

**BEFORE THE NATIONAL GREEN TRIBUNAL****WESTERN ZONE BENCH PUNE**

ORIGINAL APPLICATION No: 42 of 2023(WZ)

**IN THE MATTER OF:**

OSWALD FERNANDES &amp; ANR.

ORIGINAL APPLICANTS

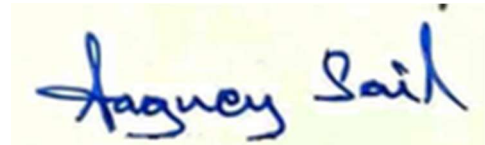
V/s.

GOA COASTAL ZONE MANAGEMENT AUTHORITY &amp; ORS. ...RESPONDENTS

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NEXT DATE: 17.04.2026

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ORIGINAL APPLICANTS  
THROUGH


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Filed on: 16.04.2026

Place: Goa

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WESTERN ZONE BENCH, PUNE**

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...ORIGINAL APPLICANTS

V/s.

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ORS.

...RESPONDENTS

**REJOINDER OF ORIGINAL APPLICANTS TO REPLY OF  
RESPONDENT NO. 3 NATIONAL CENTRE FOR SUSTAINABLE  
COASTAL MANAGEMENT (NCSCM).**

**MOST RESPECTFULLY SHOWETH:**

1. That the present rejoinder of the Original Applicants is filed to the Counter Affidavit dated nil of March, 2026 of the National Centre for Sustainable Coastal Management - NCSCM i.e. the Respondent No. 3 ('reply of R3' for short). At the outset the facts and averments in the said reply of R3 which are inconsistent with the pleadings of the Original Application are denied. It is stated that rejoinder is not being filed for each and every statement and averment made by R3 and nothing may be deemed to be admitted unless the same is specifically admitted herein, but should be treated as though the same has been set out seriatim and denied and disputed specifically.

**PRELIMINARY SUBMISSIONS IN REJOINDER TO N.C.S.C.M.****REPLY AFFIDAVIT DATED NIL/03/2026:**

2. The Applicants submit the following points as preliminary submissions in rejoinder to the NCSCM reply affidavit dated nil/03/2026:

(a) The NCSCM has miserably failed to submit any reasoning, justification, deliberations conducted by itself on why the areas identified as Khazan Lands and Sand Dunes in Cavelossim village by the WRD ground truthing were deleted from the Final approval CZMP (2011) Maps. In fact in para 13 of its reply, NCSCM has indirectly admitted to deletion of the said Khazan lands without any scientific reasoning by suggesting that the same can now be incorporated in the CZMP.

(b) The above fact assumes significance because –

**Firstly**, GCZMA in its reply have admitted that all objections / suggestions received to the draft CZMP 2011 of Goa were forwarded to NCSCM for assessment who have prepared the final CZMP 2011 after considering the suggestions / recommendations. (*Refer Pg. 340, para 7*)

**Secondly**, MoEF&CC in its reply has shown that individual responses to the queries (i.e. suggestions / objections received to the draft CZMP 2011 of Goa) were addressed in detailed reports by NCSCM (*Refer table at internal Pg. 79 of MoEFCC reply*).

**Thirdly**, in MoEF&CC reply it is shown that WRD, Goa officials had visited NCSCM Chennai during November, 2021 and verified / corrected the Khazan Lands and CZMP was also modified accordingly (*Refer S. No. 5 of Table in paragraph no. 5 at internal Pg. 80-82 of MoEF&CC reply*).

**Fourthly**, in MoEF&CC reply it is shown that NCSCM has given individual responses to queries in a detailed report after detailed scrutiny / verification of the suggestions/objections related to Sand dunes to the draft CZMP 2011. (*Refer S. No. 4 of Table in paragraph no. 5 at internal Pg. 80-82 of MoEF&CC reply*).

- (c) Hence, NCSCM should be directed to bring on record before this Hon'ble Tribunal the detailed reports (as mentioned above w.r.t. deletion of khazan lands and sand dunes of Cavelossim village, Salcete Taluka) prepared by it containing individual responses to the queries i.e. suggestions / objections (pertaining to Khazan lands and Sand Dunes) received to the draft CZMP 2011 of Goa. These reports will assist this Hon'ble Tribunal in adjudication of the issues raised in the present O.A.

3. REJOINDER TO PARA 1, 2 & 3 OF REPLY: That the contents of these three paragraphs are a matter of record and need no response from the Applicants.

4. REJOINDER TO PARA 4 OF THE REPLY: That the contents of this paragraph are denied as being incorrect and the contentions of



paragraph nos. 5, 6, 8, 9, 10, 11, 16, 21 and the grounds of the Original Application which highlight deletion of khazan lands and sand dunes from the final approved CZMP of Goa are directly linked the NCSCM which prepared the draft CZMP of Goa and finalized the same.

