



BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE BENCH PUNE

Appeal 48/2022

The Colva Civic & Consumer Forum ... Appellant

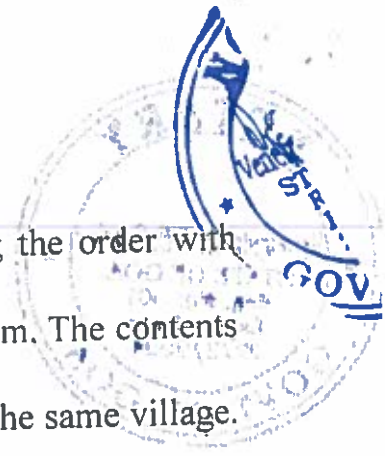
Versus

Goa Coastal Zone Management Authority &ors. ... Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1

I Dr. Geeta S. Nagvenkar Major of age, Occupation: Service, working as the Member Secretary of the Respondent No.1 having my office on the 4th floor, Dempo Towers building, Patto- Panaji, do hereby beg to state on solemn affirmation as under:

1. I say and submit that I have gone through the records of the present matter and after going through the relevant office records, I am filing the present Affidavit. However, I should not be deemed to admit anything which is contrary to or inconsistent with what is stated hereinafter in the absence of specific denial.
2. I say and submit that the contents in para 1 to 4 of the Appeal Memo are a matter of record and do not require any comments by the present Respondent.



3. I say and submit that the present Appeal is challenging the order with respect to Survey Nos. 12/6 and 12/7 in Village Sernabatim. The contents in para 5 are with respect to Survey Nos. 12/1 to 12/5 of the same village. As the contents in para 5 do not plead anything about the subject matter of the present Appeal, the same are irrelevant and hence the present Respondent does not wish to comment on the same.
4. I say and submit that the contents in para 6 are true and correct. In the proceedings before the Respondent, the present Appellant had filed an intervention application and pursuant thereto was made a party to the said proceedings. It is pertinent to note that the present Appellant was not the Original Complainant in the proceedings before the present Respondent and it was added as an intervener.
5. I say and submit that the present Respondent has considered all the documents mentioned in para 7 of the Appeal and after considering the documents produced by the Appellants and oral as well as written submissions advanced by the Respondents, passed the impugned Order; recording the reasons in writing, to drop the proceedings with respect to property bearing Survey Nos. 12/6 and 12/7 in Village Sernabatim.



6. I say and submit that the documents mentioned in para 8 and 9 are matter of record and the same were filed by the Respondents in the proceedings and does not require any comments as the same are part of record.
7. The contents in para 10 are correct and hence admitted by the present Respondent.
8. I say and submit that the present Respondent denies contents in para 11(a) the same being allegedly mentioned in the order passed by the present Respondent to be perverse, arbitrary and contrary to law.
9. I say and submit that after perusing the records produced before the present Respondent, it was clearly indicated that the structures in Survey Nos. 12/6 and 12/7 in Village Sernabatim existed prior to 1991. The present Respondent has followed due process of law and came to this conclusion after considering the documents and after giving opportunity of hearing to all the parties.
10. I say and submit that the report of Mr. Neelesh Laad, Architectural and Structural Engineer- Approved Valuer, with respect to Matriz 421 i.e. Survey Nos. 12/6 and 12/7 clearly indicated existence of structures in the property prior to 1991. It is further submitted that the 'House Repair

Certificate' dated 9.8.1965 also pertains to Matriz No. 421 i.e. Survey Nos. 12/6 and 12/7 of Village Sernabatim. It is therefore clear that the documents relied upon by the Respondents were clear and hence existence of structure prior to 1991 was rightly observed by the present Respondent.

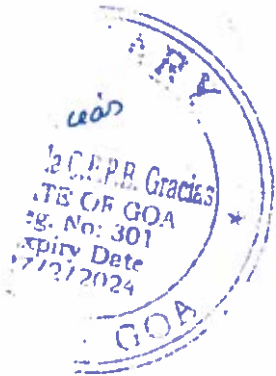


11.I say and submit that the allegations of the Appellants in para 11(e) are not admitted by the present Respondent. It is not true to say that the NOC dated 1.10.1985 issued by Sarpanch, Village Panchayat of Sernabatim-Vanelim-Colva- Gandaulim is proved to be forged in view of the A-Final Closure Report dated 28.8.2007 submitted by Colva Police to the learned Judicial Magistrate First Class at Margao. The present Respondent submits that the 'forgery' alleged in para 11(e) has not been proved till date. The learned Judicial Magistrate First Class was pleased to grant "A" Final Summary in the said matter. It is pertinent to note that, it was observed by the Assistant Public Prosecutor Margao that:

After due investigation in the above case all the relevant case papers along with the reports received from the Govt. Examiner were forwarded to A.P.P. Margao for his opinion. Shri ShivramA.Patil , Assistant Public Prosecutor Margo after perusing the case papers opined that after going through the evidence collected on record the guilt of the accused is not proved and also

the reports received from experts does not incriminate the accused in the present case.

This case is being investigated for a long time and the same remains undetected for want of evidence. Hence the case is being shelved at the moment as there is no chances for the detection in near future. The case will be re-opened as and when any clue is obtained.



Hence the forgery cannot be said to be proved as wrongly alleged by the Appellant.

12.I say and submit that the present Respondent denies contents in para 11

(g). It is not true to say that the Impugned Order dated 19.09.2022 has been passed without conducting a proper enquiry, considering the relevant documents and submissions made by the parties, besides there are several other glaring inconsistencies in the order. The Respondent submits that the present Respondent has passed the Impugned Order following due process of law. All the documents, written submissions and adequate hearing was accorded to all the parties followed by a reasoned Order, hence the Impugned Order does not call for quashing and/or setting aside.

13. The present Respondent therefore prays that for the reasons mentioned herein above the present Appeal may kindly be dismissed with costs.

Solemnly affirmed on this 09th day of February, 2023.



[Signature]
09/02/2023

Deponent

Identified by me

Solemnly Affirmed Before Me by
Dr Geeta S. Nagrenkar
Who is identified before me by

_____ at Calangute - Goa

Sr No. 015/02/2023

Date: 09/02/2023

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