda, Taluka of Canacona, Sub Division South Goa District, in the State of Goa Belongs to the "CHRISTIAN RENDERS" COMMUNITY/CLASS Which is recognized as OTHER BACKWARD CLASS for the State of Goa vide Govt. Notification no. 13/13/2003-SWD/1740 dtd 22.6.2009.



for ALL GOA TODDY TAPPERS' ASSOCIATION

*[Signature]*  
PRESIDENT

MARGAO-GOA.  
6<sup>th</sup> July, 2010.



825

INFORMATION ISSUED UNDER RTI ACT, 2005

S/K



Ph. No. : 2647357

**OFFICE OF THE VILLAGE PANCHAYAT**

Agonda - Canacona - S. Goa

**ग्राम पंचायत आगोंदा**

काणकोण - गोंदा

Ref. No. : VPA/CAN/ 2016-17/1011

Date: 14/9/16

**CERTIFICATE**

This is to certify that the Premises No. 438 situated at Val Agonda was registered in the name of Smt. Conceicao Fernandes from the year 1990-91 to 2000-01 and from the year 2001-02, to till date the said house has been transferred in the name of Shri Selso A. P. Fernandes as per Panchayat Assessment Register and he is paying said house tax regularly till date in the name of Shri Selso A. P. Fernandes.

This certificate has been issued at the request of applicant Shri Selso A.P. Fernandes in order to produce the same before CRZ authority.



*Selso*  
**SARPANCH**  
VILLAGE PANCHAYAT  
AGONDA, CANACONA, GOA

INFORMATION ISSUED UNDER RTI ACT, 2003

9/c



A TRUE COPY

Val- A from

Form No. 4  
**RECEIPT**



Receipt Book No. 228

The Village Panchayat V. P. Agonda

Received with thanks from Conceicao FERNANDES

Rupees ( 35/- ) (Rupees Thirty five)

on account of House tax of house no 438 for the

Date 8-10-99

Year 1981-82 to 94-95

Reference to cash entry

Book \_\_\_\_\_

Page No. \_\_\_\_\_

Signature and Designation of  
[Signature]  
Issuing Officer



The seal of the fund shall be affixed to each Receipt before it is issued.  
The carbon copy shall be retained and the original issued.



IDENTIFIED TO BE TRUE COPY OF THE ORIGINAL  
[Signature]  
RAMKRISHNA RAMDAS KANAT  
NOTARY PUBLIC  
C.A. TALUKA  
GOA  
STATE OF GOA (INDIA)  
REG. NO. 13493  
DATE - 06-05-2015

827

3/c



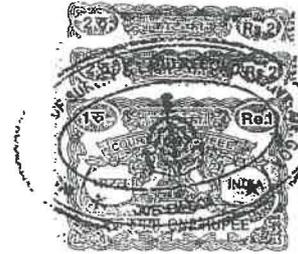
GOVERNMENT OF GOA  
Directorate of Settlement and Land Records  
Office of Inspector of Survey and Land Records  
QUEPEM-GOA

Inward No: 4056

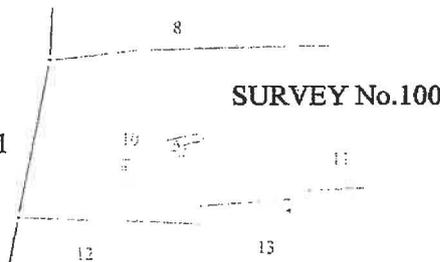


Plan Showing plots situated at  
Village : AGONDA  
Taluka : CANACONA  
Survey No./Subdivision No. : 100/ 10.  
Scale :1:2000

*[Signature]*  
Inspector of Survey & Land Records.



S.No.151



## INFORMATION ISSUED UNDER RTI ACT, 2005



100005732521

## FORM I &amp; XIV

Date : 01/09/2016

नमुना नं १ व १४

Page 1 of 1

Taluka CANACONA

तालुका

Village Agonda

गांव

Name of the Field Val

शेताचे नांव

Survey No. 100

सर्वे नंबर

Sub Div. No. 10

हिस्सा नंबर

Tenure

सत्ता प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

Dry Crop जिरायत	Garden वागायत	Rice हरी	Khajan खाजन	Ker केर	Morad मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.52.50	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.52.50

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जमीन	Grand Total एकूण
0000.01.00	0000.00.00	0000.01.00	0000.53.50

Remarks शेरा

Assessment आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रेदियाल	Rs. 0.00	Rent रेंट	Rs. 0.00
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S.No.	Name of the Occupant कब्जेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Janki Devappa Dessai One			

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Nil			

Other Rights इतर हक्क	Mutation No. फेरफार नं	Remarks शेरा
Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार		
House belongs to: M. Maria Fernandes		

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील										
Year	Name of the Cultivator लागण करणा-याचे नांव	Mode रीत	Season मौसम	Name of Crop पिकाचे नांव	Irrigated वागायत Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Unirrigated जिरायत Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Land not Available for cultivation गापिक जमीन		Source of Irrigation सिंचनाचा प्रारि	Remarks शेरा
							Nature प्रकार	Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी.		
	Nil									

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.