5. REJOINDER TO PARAGRAH NOS. 5 TO 12 OF THE REPLY: The contents of these paragraphs are vehemently denied by the Applicants as not even remotely related to the issues raised in the present Original Application which are deletion of khazan lands and sand dunes of Cavelossim Village from the final approved CZMP of Goa prepared under the CRZ notification, 2011. It is pertinent to mention that NCSCM has only explained in these paragraphs no. 5 to 12 the events that have taken place for preparing the CZMP of Goa under the CRZ Notification, 2019. Moreover, NCSCM has in paragraph no. 12 of their reply suggested that modifications proposed by Applicants in the present Original Application can be incorporated in the CZMP, 2019 of Goa which speaks of the sheer ignorance of the issues raised herein. The contentions raised in the preliminary submissions in paragraph no. 2 of the present rejoinder are reiterated herein in response.

6. REJOINDER TO PARA 13 OF THE REPLY: The contentions of this paragraph are denied as being based on wrong appreciation of the issues raised in the present O.A. It is submitted that the primary issue raised in the present O.A. i.e. "WHY were the khazan lands

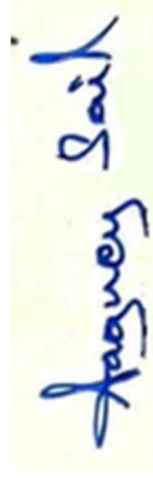
as mentioned in the O.A. (paras 5) identified in the draft CZMP 2011 of Goa deleted from the final CZMP 2011 of Goa prepared by NCSCM?" Instead of giving an explanation / reasoning for deletion of the said Khazan Lands and Sand dunes NCSCM is suggesting that the Water Resources Department (WRD), Goa may provide the Khazan land data for inclusion in the CZMP 2019. This amounts to an indirect admission on the part of NCSCM that the said khazan lands were deleted without any scientific reasoning and should now be included in the CZMP. In this regard it is pertinent to mention that WRD, Goa had done the ground truthing for identifying the Khazan lands and had prepared the Map Sheet Nos. 11, 13 & 14 for Cavelossim Village which are hereto marked and annexed as **ANNEXURE – D.**

7. REJOINDER TO PARA 14 OF THE REPLY: That the contents of this paragraph are relevant but it is submitted that before modification / rectification of the CZMP 2011 maps there has to be adjudication on the main issue raised i.e. on what reasoning were the said khazan lands and sand dunes deleted from the final CZMP 2011 maps prepared by NCSCM.

8. REJOINDER TO PARAs 15 & 16 OF THE REPLY: The contents of these paragraphs are formal and need no response. The contents of these paragraphs are denied considering the abovementioned rejoinder and the prayers sought in the present O.A. are reiterated which may be granted by this Hon'ble Tribunal. It is submitted that

considering the above-mentioned paragraphs NCSCM should be directed to bring on record before this Hon'ble Tribunal the detailed reports (as mentioned above w.r.t. deletion of khazan lands and sand dunes of Cavelossim village, Salcete Taluka) prepared by it containing individual responses to the queries i.e. suggestions / objections (pertaining to Khazan lands and Sand Dunes) received to the draft CZMP 2011 of Goa. These reports will assist this Hon'ble Tribunal in adjudication of the issues raised in the present O.A.

ORIGINAL APPLICANTS  
THROUGH

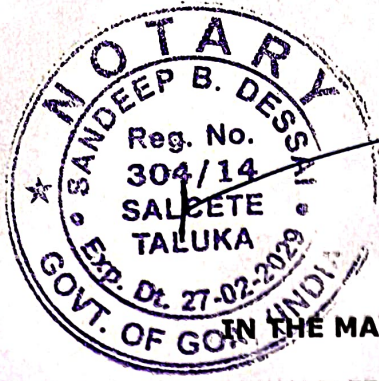
A handwritten signature in blue ink on a yellow background, reading "Aagney Sail".

AAGNEY SAIL  
ADVOCATE FOR THE ORIGINAL APPLICANTS,  
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Bilaspur, Chhattisgarh – 495003.  
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Email: aagneysail@gmail.com

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Place: Goa





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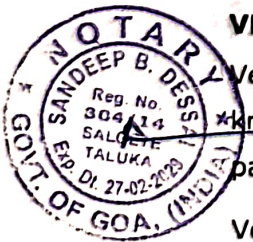
**AFFIDAVIT**

I, Mr. Oswald Fernandes, aged about 47 years, S/o Mr. Caetano Fernandes, R/o H. No. 1141, Muxivaddo, Curtorim, Salcete Goa - 403709 do hereby solemnly state and affirm that:

1. That I am the Original Applicant No. 1 in the above-mentioned Original Application and I am aware of the facts of the present case and authorized to file on behalf of Applicant No. 2. As such am competent to swear this affidavit.
2. That I have read and understood the accompanying rejoinder to NCSCM counter affidavit which has been drafted on my instructions and the contents of which are true & correct to my knowledge and legal advice which I believe to be true and have been read and explained to me.
3. That the Annexures to this rejoinder are true and correct copies of their respective originals.

