

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE

*(Under Section 14 of the National Green Tribunal Act,
2010)*

Original Application No. 72/2023

BETWEEN:

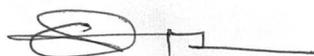
Mr. Swapnesh Sherlekar & anr ...Applicants

Versus

State of Goa and 7 Ors ...Respondents

**AFFIDAVIT IN REJOINDER OF THE
APPLICANTS**

I, Shri. Swapnesh Sherlekar, S/o. Late. Shri. Bhanudas Anant Sherlekar, 41 years of age, R/o. H. No. 284, Shirodwadi, Mulgao, Bicholim-Goa, the Applicant no.1 herein, do hereby state on oath and solemnly affirm as under:





- 1) I have read and understood the contents of the Affidavit in reply of the Respondent no. 9 and in reply thereto state and submit as under;
- 2) I deny all and singular averments in the said affidavit in reply of respondent no. 9. I say that nothing in the said affidavit in reply is admitted or be deemed to be admitted for want of specific denial.
- 3) With reference to contents of paragraph 1 of the reply, the contents thereof are partly denied. It is specifically denied that the respondent has physically surveyed the entire property under survey number 194 including its sub-divisions thereof. It is denied that survey number 194 lacked in qualifying the area criteria and also that out of 24 hectares of the total area only 3.63 hectares was found to be having more than 0.4 canopy density. It is also denied that the map attached with the reply affidavit as Exhibit-A is the same map relied by the RC-II at the time of the reviewing the land survey no. 194. I say that the entire content of the para 1 of the reply



affidavit does not collaborate or tally with the Reports on record, more particularly Interim Report III in which the said survey number 194 was disqualified as not qualifying to the criteria of private forest. I say that the said survey number 194 was reported as *“The area does not qualify the criteria of Private Forest”* in the Interim Report III published in September 2021 at Serial Number 58 of Annexure IV of the Report. The Annexure IV of the Report consisted of a table titled *“Detailed findings of the Review Committee after field verification for the areas fulfilling 40% canopy density and 5 Ha area as per Forest Cover Map of Forest Survey of India”*. The table consists of following headers;

Annex - IV

Annex - IV

Detailed findings of the Review Committee after field verification for the areas fulfilling 40% canopy density & 5 Ha area as per Forest Cover Map of Forest Survey of India.

Sr.No	Taluka	Village	Survey number Identified by the North & South Goa SLEC	Survey number fulfilling 40% canopy density & 5Ha area as per forest cover map 2014-15 LISS IV of Forest Survey of India	Map Sheet Number	Area of patch as per LISS IV satellite image ha (Approx.)	Canopy Density >40%	Patch more than 5 Ha	Whether Contiguous to Govt. Forests / Earlier identified forest	EXTENT OF AREA QUALIFYING AS PRIVATE FOREST (HA)	Decision of Review Committee after analysis based on LISS IV FCM 2014-15 (FSI), Google Timeline change corroborated by LISS III FCM 2012-13, public hearing, review of objection, Division offence case, Tree Felling, FCA & Court order etc, if any)

I say that the submissions made by the Respondent 9 should had been filled under each



of the header of the table Annexure IV more particularly under the header titled “Map sheet Number”, “Area of patch as per LISSIV satellite image ha (Approx.)”, “Canopy Density >40%”, “Patch more than 5 Ha” & “EXTENT OF AREA QUALIFYING AS PRIVATE FOREST”. Instead, out of 12 columns only 5 columns are filled in the table against the line entry for survey number 194 and the area is removed from the private forest list;

58		194	No	-	-	-	-	No	-	The area does not qualify the criteria of Private Forest
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4) I say that neither the reply affidavit of Respondent 9 nor the Reports on record details out the procedure followed by the RC-II so as to when the sub-division of a survey number is to be recorded and when not be recorded. It can be seen in the multiple places across different Interim / Final Reports the RC-II has invariably recorded sub-division numbers besides the survey number of a particular property and at other places avoided recording the sub-division



number while making entries in the records. Below is the extracts of the Annexure IV of the Interim Report III that demonstrates variations in the entries made in the Records;

Detailed findings of the Review Committee after field verification for the areas fulfilling 40% canopy density & 5 Ha area as per Forest Cover Map of Forest Survey of India.

