

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

O.A. No. 86/2022

IN THE MATTER OF:

Pundalik Kushali Velip & Anr.

...Applicants

Versus

The Deputy Conservator of Forests & Ors.

...Respondents

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Place: New Delhi

Respondent no.3

Dated: 23.01.2023 Through



Ms. Ruchira Gupta

Counsel for R1 & 2 &3

E-31, Basement, Jangpura Extension

New Delhi-110014

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

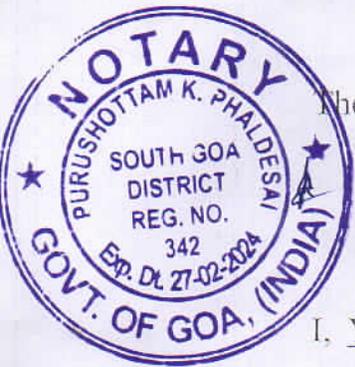
O.A. No. 86/2022

IN THE MATTER OF:

Pundalik Kushali Velip & Anr. ...Applicants

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The Deputy Conservator of Forests & Ors. ...Respondents



REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.3

I, YUGANDARAJ VINAYAK REDKAR, S/o VINAYAK SHIVRAM REDKAR, aged about 42 years, R/o CHICALIM, VASCO-DA-GAMA, GOA, do hereby on solemn affirmation, state as under:

1. That I am holding the post of Dy. Deputy Town Planner, Town and Country Planning Department, Government of Goa, and being duly authorised and well conversant with the facts of the present case, am competent to depose by way of the present affidavit.
2. That I have gone through the Original Application filed by the Applicant and deny each and every statement and averment in the O.A., as if the same has been traversed *in seriatim*, except to the extent admitted hereinafter. It is most respectfully submitted that no averment or contention in the O.A. should be deemed to be admitted for the reason that it has not been specifically denied.



3. That the present O.A. has been filed with respect to Sy nos. 23/1 to 23/39, 29/1 to 29/58, 30/1 to 30/88, 31/1 to 31/118, 32/1 to 32/127, 33/1 and 34 of Village Adnem, Balli Queoem Taluka, South Goa. The Applicants contend being tenants of the part of the subject property and that the subject properties are natural forests and natural cover. The Applicant has further contended that Sy nos. 23 and 29 have been identified as Forest as per the South Goa Forest Division Committee Report and that since April, 2022 there have been cutting down of trees and forestry species etc by Respondent no. 4 who is the last owner of the subject properties having purchased vide sale deed dated 14.05.2012.

4. That at the very outset it is most respectfully submitted that vide reply dated 07.10.2022 by the Office of Deputy Conservation of Forests South Goa Division, Aquem-Margao, in reply to the application dated 19.09.2022 filed by the Applicant under RTI, it has been clarified that Sy nos. 23 & 29 of Adnem village is not a Government Forest; sy no. 23(P) and 29 (P) of Adnem Village is identified as prospective private forest by South Goa Forest Division Committee; and Sy. No. 30, 31, 32 & 33 of Adnem Village is not a government forest nor identified as private forest by State Level Expert Committee and South Goa Forest Division Committee. Though Survey No. 29 (P) has been removed from the list of the Private Forest as per 2nd interim report of Review committee under Chairmanship of Chief Conservator of Forests, Panaji. A copy of the said reply dated 07.10.2022 has been annexed by the Applicant to the OA.



[Handwritten signature]

5. That on receipt of complaint dated 20.10.2021 from Mr. Suraj Ballikar, R/o Deulwada, Balli, Taluka Quepem for illegal hill cutting in property under Sy. No. 28/47, 28/49, 30/23, 30/19, 23/1 and 29/1 of village Adnem of Quepem Taluka, an inspection of the said land was carried out wherein it has been observed in the Inspection Report dated 07.11.2022, that “..site was cleared and levelling was done.....for the purpose of deriving of access”. A true copy of the Inspection Report dated 07.11.2022 is annexed herewith as **ANNEXURE-1**.

6. That in regards to the complaint dated 20.10.2021, a letter was also written to Sarpanch, Village Panchayat of Adem, Quepem, Goa dated 07.11.2022. In the said letter, the Sarpanch was informed about the alleged illegal actions and the office was requested that since the Sy. No.'s fell in the jurisdiction of the Sarpanch of village Adnem, the office of Sarpanch should take action as per the law and rules. A true copy of letter dated 07.11.2022 written by the Office of the Answering Respondent to the Office of Sarpanch, Village Adnem is annexed herewith as **ANNEXURE-2**.