*[Signature]*  
**DEPONENT**

**VERIFICATION:**



Verified that the contents of paras 1 to 3 of my above affidavit are true to my knowledge and its content is read and explained to me in the vernacular, no part of it is false and nothing material has been concealed therefrom.

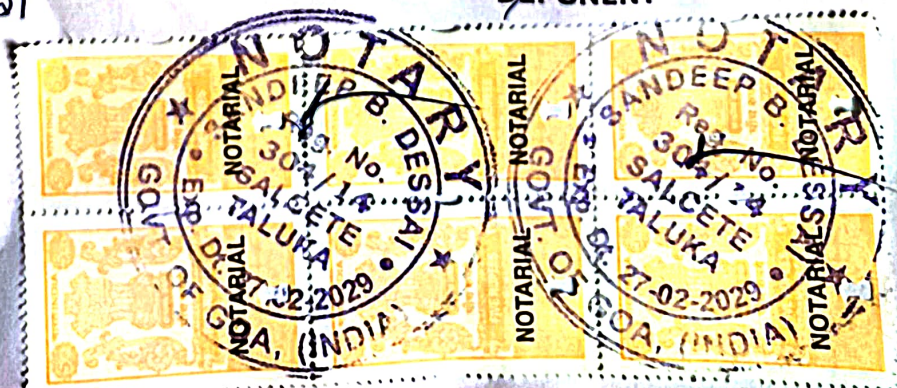
Verified on 15<sup>th</sup> day of April, 2026 at Margao, Goa.

Solemnly affirmed before me by  
Shr/Smt. Oswald Sydney fernandes  
Who is identified before me by  
Shr/Smt. D: L No: GA08 19990075401  
On this 15<sup>th</sup> day of April 2026

*[Signature]*  
**DEPONENT**

*[Signature]*  
**SANDEEP B. DESSAI**  
NOTARY  
SALCETE TALUKA  
State of Goa (India)

Reg. No: 4929/2026  
Date: 15/04/2026



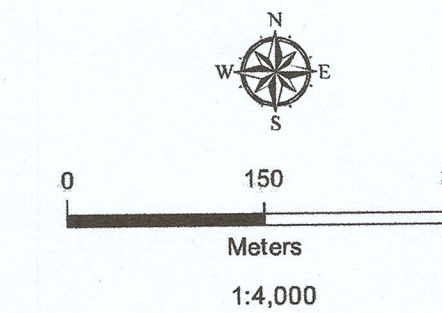
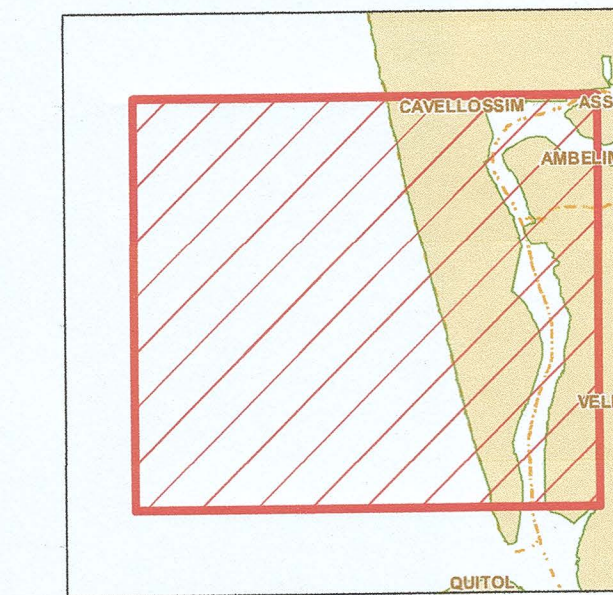
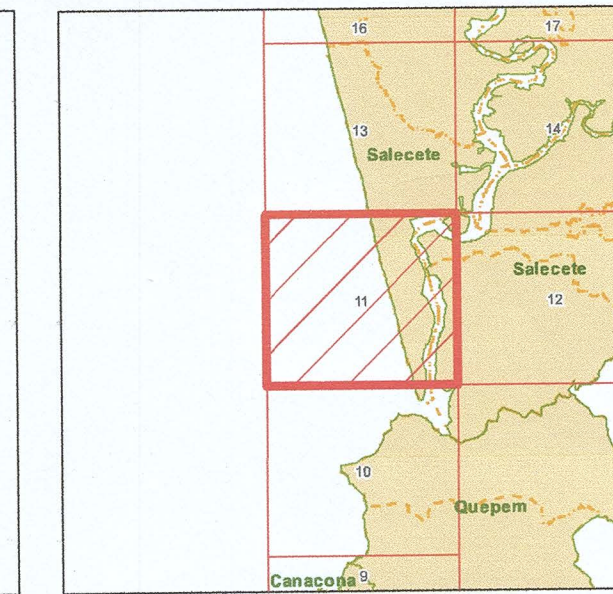
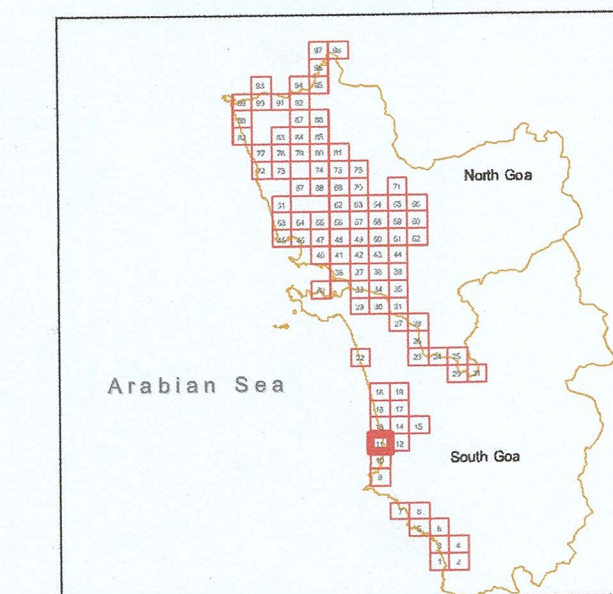