45		28	No	-	-	-	-	No	-	The area does not qualify the criteria of Private Forest
46		21	No	-	-	-	-	No	-	The area does not qualify the criteria of Private Forest
47	Sancoale	199/1	No	-	-	-	-	No	-	The area does not qualify the criteria of Private Forest
48		199/5	No	-	-	-	-	No	-	The area does not qualify the criteria of Private Forest
49		199/6	No	-	-	-	-	No	-	The area does not qualify the criteria of Private Forest
50		214	No	-	-	-	-	No	-	The area does not qualify the criteria of Private Forest
51		216	No	-	-	-	-	No	-	The area does not qualify the criteria of Private Forest
52		219	No	-	-	-	-	No	-	The area does not qualify the criteria of Private Forest
53		217	No	-	-	-	-	No	-	The area does not qualify the criteria of Private Forest

I say that the variation in the entries seen in the reports with respect to inclusion and exclusion of sub-division numbers is because the RC-II had not followed the approved methodology laid down and approved by this Hon'ble Court. The problem is of non-compliance.

- 5) With reference to contents of paragraph 2 and 3 of the reply, the contents thereof are entirely

denied excluding the fact that the exercise of reviewing work of provisionally identified Private Forest Survey No 194 was done by the Review Committee head by the Predecessor Officer of the replying Respondent. The methodology employed by RC-II for identification and demarcation of forest area in the first five interim reports is as recorded at para 87 of the Hon'ble Tribunal Order dated 12/09/2023 in the Original Application No 478 of 2018. At Para 87 (iii) it is recorded that the Forest Cover Map (FCM) of 2014-15 from FSI were relied upon by the RC-II for conducting the exercise of review. The same methodology also collaborates with the Annexure IV header of the Interim Report III published in September 2021. The requirement for the RC-II was to record whether a survey number is fulfilling 40% canopy density & 5 Ha area as per **Forest Cover map 2014-15 LISS IV of Forest Survey of India.**



Annex - III

Annex - IV

Detailed findings of the Review Committee after field verification for the areas fulfilling 40% canopy density & 5 Ha area as per Forest Cover Map of Forest Survey of India.

Detailed findings of the Review Committee after field verification for the areas fulfilling 40% canopy density & 5 Ha area as per Forest Cover Map of Forest Survey of India.											
Sr.No	Taluka	Village	Survey number identified by the North Goa & South Goa SLEC	Survey number fulfilling 40% canopy density & 5Ha area as per forest cover map 2014-15 LISS IV of Forest Survey of India	Map Sheet Number	Area of patch as per LISS IV satellite image ha (Approx.)	Canopy Density > 40%	Patch more than 5 Ha	Whether Contiguous to Govt. Forests / Earlier identified forest	EXTENT OF AREA QUALIFYING AS PRIVATE FOREST (HA)	Decision of Review Committee after analysis based on LISS IV FCM 2014-15 (FSI), Google Timeline change corroborated by LISS III FCM 2012-13, public hearing, review of objection, Division offence case, Tree Felling, FCA & Court order etc., if any)
1	Salcete	Raia	240(P)	Yes	33	5.44	Yes	Yes	No	0	The area does not qualify the criteria of Private Forest
2			261	Yes	33	0.01	Yes	Yes	No	0	The area does not qualify the criteria of Private Forest
3		Verna	151	Yes	35	1.62	Yes	Yes	No	0	The area does not qualify the criteria of Private Forest
4			152	Yes	35	0.04	Yes	Yes	No	0	The area does not qualify the criteria of Private Forest



 ACF (N) AC (S) AC (N) AC (S) DIR (S/SE) DIR (AGRI) DCF (W) CCP

- 6) I say that the RC-II was required to refer Forest Cover map 2014-15 LISS IV of Forest Survey of India and record its Map Sheet Number, which was not done by the RC-II. The Respondent no. 9 inspite of being aware of the aforementioned fact have preferred to make false statements on affidavit with a deliberate intention of misleading this Hon'ble Court.
- 7) I say that the RC-II did not rely on Forest Cover map 2014-15 LISS IV of Forest Survey of India which were required to be referred as per the approved methodology. The map attached as Exhibit-A even though is from Forest Survey of





India but is of the year 2012-13 and not of 2014-15 as required. I say that the RC-II has done the review of land survey no. 194 in violation of the approved methodology and thus the findings are illegitimate.



