



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

APPEAL NO. 133 OF 2024

IN THE MATTER OF:

RAMA LADU GOVEKAR & ORS                      ...APPLICANT

VERSUS

THE GOA COASTAL ZONE  
MANAGEMENT AUTHORITY  
& OTHERS    ...RESPONDENTS

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1,  
THE GOA COASTAL ZONE MANAGEMENT AUTHORITY

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:

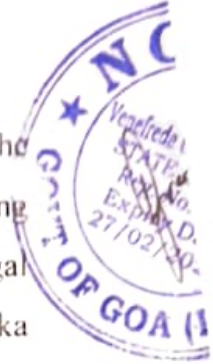
1. I say that I am the Member Secretary of Respondent No. 2 GCZMA and am authorised to affirm the present reply affidavit on its behalf. I have examined the relevant records available in my office in respect of the order dated 08/04/2024 issued to Appellant, and am affirming the present Reply Affidavit based on the same. Nothing in the present Reply Affidavit may be deemed

to be an admission of any of the contents of the of the above Appeal. Nothing in the contents of the above Appeal may be deemed to have been admitted for mere want of specific denial.

2. I say that the said Appeal has been filed challenging the direction dated 08/04/2024 passed by this answering Respondent, directing the Appellants to demolish 3 illegal structures erected in Survey No.120/1 of Village Nerul, Taluka Bardez. The said impugned direction is annexed as Annexure A to the Appeal at page No. 42.

3. I say that the present Respondent received a complaint letter from Respondent No.2 herein dated 20/12/2022 alleging illegal sheds constructed by the Appellants in the above mentioned property. The said complaint letter is annexed as Annexure B to the Appeal at page No. 48.

4. I say and submit that upon receipt of the said complaint dated 20/12/2022, a site inspection was carried out by Expert Members of the Answering Respondent along with Engineers and Field Surveyor of the present Respondent on 25/01/2023. Based on the violations observed during the site visit, as show cause notice was issued to the Appellants. The site inspection report and the show cause notice are Annexed and marked as Annexures C & D at page Nos. 50 and 53 respectively to the Appeal. Subsequently the Appellants filed their replies to the Show Cause notice and remained present for a personal hearing on 16/08/2023.



A handwritten signature in blue ink, appearing to be 'f. de' followed by a flourish.

5. I say that the matter was placed for hearing in the 347<sup>th</sup> meeting held on 22/06/2023. The complainant i.e. Respondent No.2 herein was absent. Advocate on behalf of the Appellant was present who informed that he had not received the copy of the complaint as well as the site inspection report. I say that he was directed to collect copies of the same from the office of the Answering Respondent. The Appellants filed their reply in the 359<sup>th</sup> meeting held on 07/09/2023 to which Respondent No.2 filed a rejoinder in the 363<sup>rd</sup> meeting held on 12/10/2023. Copies of the Reply dated 07/09/2023 and Rejoinder dated 12/10/2023 are annexed and marked as Annexures E and F at page Nos. 56 & 78 respectively.

6. I say that the Appellant are alleging that the structures are prior to 1991 however they have never substantiated their stand with documents to prove that the structure is prior to 1991 nor have they produced documents to prove the legality. Furthermore, the statement that the Appellants are carrying out fishing activities have not been proved the permission produced does not show that the fishing activity is being carried out in the same property.

7. I say that after considering contentions of both the parties in the 384<sup>th</sup> meeting held on 01/02/2024, the answering respondent came to a conclusion that from the Site Inspection report it was clear that the structures were lying in the NDZ of Village Nerul. The inspection team had confirmed the violations



and noted that they were of permanent nature in the NDZ. It was noted that from the documents produced on record by the Appellants, though it was clear that the Appellants were into fishing activity, the material used for erection of the sheds was not permissible in the NDZ of Village Nerul.

8. I say and submit that in view of the above, and in exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 6071(E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, the Authority issued the impugned direction dated 08/04/2024.

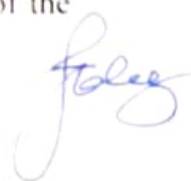


9. In view of the aforesaid, it is most humbly submitted that the above-captioned Application filed by the Appellant above-named deserves to be dismissed.

  
Shri Johnson Bedy Fernandes  
DEPONENT

#### VERIFICATION

I, the Deponent 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 17<sup>th</sup> day of October 2024 at Panaji, Goa.

*Johnson Bedy Fernandes*  
Shri Johnson Bedy Fernandes  
DEPONENT



Solemnly affirmed before me  
Shri Johnson B. Fernandes  
Who is identified before me by

\_\_\_\_\_ At Panjim - Goa  
Sr. No. 146/10/2024  
Date. 17/10/2024

*Gracias*  
Venefrada C.P.P.B. Gracias  
Associate & Notary Goa State