MAP NO: 11

GOA STATE

Projection : UTM Datum : WGS 1984



It is certified that the ground truthing of the Marginal bunds, sluice gates and the defended Khazan lands was carried out by the Water Resources Department, along with the Members of Bio Diversity, Surveyors of DSLR, Soil Conservation Engineers of the Agriculture department, Forest officials.

It is further certified that the ground truthing is carried with details enumerated on the Toposheets published by the Survey of India in the year 1964, Cadastral village maps published by the land survey department in the year 1972-76. The Khazan land, bunds sluice gates mapped by the village Panchayat were also used utilised for identification and ground truthing.

Thus, the Bunds/Sluice gates and Khazan Lands shown in this map are verified and it is certified that the Bunds and Sluice gates shown in this map exist now and were constructed in the past, prior to the date of notification issued vide S. O. 114(E) dated 19th February 1991 to the best of our knowledge and ability.

**Legend**

- Sluice Gate Prior to 1991
- Bund Prior to 1991
- ▨ Khazan land
- Survey Plots
- ▭ Village Boundary
- ▭ Taluk Boundary

*Certified & Verified by*

Gangesh V. Dalgaonkar (J.E.)  
 Pathric Fernandes (J.E.)  
 Sainath Jankhande (A.E.)  
 Ankuh Gaonkar (E.E.)

ASSISTANT ENGINEER  
 Sub Division-1  
 Works Division-II, W.R.D.  
 Salcete Brigade Complex,  
 Aquem-Balso, Rawantong  
 Salcete-Goa 403 707

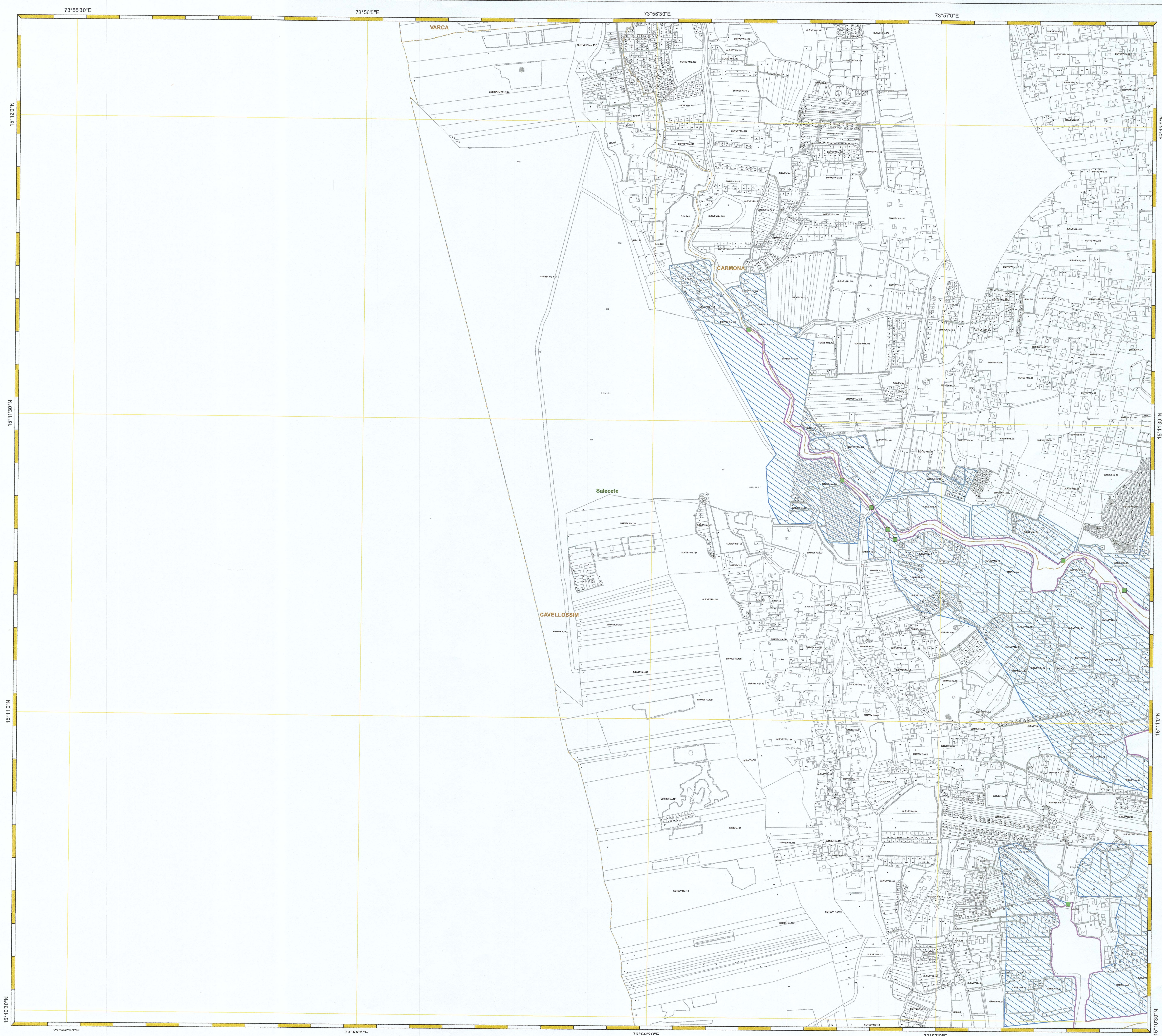
EXECUTIVE ENGINEER  
 W. D. H. W. R. D. Aquem Balso,  
 Rawantong Salcete - Goa