8) I say that the review was supposed to be done based on 2014-15 FSI maps and 2012-13 FSI maps were to be used only for corroboration / validation of the 2014-15 maps incase if a property was found to be not qualifying for area & canopy criteria as per 2014-15 maps besides checking for Division offense cases, tree felling at the site. No information of any such review being done by RC-II is available on record nor mentioned in the reply affidavit.

9) I say that if we momentarily accept the map annexed as Exhibit-A to be an authentic map, the findings based on this map is more disturbing and further confirms the need to direct repetition of the review exercise as the one done as of now is entirely in non-compliant manner. There are two examples to substantiate the above claim;



- i) Case 1 - As can be seen from the map attached with the affidavit, the property under survey nos. 227 and 237 appears to have qualified in respect of all the three criterias. The total area of s/n 227/1 as per Araujo Committee Report (recorded at Table 6.3.5 – Sancoale Patch III, at sr. no. 94) is 13,100 sq.m. & that of s/n 237/1 (recorded at Table 6.3.5 – Sancoale Patch III, at sr. no. 98 & 99) is 42,790 sqm & 1,960 sqm (cumulative 44,750 sqm). The cumulative total area of both the survey nos adds up to 57,800 sqm. Also, the green patch can be seen extending beyond s/n 237/1, thus making a case for qualifying as a private forest. However, the said survey nos are seen to be removed in the 7th Part Final Report (recorded at Annexure A6, serial nos 7 & 8) without even mentioning the area against each survey number.
- ii) Case 2 - As can be seen from the map attached with the affidavit, the area survey nos 244 and 249 appears to have qualified for all 3 three

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criteria. The total area of s/n 244 as per Araujo Committee Report (recorded at Table 6.3.5 – Sancoale Patch III, at sr. no. 115 to 127) is 68,325 sqm & that of s/n 249 (recorded at Table 6.3.5 – Sancoale Patch III, at sr. no. 131 & 134) is 1,19,375 sqm. The cumulative total area of both the survey nos adds up to 1,87,700 sqm. The size of these adjoining contiguous area with green patches and green dot on the map surely makes out a case for qualifying as a private forest. However, the s/n 249 as can be seen in 7th Part Final Report (recorded at Annexure A2, serial no. 89) was reviewed individually & subsequently removed as not qualifying to private forest in the 5th Interim Report. And the other survey no. 244 was removed in 7th Part Final report (recorded at Annexure A6, serial nos 9) without even mentioning the area of the green patch on the map individually and neither jointly as adjoining contiguous

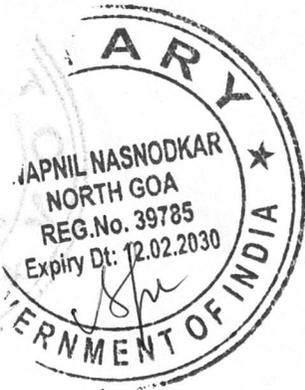




area with green patches and green dot on the map.

10) I say that both the above case studies clearly expose the false statements made by the Respondent in the affidavit just to cover up the severely deficient exercise of review done the RC-II.

11) I say that the Order dated 12/09/2023 passed by this Hon. Tribunal in the Original Application No 478 of 2018 was assailed by the Goa Foundation (i.e. applicants in that matter), before the Hon. Supreme court which came to be registered as Civil Appeal no. 2135/2024, in which there was an Interim Application bearing no. 267501/2024, in which the Hon. Supreme court vide its order dated 3/03/2025 was pleased to direct that, "In the meanwhile, no further conversion sanad shall be issued in respect of the lands mentioned in prayer clause (a). It is pertinent to note that prayer clause (a) of the said interim application seeks for an order directing status quo to be maintained on all the 855 survey