Stamp  
157  
537/150  
1/9/2016

Mamlatdar of Canacona Taluka  
Canncon

de  
True Copy

EXHIBIT A-4

From

Adv Jayant Karn

5<sup>th</sup> floor, Satt Adhar Chambers

Patto Panaji Goa

9284472599

23.05.2023

To

The Public Information Officer

Village Panchayat of Agonda

Agonda Canacona Goa

Sub: Information under RTI Act, 2005

Sir/Ma'am

Be pleased to provide me with the following information:

1. In whose name is the House Tax registered for the house bearing H. No. 438 and 439 in the village of Agonda?
2. Whether any permissions/licenses/ NOC have been issued or applied for with respect to the construction/reconstruction/repair in the property bearing survey no. 100/10 of Agonda village?
3. Kindly inform whether has Mr. Selso Fernandes and/or Ms. Concecao Fernades have obtained any

*ds*  
True Copy

- license for carrying out construction/reconstruction/repair in the survey no. 100/10 of Agonda Village for the house bearing H. No. 438 and 439. If any such license/permission is granted, kindly furnish a copy of the said license/permission.
4. Copy of technical clearance by Department of Town and Country Planning, if any, furnished by Mr. Selso Fernandes and/or Ms. Concecao Fernades or any other person to the Village Panchayat of Agonda in connection with the House bearing No. 438 and 439 in village Agonda.
  5. Copy of any NOC from the Health Department, if any, furnished by Mr. Selso Fernandes and/or Ms. Concecao Fernades or any other person to the Village Panchayat of Agonda in connection with the House bearing No. 438 and 439 in village Agonda?
  6. Copy of plans, if any, submitted by Mr. Selso Fernandes and/or Ms. Concecao Fernades or any other person for approval to the Village Panchayat of Agonda in connection with said construction. i.e. House bearing No. 438 and 439.

7. Documents submitted by Mr. Selso Fernandes for availing any permission/license with respect to any structures in Survey No. 100/10 of Village Agonda.
8. Whether Mr. Selso Fernandes, M/s. Dream Discovery has been permitted to carry out any commercial activity in any structures in Survey No. 100/10 of Village Agonda?

The information referred to above may be given on urgent basis as the same is required to be produced in Court.

I shall pay the necessary charges as and when called upon to do so. I am an Indian citizen, and permanent resident of Panaji Goa.

