

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH PUNE

In APPEAL NO. 04/2024(WZ)

CHANDAN SURYAKANT

KHORJUVEKAR

..... APPELLANT

VS.

GCZMA AND ORS.

..... RESPONDENTS

**REPLY AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 1**

I, SHRI JOHNSON BEDY FERNANDES, being the Member Secretary of Respondent No.1, the Goa Coastal Zone Management Authority, having my office on 4th Floor, Dempo Towers, Patto, Panaji Goa, do hereby solemnly affirm and state as under:

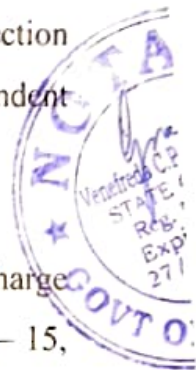
1. I say that I am the Member Secretary of the GCZMA, i.e. Respondent No.1, and am authorised to affirm the present reply affidavit on its behalf. I have examined the relevant records available in my office in respect of the decision taken in Case No.1.11 during 364th meeting held on 23/10/2023 and challenged before this Hon'ble Tribunal in the above-captioned Appeal and am affirming the present Reply Affidavit based on the same. Nothing in the present Reply Affidavit may be deemed to be an admission of any of the contents of the memorandum of

the above-captioned Appeal. Nothing in the memorandum of the above-captioned Appeal may be deemed to have been admitted for mere want of specific denial.

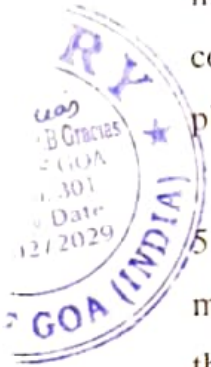
2. I say that pursuant to the 364th Meeting of the present Respondent held on 23/10/2023, the final Section 5 direction under Environment Protection Act was issued to the Respondent No.2.

3. I say that the present respondent had decided to discharge the Show Cause Notice to the extent of (a) Cottage Blocks – 15, (b) Restaurant -1, and demolish the violations noted at (c) Swimming Pool. (d) RCC platform (e) Structure on the Eastern side and (f) RCC underground water tank.

4. I say that in OA No. 70/2022 (WZ) filed by the Appellant herein, the Present Respondent filed the site inspection report dated 30/08/2022 which is annexed at page No. 54 of the paper book. I say that the then Expert Member of the Present Respondent has filed the said Site Inspection Report of Sy. No. 211/1-A of Village Mandrem, Taluka Pernem on complaint of the present Appellant. I say that the relevant paragraph of the said Site Inspection Report as far as the impugned structures are concerned, starts from page No.17 onwards. I say that the then Expert Member of the present Respondent did compare the side position with the approved plan and tabulated his findings at paragraph No. 18 of the said report. I say that the present Respondent has granted its approval for erection of temporary



two shacks and 15 huts/ cottages consisting 30 rooms in the property bearing Sy. No. 211 of Mandrem Village, Pernem Taluka in terms of CRZ 2011 notification. I say that the said approval is annexed at Annexure A2 of the paper book at Page No. 39. I say that admittedly, it is mentioned in the said site inspection Report, that the Cottage and the Restaurant structure consist of light steel tube frames with wooden partitions and the plinths are of laterite masonry and PCC.



5. I say that the GCZMA has shown its readiness to hear the matter afresh after hearing all the contentions of the Appellant as the observations in the said site inspection report of the then Expert member of the GCZMA were not duly considered and reflected either in the 364th Meeting of the present respondent held on 23/10/2023 and also in Section 5 direction issued to the parties. I say that the said remand request was reflected in the daily order dated 23/08/2024 of this Hon'ble Tribunal.

6. In view of the above, it is most humbly submitted that the GCZMA is ready to withdraw the decision taken in the 364th Meeting held on 23/10/2023 and consider the matter afresh. Hence the affidavit.


SHRI JOHNSON BEDI FERNANDES

DEPONENT

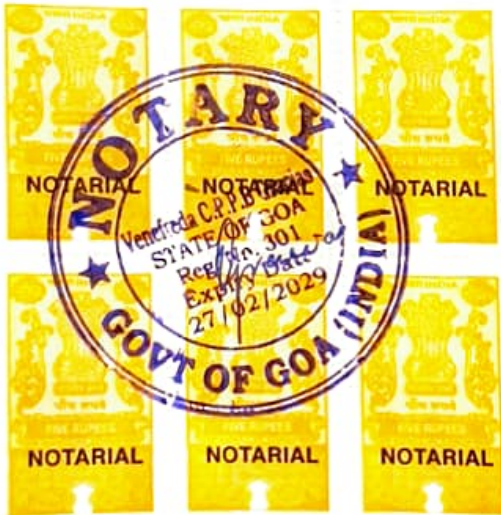


VERIFICATION

I, SHRI JOHNSON Bedy FERNANDES above-named do solemnly affirm that all that is stated in this Affidavit is True to the best of my knowledge and belief, which is based on the records available in respect of the issue involved in the above-captioned Appeal. Nothing false has been stated herein. Solemnly affirmed this 24TH day of October 2024.

[Handwritten Signature]

SHRI JOHNSON Bedy FERNANDES
DEPONENT



Executed Before Me
at Calangute - Goa

Reg. No. 589/11/2024

Date: 11/11/2024

[Handwritten Signature]
Venefreda C.P.P.B. Gracias
Advocate & Notary
Bardez-Goa