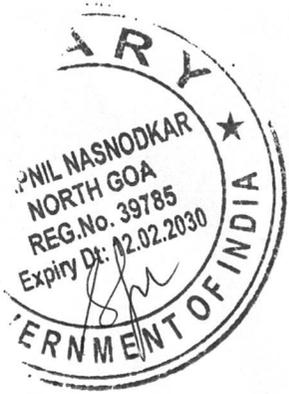
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numbers that are listed as finally identified and demarcated private forest by the Thomas and Araujo Committees in their reports dated 10/12/2018 and 28/12/2018. Hereto annexed are copies of the order dated 03/03/2025 along with the Interim application bearing no. 267501/2024 as **ANNEXURE 'A' COLLY**.



12) I say that considering the fact that the said property was finally identified as private forest by the South Goa forest division committee and in view of the abovementioned interim order passed by the Hon. Supreme court in I.A No. no. 267501/2024, I humbly pray before this Hon. Tribunal that the prayer clause (h) & (i) as prayed for in the present original application be granted and the hearing of the present application be deferred till the disposal of the civil appeal bearing no. 2135/2024 which is pending before the Hon. Supreme court.

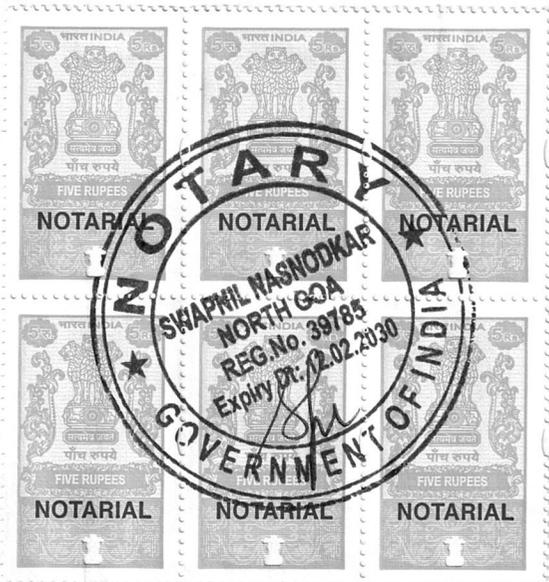
13) I do hereby solemnly affirm that the contents of paragraph 1 to 12 hereinabove are true and correct to my personal knowledge.



Solemnly affirmed at Panaji, Goa on 16th day of

April, 2025

Deponent



Solemnly affirmed before me by

Shri/Smt. Swapnil
Shetkar

who has been identified by Address
Coastal 71283110584
personally known to me.

Reg No. 223/2025

Dated 16 APR. 2025

Swapnil
 SWAPNIL KATKUMAR NASNODKAR
 ADVOCATE & NOTARY
 NORTH GOA
 GOVERNMENT OF INDIA

ITEM NO.13

1099
COURT NO.4

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCivil Appeal No(s). 2135/2024

THE GOA FOUNDATION

Appellant(s)

VERSUS

THE STATE OF GOA & ORS.

Respondent(s)

[IA NO.267501/2024 IS LISTED UNDER THIS ITEM]
IA No. 267501/2024 - APPROPRIATE ORDERS/DIRECTIONS

Date : 03-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYANFor Appellant(s) : Ms. Norma Alvares, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Mr. Om D'Costa, Adv.
Ms. Sanjana Grace Thomas, Adv.
Mr. D.P.singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.For Respondent(s) : Mr. Nalin Kohli, Sr. Adv.
Mr. Sri Harsha Peechara, Adv.
Mr. Duvvuri Subrahmanya Bhanu, Adv.
Mr. Shishir Deshpande, AORMr. Ranjit Kumar, Sr. Adv.
Mr. Coelho Pereira, Sr. Adv.
Mr. Mohit Paul, AOR
Mr. Ayush Agrawal, Adv.
Mr. Vikrant Singh Bloria, Adv.
Mr. Sushant Tomar, Adv.
Ms. Rangoli Seth, Adv.
Ms. Sanjleena Lal, Adv.
Mr. Somnath Karpe, Adv.
Mr. Bernard Fernandes, Adv.