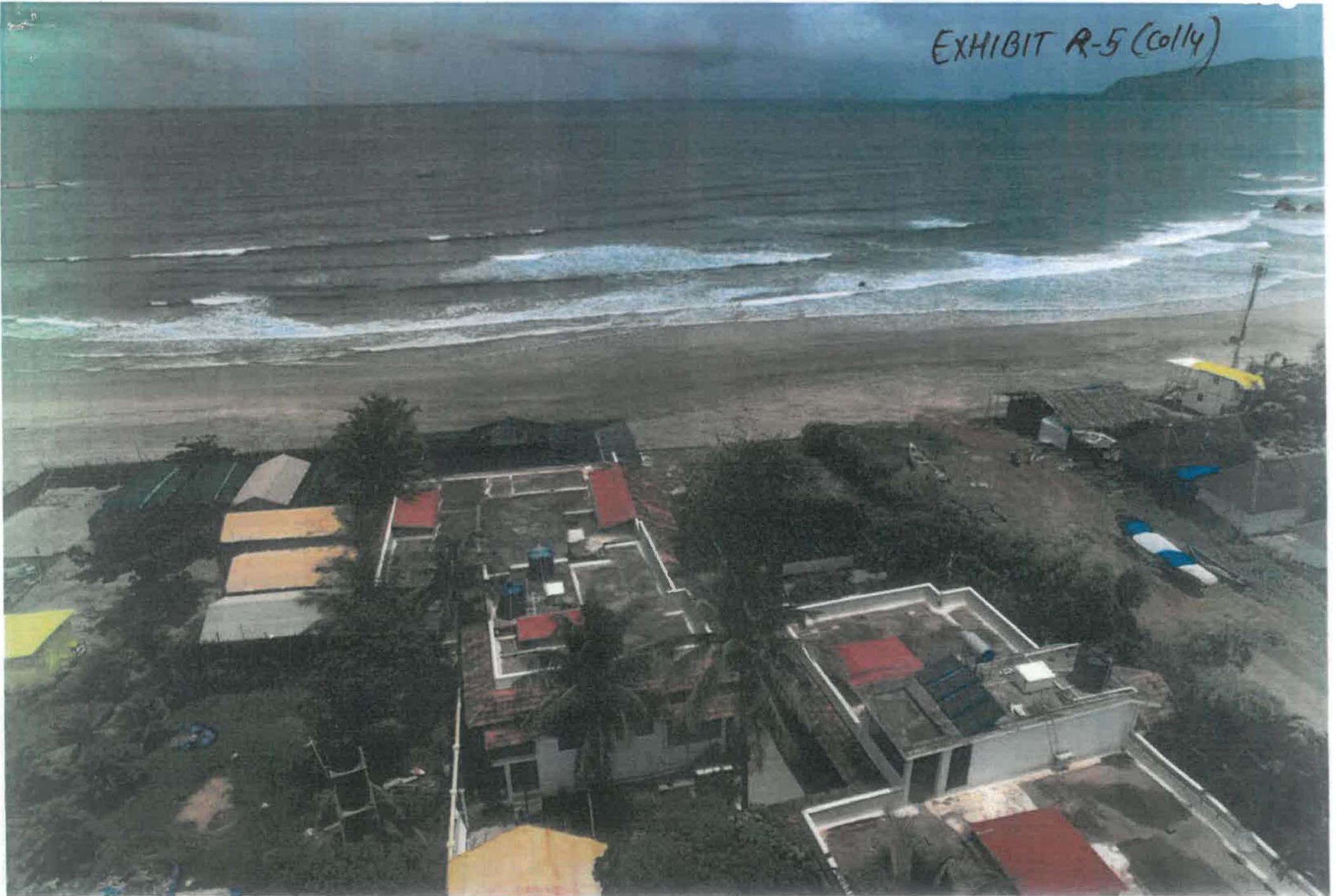
Thanking you

Yours faithfully

True Copy

832

EXHIBIT R-5 (colly)



True <sup>der</sup> Copy

833



834



835



836



837



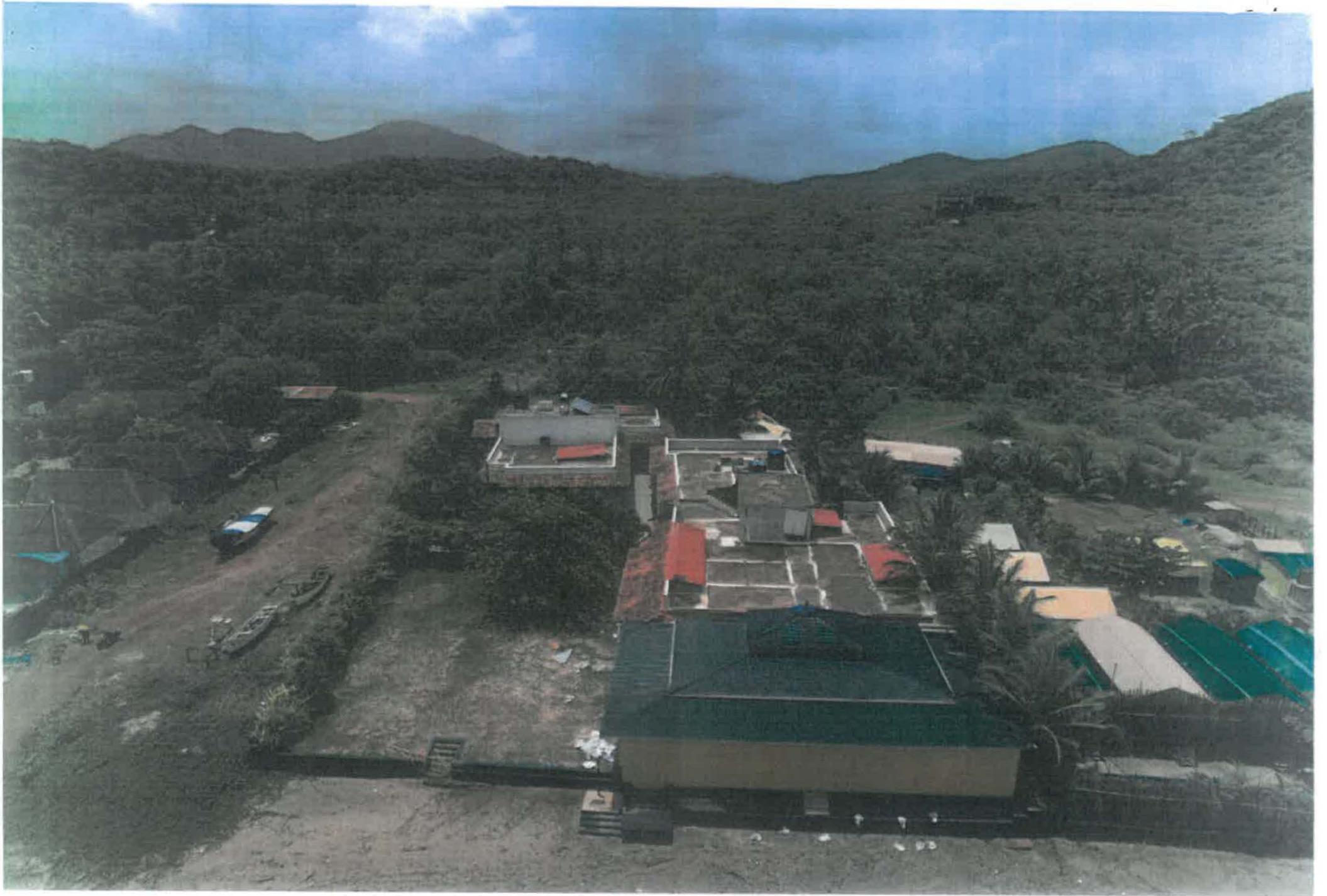




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841



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True Copy