*Prepared By*

Department of Water Resources  
 Government of Goa

Superintending Engineer  
 M.I. Circle-I WRD, Govt. of Goa  
 2 Sinchai Bhawan  
 Alto-Porvorim, Bardez-Goa

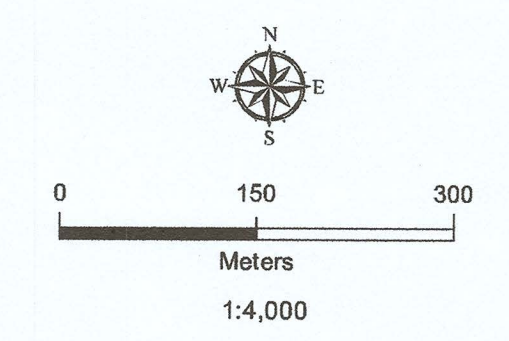
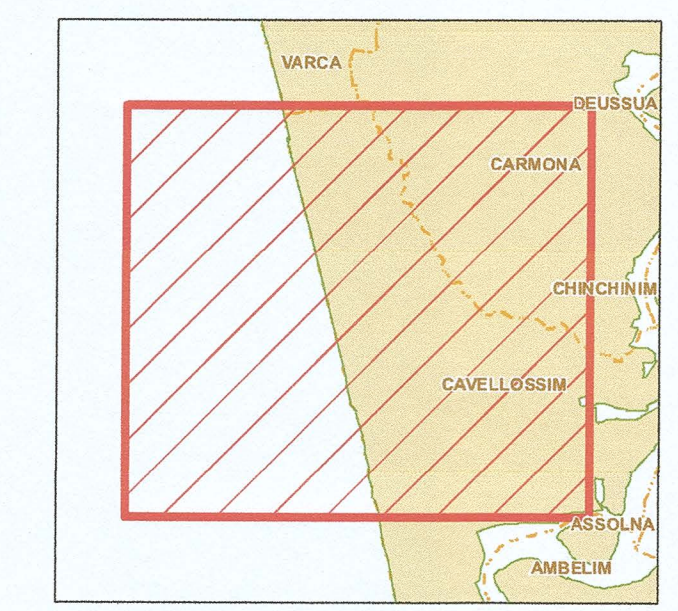
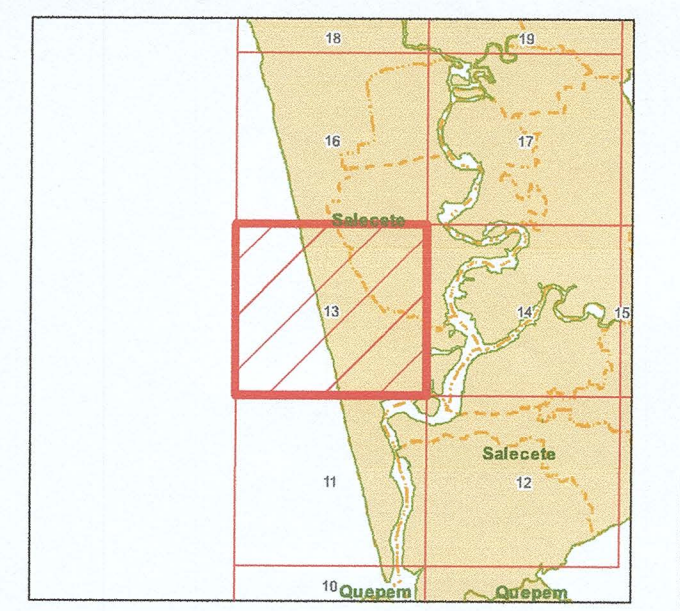
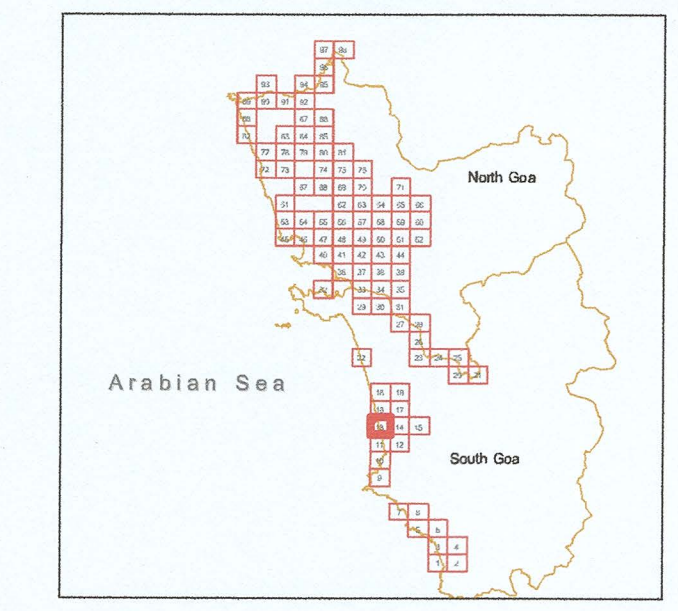