1100

UPON hearing the counsel the Court made the following
O R D E R

IA No. 267501/2024

We grant time of four weeks to the respondent to file counter affidavit.

In the meanwhile, no further conversion sanad shall be issued in respect of the lands mentioned in prayer clause (a).

Application to be listed for hearing on 28th March, 2025.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

**IN THE HON'BLE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

I.A. NO. _____ OF 2024

IN

CIVIL APPEAL NO. 2135 OF 2024

IN THE MATTER OF:

THE GOA FOUNDATION

...APPELLANT

VERSUS

THE STATE OF GOA & ORS.

...RESPONDENTS

APPLICATION FOR URGENT DIRECTIONS

WITH

**I.A. NO _____ OF 2024: APPLICATION FOR PERMISSION TO PLACE
ADDITIONAL DOCUMENTS ON RECORD**

PAPER BOOK

(FOR INDEX: PLEASE SEE INSIDE)

ADVOCATE FOR THE APPELLANT:

MS. SRISHTI AGNIHOTRI

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	Application for Urgent Directions with affidavit	1-13
2.	<u>ANNEXURE A-1:</u> A true and correct copy of the order of this Hon'ble Court in Civil Appeal No. 2135/2024 dated 24.9.2024	14-18
3.	<u>ANNEXURE A-2:</u> A true copy of the 7 th Part Final Report of the Review Committee dated November 2023	19-101
4.	<u>ANNEXURE A-3:</u> A true and correct copy of the gazette notification notifying the Review Committee dated 30.01.2020	102
5.	<u>ANNEXURE A-4:</u> A true and correct copy of the note of the DCF signed by the PCCF dated 19.10.2023	103-108
6.	<u>ANNEXURE A-5:</u> The government note (file notings) dated 07.12.2023 showing the endorsement of the Minister	109
7.	<u>ANNEXURE A-6:</u> A true copy of the opinion of the Ld. Advocate General dated 15.01.2024	110-113
8.	<u>ANNEXURE A-7:</u> A true copy of the conversion sanad dated 30.09.2022 issued to Mr. Vikas Santhan Nanu	114-118
9.	<u>ANNEXURE A-8:</u>	119-125

	A true copy of the conversion sanad dated 08.11.2023 issued to Parmesh Construction Co	
10.	<u>ANNEXURE A-9:</u> A true copy of the article dated 23.09.2024 titled 'Goans unite to protect their land' published in The Goan	126
11.	<u>ANNEXURE A-10:</u> A true copy of the article titled 'Show of unity: Goenkars intensify their fight against Bhutani project at Sancoale' dated 23.09.2024 published in O Heraldo	127-128
12.	I.A. NO. _____ OF 2024: Application for permission to place additional documents on record	129-131

FILED ON: 19.11.2024

PLACE: NEW DELHI

FILED BY:

MS. SRISHTI AGNIHOTRI

ADVOCATE FOR THE APPELLANT

IN THE HON'BLE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 2024

IN

CIVIL APPEAL NO. 2135 OF 2024

IN THE MATTER OF:

THE GOA FOUNDATION

...APPELLANT

VERSUS

THE STATE OF GOA & ORS.

...RESPONDENTS

APPLICATION FOR URGENT DIRECTIONS

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION
JUSTICES OF THE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE
APPELLANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. This application has been filed by the Appellant herein on urgent grounds due to a serious situation that is developing in the state of Goa, where large areas of natural forests identified as such by the South and North Goa Forest Division Committees (Araujo and Thomas Committees) are in danger of being permanently and irreversibly diverted to non-forest use,

due to their wholly unwarranted exclusion as private forest by a Review Committee II appointed by the Goa government.