7. That it is further submitted that no other complaints were received in the office of the answering respondent regarding the Sy. No's. under dispute before this Hon'ble Tribunal. However, after receipt of notice of the present O.A., a site inspection dated 21.12.2022 was carried out by the office of the answering respondent wherein it was observed that in Sy.no. 23 and Sy.no. 29 of village Adnem of Quepem Taluka, cutting of sloppy land has been carried out, violating the provision of Section 17A of Town and Country Planning Act and no permission from Town and Country Planning Department has been obtained to carry out the said cutting. The true copy of the Inspection Report dated 21.12.2022 is annexed herewith as **ANNEXURE-3**.



[Handwritten signature]

8. That in respect of the inspection report dated 21.12.2022, a Show Cause Notice dated 22.12.2022 was sent to Biotech India Limited, wherein it was stated that hill cutting has been observed in Sy. No. 23 and 29, which has taken place without the permission from the Office of the Answering Respondent herein. It was therefore directed to show cause as to why direction should not be issued against Biotech India Limited to restore the land to its original condition or why an F.I.R. should not be registered for violation of the Section 17(A) of TCP Act. A true copy of the Show Cause Notice dated 22.12.2022 is annexed herewith as **ANNEXURE -4.**

Para-Wise Reply:

9. That the contents of the para 1 being a matter of record need no reply.
10. That the contents of the para 2 are wrong and denied and in reply thereto the Answering Respondent relies on the submissions made hereinabove.
11. That the contents of the para 3 in so far as are a matter of record, need no reply.
12. That the contents of para 4 do not pertain to the office of the answering respondent.
13. That the contents of para 5 in so far as are a matter of record, need no reply.
14. That the contents of para 6 wrongly numbered as para 3 being a matter of record, need no reply from the Answering Respondent.

[Handwritten signature]



15. That the contents of the paras 7 and 8 wrongly numbered as para 4 and 5 are denied as stated and in reply thereto the Answering Respondent relies on the submissions made hereinabove. At present there is no alleged developmental work on the prospective forest land in subject survey nos. 23 and 29 as alleged by the Applicant.

16. That the contents of the paras 9-10 wrongly numbered as paras 6-7 in so far as are a matter of record, need no reply.

The rest of the contents are denied as stated.

17. That the contents of the grounds raised in the present matter in para 8 (wrongly numbered) are denied as lacking in any material particulars.

18. That the contents of paras 9-10 (wrongly numbered) are denied as stated. It is denied that the present matter is within limitation as alleged.

19. That the contents of paras 11-12 (wrongly numbered) need no reply.

20. That the contents of para 13 (wrongly numbered) are denied as stated in as much as by their own admission the Applicant became aware of the alleged illegal activity in April, 2022, being tenants of the subject property. However, the present OA was filed in September, 2022.

21. That the contents of paras 14-17 (wrongly numbered) in so far as are a matter of record need no reply.

22. That the contents of paras 18-19 (wrongly numbered) are denied qua the Answering Respondent. It is most humbly submitted that the Answering Respondent will abide by any directions passed by this Hon'ble Court.



23. That the annexures are true copies of their respective originals.

[Handwritten signature]

[Handwritten signature]

DEPONENT

Verification:

Verified at Quepem Goa, on this 20th day of January, 2023 that the contents of the above affidavit are true and correct to the best of my knowledge, based on the records duly maintained and no part of it is false and nothing material has been concealed therefrom.

[Handwritten signature]

DEPONENT



Solemnly affirmed before me by
Shri / Smt. Y. Gandarasaj Vinayak Redkar
Who is identified to me by _____

Who is personally known to me
On this 20th day of January, 2023

Place Quepem - Goa

Reg. No 186/2023

[Handwritten signature]
PURUSHOTTAM K. PHALDESAI
NOTARY



Annexure-1

SITE INSPECTION REPORT DATED 7/11/2022

The site was inspected by the official of this office and it was observed as under:-

- 1) The site has been cleared and the leveling has been done. It appears that the site clearance and leveling is carried out for the purpose of deriving of access.



(Pooja Dessai)

Planning D'man Gr.II



Dy. Town Planner (Quepem)



Annexure-2

OFFICE OF DEPUTY TOWN PLANNER
TALUKA OFFICE QUEPEM-SANGUEM-DHARBANDORA
TOWN AND COUNTRY PLANNING DEPARTMENT
GOVERNMENT OF GOA

2nd Floor, Government Building, Quepem 403 705 GOA

Ref No. TP A Complaint / 58 / B Balli / 28/47, 28/49, 30/23 / 2022 / 2207 Date: 07/11/2022

To
The Sapanch/Secretary
Village Panchayat of Adnem
Quepem-Goa.