MAP NO: 13

GOA STATE

Projection :- UTM Datum :- WGS 1984



It is certified that the ground truthing of the Marginal bunds, sluice gates and the defended Khazan lands was carried out by the Water Resources Department, along with the Members of Bio Diversity, Surveyors of DSLR, Soil Conservation Engineers of the Agriculture department, Forest officials.

It is further certified that the ground truthing is carried with details enumerated on the Toposheets published by the Survey of India in the year 1964, Cadastral village maps published by the land survey department in the year 1972-76. The Khazan land, bunds sluice gates mapped by the village Panchayat were also used utilised for identification and ground truthing.

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**Legend**

- Sluice Gate Prior to 1991
- Bund Prior to 1991
- ▨ Khazan land
- Survey Plots
- ▭ Village Boundary
- ▭ Taluk Boundary

Certified & Verified by

Patrick Fernandes (J.E.)  
 Gangeesh V. Jalgaonkar (J.E.)  
 Sameeth Jamkhani (A.E.)  
 Anvosh Goonkar (E.E.)

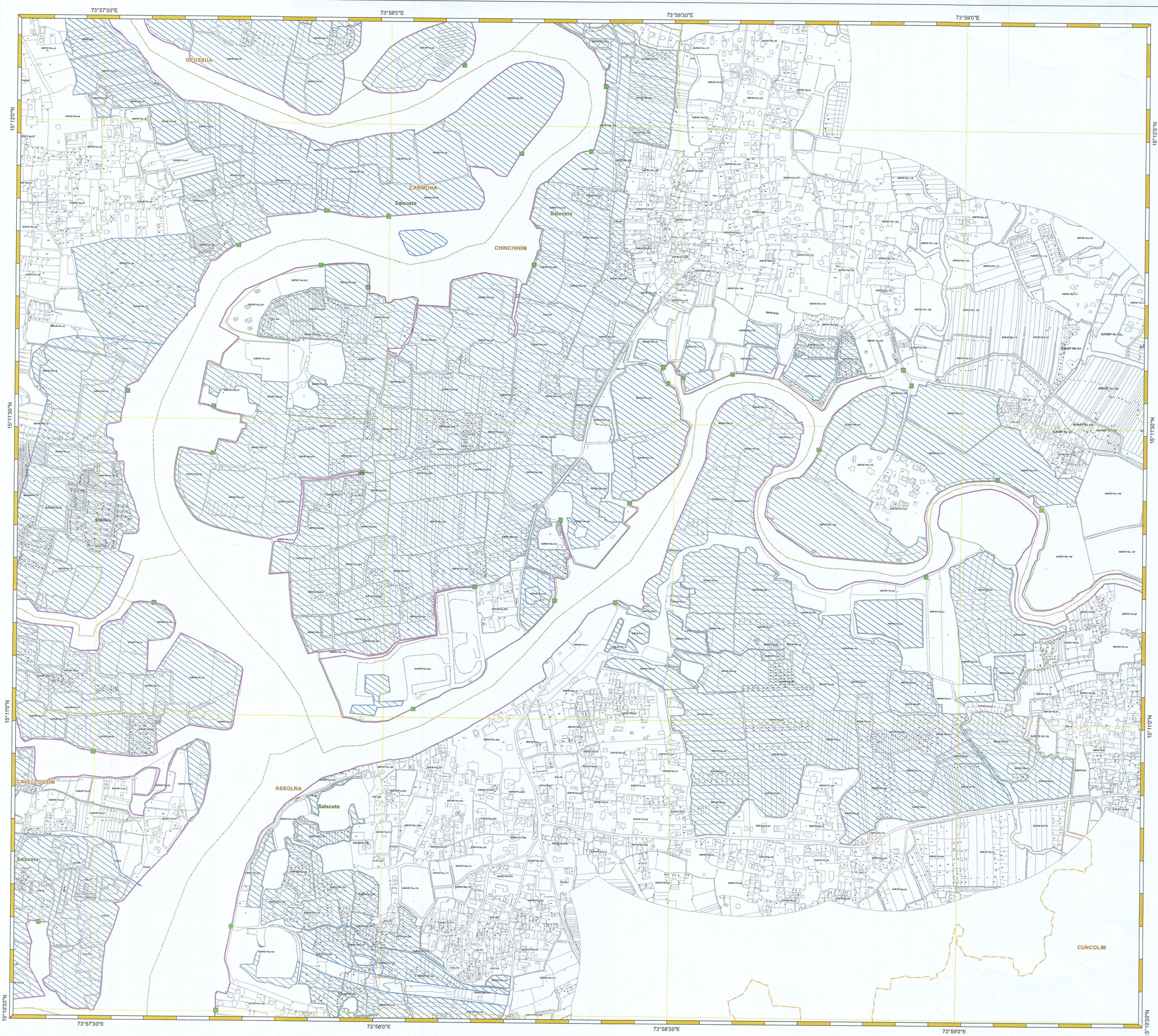
ASSISTANT ENGINEER  
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 Water Irrigation  
 Saldem-Baixa, P.  
 Salcete-Goa