2. The two aforementioned forest division committees comprised senior, experienced forest officials, and the committees were notified under the order dated 12.12.1996 passed by this Hon'ble Court in *T. N. Godavarman v. Union of India* [(1997) 2 SCC 267] to identify private forests in the State of Goa. Unfortunately, the potentially ecologically destructive work of this Review Committee-II -- which has led to huge areas of private forests being excluded from protection of the FCA, 1980 -- was upheld by the Hon'ble NGT vide its judgment dated 12.09.2023. It is submitted that the impugned judgment suffers from an absence of cogent reasons in its support and non-application of mind to salient issues raised before the Ld. NGT.
3. The applicant has challenged the judgment of the Ld. NGT before this Hon'ble Court in the present appeal. One of the grounds taken in the civil appeal is that the Review Committee II went beyond its jurisdiction in reviewing the areas already identified as "final" by the two Expert Committees, in breach of the Terms of Reference appointing it to the task. The appeal has also challenged the methodology used by the Review Committee. This appeal has been listed by this Hon'ble Court for final disposal on 4th December 2024. A true and correct copy of the most recent

order of this Hon'ble Court in Civil Appeal No. 2135/2024 dated 24.9.2024 is annexed herewith and marked as **Annexure A-1 (Pages 14-18)**.

4. The applicant submits that the Ld. NGT being conscious of the fact that the applicant had made out a cogent case that private forests identified and finally demarcated by the Thomas and Araujo Committees had been discarded by the Review Committee II *without physical verification*, took a precautionary stand in its final order, even while upholding the methodology and reports of the Review Committee. At paragraph 91 of the impugned NGT judgment dated 12.09.2023, it directed as follows:

“91. We are of the view that in order to take extreme precaution that no-one suffers on account of errors in identification of the private forest area, the areas, which were finally identified as private forest area by the T&A Committees, if any area out of that is required to be excluded as per review being made by RC-II, the said area should be got verified physically with respect to all three criteria laid down for determination of the private forest cited above by us. Till the final decision is taken with respect to whether the area being excluded from the list of being treated as final forest land by the RC-II which was finalized by T&A Committees as private forest, in keeping with our direction, no permission shall be granted by the State Government for any kind of development work, in the said survey numbers. This exercise shall be completed within three months of uploading of this order.”

5. Therefore, as per the said judgment, which is still prevailing, all the survey numbers identified finally as private forests in the report of the Thomas and Araujo Forest Division Committees are required to be *verified physically with respect to all three criteria* laid down for determination of private forest.

6. The total number of Survey numbers finally concluded as private forest (as opposed to provisional identification) is 558 in the SGFDC report and 297 in the NGFDC report. Thus, the total number of survey numbers finalized as private forest in both reports is 855. The total area included in these survey numbers amounts to 8.5 sq km.
7. The applicant submits that despite approving the methodology of the RC-II, the Ld. NGT nevertheless directed that all the Survey numbers that were finalized by the Thomas and Araujo Committees committees be physically verified, as the applicant had shown that a large number of the finalized Survey numbers were deleted from consideration solely on the basis of the satellite imagery shown on the Forest Survey of India (FSI) maps and that they were not visited at site before deletion.
8. The Ld. NGT has also ordered that, till the final decision is taken with respect to whether the areas identified as final forest meet the criteria of forest on physical verification, no permission shall be granted for any kind of development work in the said Survey numbers. The Ld. NGT had granted three months' time for the exercise of physical verification of these Survey numbers to be completed. The period expired on 12.12.2023.

9. Pursuant to the impugned order of 12.09.2023 (which was in connection with 6 interim reports challenged by this applicant), the Review Committee II produced an additional report called the ‘7th Part Final Report’ in which it listed the total number of survey numbers identified and marked as final forest by the two Expert Committees as 550 (and not 855). The Appellant does not accept this figure of 550 Survey numbers. A true copy of the 7th Part Final Report of the Review Committee dated November 2023, also filed as an annexure in the counter affidavit of Respondent Nos. 1-3 in the pending civil appeal (*Annexure R-2, Pages 69-151*), is at **Annexure A-2 (Pages 19-101)**.
10. Assuming, however, that this figure of 550 Survey numbers is correct, the counter affidavit of the State Government provides the breakup of how these Survey numbers. have been dealt with. In the course of the first 6 Reports of the RC-II, a total of 281 survey numbers (out of the 550) had been deleted by the RC-II without a site verification.
11. The Review Committee II in its 7th Part Final Report states that it was not necessary to undertake a physical verification of those 281 survey numbers which had been deleted in the first 6 reports on the grounds that the methodology adopted by the Review Committee II to generate its 6 interim

reports had been upheld by the Ld. NGT in the judgement dated 12.09.2023.