Sub:- Complaint against Mr. Suraj Ballikar R/o. Deulwada, Balli,
Taluka Quepem for illegal hill cutting in property under survey
no. 28/47, 28/49, 30/23, 30/19, 23/1 and 29/1 of village Adnem of
Quepem Taluka.

Ref:- Complaint under inward no.2677 dtd. 20/10/2021.

Sir,

With reference to the subject mentioned above please find enclosed
herewith the copy of the complaint received from **Shankuntala S. Gaonkar**
and others which is self-explanatory.

Since the matter pertains to your jurisdiction it is kindly requested to
take necessary action as per rules in force.

Yours faithfully,


(Yugandaraj V. Redkar)
Dy. Town Planner

Encl: As Above

Copy to :-
Smt. Shakuntala S. Gaonkar and others
Villagers of Adnem, Quepem-Goa.

SITE INSPECTION REPORT DTD. 21/12/2022

The site was inspected by the officials of this office on 21/12/2022 evening). As per the site inspection, it is reported as under: and it was observed as under:-

- 1) It was observed that, in Sy.no. 23 and 29 hill cutting has been carried out for which no permission from this Department has been obtained as per the office records.



(Pooja Dessai)

Planning D'man Gr.II



Dy. Town Planner (Quepem)



Annexure-4

OFFICE OF DEPUTY TOWN PLANNER
TALUKA OFFICE QUEPEM-SANGUEM-DHARBANDORA
TOWN AND COUNTRY PLANNING DEPARTMENT
GOVERNMENT OF GOA

2nd Floor, Government Building, Quepem 403 705 GOA

Ref No: TPP/ Romt/ NGT/ 01/ No. 86/ 2022/ 2560 Date: 22/12/2022

SHOW CAUSE NOTICE

Whereas this office is in receipt of original application No. 86/2022, before the National Green Tribunal, Western Zone Bench, Pune in the matter of Shri Pundalik Kushali Velip & anr V/S The Deputy Conservator of Forests, The Chief Conservator of Forests, The Deputy Town Planner, Quepem, Biotech India Limited, and The Village Panchayat of Balli-Adnem, wherein the applicants have alleged illegal activities carried out in the property bearing Sy.no. 23/1 to 23/39, 29/1 to 29/58, 30/1 to 30/88, 31/1 to 31/118, 32/1 to 32/127, 33/1 and 34 of village Adnem Balli Quepem Taluka by the respondent no. 4, i.e Biotech India Limited having office at 6926, Jaipuria Mills, Clock Towers, Subzi Mandi, Delhi 110007 and its Goa office at A-2, Solitaire Villa, Kirbhat, Nuvem, Margao Goa.

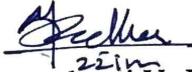
Whereas, this office had conducted site inspection in order to verify the facts on site.

Whereas, on the site inspection, it is observed that in land bearing Sy.no. 23 and 29, hill cutting has been carried out for which no permission from this Town & Country Planning Department, Government of Goa, has been obtained as per the office records.

Contd/-

-2-

Now therefore in view of above, you are hereby directed to show cause why direction should not be issued to you to restore the land to its original condition or why F.I.R. shall not be registered, for violation of Section 17(A) of TCP Act.


 (Yugandaraj V. Redkar)
Dy. Town Planner

o/c


 22/12/2022

To,
Biotech India Limited,
 6926, Jaipuria Mills, Clock Towers,
 Subzi Mandi, Delhi 110007.

and

Biotech India Limited,
 A-2, Solitaire Villa, Kirbhat,
 Nuvem, Margao Goa.

Copy to:-

- 1) **The Chief Town Planner, (Land Use)**
 Town & Country Planning Department,
 Patto- Panaji Goa.
- 2) **The Senior Town Planner (South),**
 Town & Country Planning Department,
 Osia Complex, 4th floor, Margao Goa.

Tn/-



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Urvi Kapoor
 to fawiamesquitalegal@gmail.com, Harshita, Ruchira, Nancy

17:36

Dear Ma'am,

Please find attached the counter affidavit being filed on behalf of Respondent no.3 in the above-captioned OA No.86/2022 be

Please consider this email as service and take note accordingly.

One attachment • Scanned by Gmail