EXECUTIVE ENGINEER  
 W. D. H. W. R. D. Aquem Baiku,  
 Saldem, Salcete - Goa

Prepared By

Department of Water Resources  
 Superintending Engineer  
 M.I. Circle-I WRD, Govt. of Goa  
 Sinchai Bhawan  
 Alto-Porvorim, Bardez-Goa

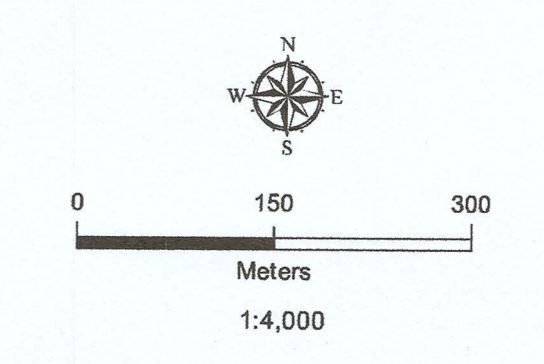
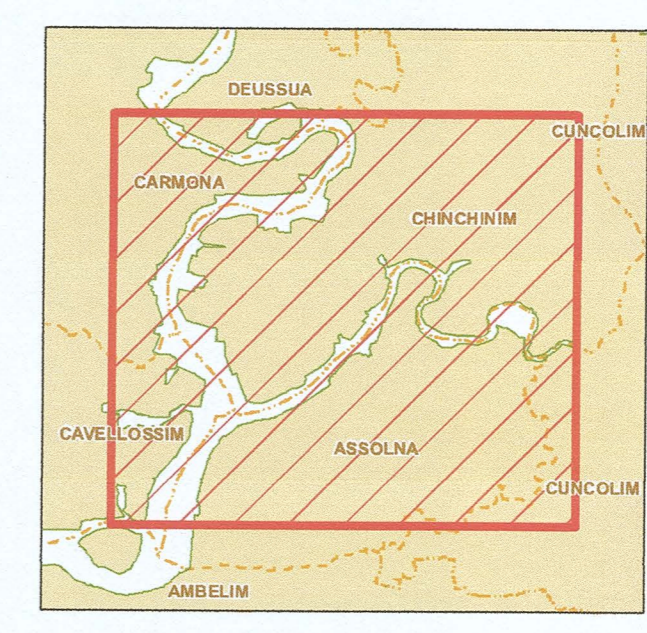
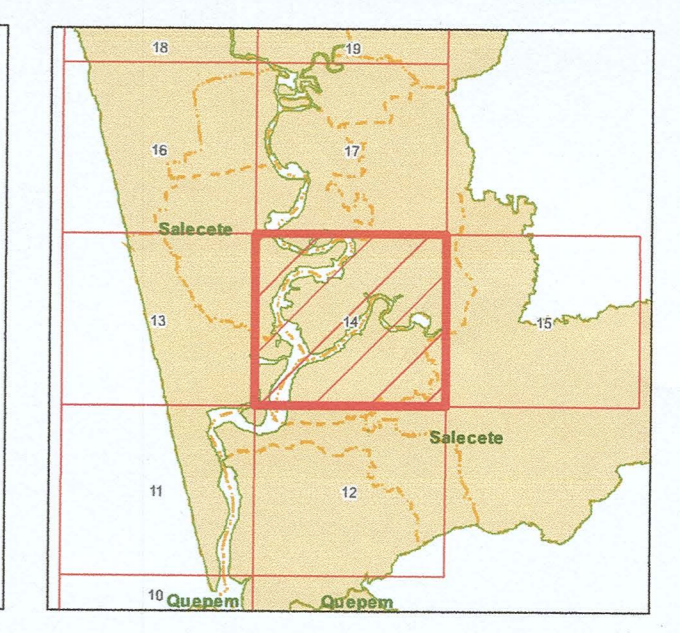
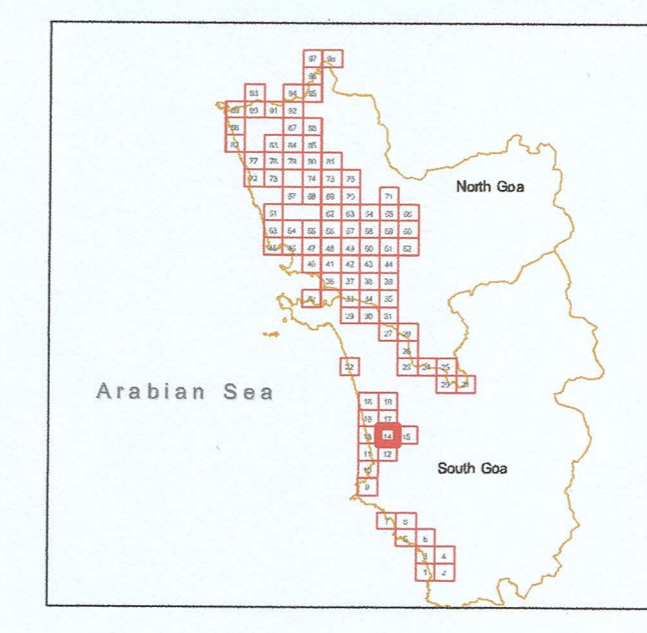