12. Of the balance 269 survey numbers of finalized forest to be verified (out of the 550 survey numbers), the affidavit of the State Government [*based on the RC-II's 7th Part Final Report*] states that 212 survey numbers are confirmed as private forest after the ground verification exercise was carried out. A further 9 Survey numbers were found to have already been finalized as private forest by the previous Review Committee – I and were consequently added to the figure of 212 survey numbers. Thus, as per the State Government affidavit, a total of 221 Survey numbers qualified in all respects as Private Forest – making it a grand total of 221 survey numbers out of 269 survey numbers found to be correctly identified by the Thomas and Araujo Committee as private forest.

13. The decision of the RC-II not to visit the site and reassess the earlier finalized survey numbers deleted from the category of private forests is in clear disregard of the directions issued by the Ld. NGT in the said judgment. The Review Committee is not empowered to take a decision that is contrary to a direction of the Ld. NGT. Neither is this power given to it under its Terms of Reference. A true and correct copy of the gazette

notification notifying the Review Committee dated 30.01.2020 is annexed herewith and marked as at **Annexure A-3 (Pages 102)**.

14. The record further shows that on 19.10.2023 this unilateral decision of the Review Committee II to simply ignore the Ld. NGT's direction was placed by the Office of the Deputy Conservator of Forests for post-facto approval of the government, stating that the legal opinion of the Ld. AG, Government of Goa may be obtained in light of the NGT order dated 12.09.2023. A true and correct copy of the note of the DCF signed by the PCCF dated 19.10.2023 is annexed herewith and marked as **Annexure A-4 (Pages 103-108)**. Thereafter, the Forest Minister endorsed the view of the PCCF, however stated that the department may take the opinion of the Ld. AG. The government note (file notings) dated 07.12.2023 is annexed as **Annexure A-5 (Pages 109)**.

15. Subsequently, the matter of whether the RC should follow the Ld. NGT's direction or not was referred to the state's Advocate General and the Ld. AG has also concurred with government's decision by his advice dated 15.01.2024, a true copy of which is annexed at **Annexure A-6 (Pages 110-113)**. It is submitted that the documents referred to at Annexures A-4 to A-6 came to this applicant's notice only after the state

government filed its counter affidavit on 13.09.2024 bringing these documents on record.

- 16.** The Applicant submits that it was shocked to find that the decision of the Review Committee to disregard even the limited but critical direction of the Hon'ble NGT to physically verify / confirm the private forests finalized by two expert committees, was approved by the State government and also the Ld. AG (the highest law officer of the State).
- 17.** It needs to be reiterated that the 3-month period given by the Ld. NGT to complete the physical verification of final forest Survey numbers had expired by 12.12.2023. To the best of the applicant's knowledge this work (of physical verification of 550 survey numbers) was not carried out during the period. However, no application has been made to the NGT for condonation of delay/extension of time, despite the Ld. AG specifically recommending the same. Nor has any application been made to the NGT for review / modification / clarification of its order. It is submitted that these actions show a scant regard for the Ld. NGT and its orders.
- 18.** It is submitted that on 31.07.2023, 3 months after it had concluded the 6th interim report, the RC II of its own accord recaptioned all the six reports, as "Part Final (Interim) Reports." Thus, the RC-II itself approved all its

own 6 reports. It needs reiteration that the earlier report of the Review Committee I, which had reviewed the reports of the earlier Sawant and Karapurkar committees, was approved by a formal judgment of the NGT dated 18.08.2022, after a full hearing. Hence, the decision to convert the interim reports into part final (interim) reports was taken without approval of the Ld. NGT. The Ld. NGT would be in a position to consider and approve the final report of the RC II only after the full report is placed before it, and not just piecemeal reports, after hearing the applicant.

19. In the meanwhile, the Applicant's concern and the reason for moving the present application is that applications for conversion sanads for some of the plots relieved of their forest status by the Review Committee II are being considered by the Respondent authorities. Copies of two such conversion sanads for lands excluded by the Review Committee II and which were identified as forest by the Araujo Committee are annexed herewith. A true copy of the conversion sanad dated 30.09.2022 issued to Mr. Vikas Santhan Nanu has been annexed hereto and marked as **Annexure A-7 (Pages 114-118)**. A true copy of the conversion sanad dated 08.11.2023 issued to Parmesh Construction Co. has been annexed hereto and marked as **Annexure A-8 (Pages 119-125)**. The conversion sanad granted to Parmesh Construction Co (a real estate developer) has agitated the entire south Goa, as can be seen from media reports. A true

copy of the article dated 23.09.2024 titled ‘Goans unite to protect their land’ published in The Goan has been annexed hereto and marked as **Annexure A-9 (Pages 126)**. A true copy of the article titled ‘Show of unity: Goenkars intensify their fight against Bhutani project at Sancoale’ dated 23.09.2024 published in O Heraldo has been annexed hereto and marked as **Annexure A-10 (Pages 127-128)**. As a result, show cause notices have been perforce issued to the developer by the local panchayat and the Planning Authority.

- 20.** The Applicant naturally apprehends that since real estate developers are attempting to acquire lands, significant damage will be done to these green areas in the near future, thus frustrating the Civil Appeal filed by the applicant against the impugned NGT order. Hence, even as this Civil Appeal is being taken up for final disposal, the Applicant seeks relief to halt the destruction and diversion of final forest areas identified by both the Thomas and Araujo Committees to non-forest use in view of the refusal of the Forest Department / Goa Government to heed the Ld, NGT’s directions.
- 21.** The present Application is bona fide and has been filed in the interest of justice.

PRAYER:

- 22.** In light of the above facts and Circumstances, this Hon’ble Court may be pleased to grant the following reliefs:

- a. Pending final disposal of the Civil Appeal, pass an order directing status quo to be maintained on all the 855 survey numbers (whole or sub-division numbers) that are listed as finally identified and demarcated private forest by the Thomas and Araujo Committees in their reports dated 10.12.2018 and 28.12.2018;

- b. Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

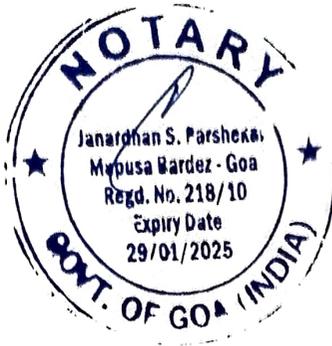
DRAWN ON: 16.11.2024

FILED ON: 19.11.2024

PLACE: NEW DELHI

FILED BY:

MS. SRISHTI AGNIHOTRI
ADVOCATE FOR THE APPELLANT



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2024

IN

CIVIL APPEAL NO. 2135 OF 2024

IN THE MATTER OF:

THE GOA FOUNDATION

...APPELLANT

VERSUS

THE STATE OF GOA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Claude Alvares, s/o late Peter Alvares, aged about 73 years, Secretary, The Goa Foundation, at G-8, St. Britto's Apts, Feira Alta, Mapusa, Goa- 403505, do hereby solemnly affirm and declare on oath as under:

1. That I am the Secretary of the Appellant-Foundation in the above Civil Appeal, and am hence well conversant with the facts and circumstances of the case and as such authorized and competent to swear this affidavit in the abovementioned Civil Appeal on behalf of the Petitioner.
2. That I say that the contents of the accompanying Application and all I.A.s therein have been drafted by my counsel under my instructions. I say that the contents thereof are true and correct to the best of my knowledge.
3. All annexures are true copies of their respective originals
4. That I have read the contents of this affidavit and I state that the contents thereof are true and correct to my knowledge.

Solemnly affirmed before me by
Claude Alvares
Who has been identified by
[Signature]
who is known to me personally
Mapusa - Goa.

Reg. No. 3872/24 Date 16/11/2024



DEPONENT

[Signature]
JANARDHAN S. PARSHEKAR
NOTARY AT MAPUSA, BARDEZ - GOA,
STATE OF GOA (INDIA)