MAP NO: 14

GOA STATE

Projection :- UTM Datum :- WGS 1984



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It is further certified that the ground truthing is carried with details enumerated on the Toposheets published by the Survey of India in the year 1964, Cadastral village maps published by the land survey department in the year 1972-76. The Khazan land, bunds sluice gates mapped by the village Panchayat were also used utilised for identification and ground truthing.

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**Legend**

Sluice Gate Prior to 1991	Survey Plots
Bund Prior to 1991	Village Boundary
Khazan land	Taluk Boundary

*Certified & Verified by*

Patrick Fernandes (J.E.)

Gongesh V. Solgaonkar (J.E.)

Saibaba Jankhade (A.E.)

Ankush Gaurkar (E.E.)

**ASSISTANT ENGINEER**  
Sub Division-I,  
Office Division-II, W.R.D.  
Alto Porvorim, Bardez Comm.,  
Aquim-Baixo, Rev.  
Salcete-Goa

**EXECUTIVE ENGINEER**  
W. R. D. Bardez, Salcete  
Bavelim, Salcete Taluk

*Prepared By*

**Department of Water Resources**  
Government of Goa

**Superintending Engineer**  
M.L. Circle-1 WRD, Govt. of Goa  
2 Sinchai Bhawan  
Alto-Porvorim, Bardez-Goa

**TRUE COPY**





812

Aagney Sail &lt;aagneysail@gmail.com&gt;

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**Rejoinder to NCSCM Reply - O.A. No. 42/2023(WZ) - Next date 17.04.2026**

1 message

**Aagney Sail** <aagneysail@gmail.com>

Thu, Apr 16, 2026 at 9:39 PM

To: Supriya Dangare <dangaresupriya@gmail.com>, gczma gczma <goacoastalzone@gmail.com>, ShivshankarSwaminathan <shivshankar.swaminathan@yutilaw.com>, Shankar Swaminathan <shankar@chambers.net.in>, PushkalMishra <pushkalm6@gmail.com>, Jatin Ramaiya <jatin.ramaiya@gmail.com>, hr@ncscm.res.in, director@ncscm.res.in, purvaja@ncscm.res.in, pearlsgoa@goa.com

- To,
1. Goa Coastal Zone Management Authority (GCZMA).
  2. MoEF&CC.
  3. NCSCM.
  4. Water REsources Department (WRD), Govt. of Goa.
  5. Sevana Z. Jacques.

Please find attached the scanned copy of the Rejoinder to NCSCM Reply - O.A. No. 42/2023(WZ) - Next date 17.04.2026. A one line email confirming receipt of this email and its attached file will be highly appreciated.

Best,

Adv. Aagney Sail,  
Counsel for Applicants.  
Mobile: +91.9810076618

**Rejoinder to NCSCM reply OA-42-2023.pdf**

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