

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH AT PUNE

APPEAL NO. 02 / 2024



CALANGUTE CONSTITUENCY FORUM

.... APPELLANT

VERSUS

THE STATE OF GOA AND ORS

.... RESPONDENTS

**REPLY AFFIDAVIT TO THE APPEAL ON BEHALF OF
RESPONDENT NO. 6-**

I, Nazareth Vaz, Age about 61 years, Occupation Service, working as Executive Engineer-I, having office at Sinchai Bhawan, Porvorim, do hereby state on solemn affirmation as under-

I say and submit that I am Deponent of Respondent No.6, the Water Resources Department (WRD), having my address as mentioned above and competent, authorized and able to depose the present affidavit. I have perused and made myself conversant with the contents and record pertaining to the present Appeal and I am otherwise well aware of the facts and circumstances of the present case from office records and thus competent to depose the same. I say that I am filing the present reply for the limited purpose of opposing the reliefs as sought by the Appellant. I crave leave to file a further detailed affidavit if circumstances so warrant.

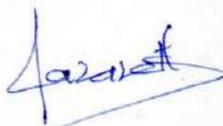
Nazareth Vaz

1. I say and submit that this Appeal has been filed challenging the order dated 30/11/2023 passed by the Goa Coastal Zone Management Authority (GCZMA) which is annexed at page No. 42 to the Appeal. I say that vide the said order, the GCZMA had discharged show cause cum Stop Work order issued against the present Respondent and further directed to comply with certain conditions which have to be scrupulously followed by the present Respondent.
2. I deny that the State OF Goa has exceeded the terms of the Tender as well as CRZ permissions and destroyed the existing bund covering the Khazan land and in the process, destroyed the mangroves.

PARAWISE REPLY-

3. As far as Paras (a) to (c) are concerned, I deny that the Respondent State Authorities are seeking to widen the width of the bund to 7.5 mtrs from existing 3 mtrs so as to convert it into a public road to serve the requirements of Survey No.12 of Candolim village. I say that as per the joint site inspection report held on 08/03/2024, the carriage width of the bund is 4.00 mtrs and not 7.50 mtrs as stated by the Appellant. I say that the bund has stabilized over a decade and serves the purpose for which it was constructed after the traditional bund was washed away. I say that the bunds are generally constructed for protection of agricultural lands and not road embankments for providing access to land locked property. I say that the Joint Committee has recommended that barricading should be done at entry and exit of the bund so that stretch of the bund is not to be used for vehicular traffic or any commercial activities. I say that at present, barricades are provided to stop vehicular access to the bund.

I say that the entire Appeal is purely based on conjectures. I deny that the mangroves were cut during



strengthening work of the bund. The present Respondent has taken utmost care to protect the existing mangroves on the sloping portion of the bund. I say that the mangroves which are seen to be dried up, are mainly due to breaching of bund which occurred decades ago resulting into uprooting and drying of mangroves.

The present Respondent has carried out the work based on Tender conditions and as per the specifications and modifications duly required for protecting the bund, hence the allegations made by the Appellant are denied. The WRD of Government of Goa has taken up the work improvement of bund to protect the Khazan land, which was breached and completely eroded. I say that this bund now protects the Khazan lands and the village from saline water inundation.

HISTORY OF THE BUND: -

The original bund namely 'Buta khazan' as per the records, belongs to Comunidade of Candolim. This bund had breached at many places, the sluices were non functional and defunct for decades and bund was non existing. Due to this the tidal waters of the Siquerim river used to enter the agricultural fields, causing environmental damage. It was also noticed that the mangroves thrived and occupied the agricultural fields in Khazan land and making them uncultivable.

I say that initially in the year 2012, the work improvement of bund had been taken up and the work was completed. The bund embankment was made with murum and two new sluices were constructed and FRP Sluice gates were installed to regulate tidal flow.

Bunds are constructed with earth from borrow areas which are located elsewhere. From these areas earth is transported by tipper trucks and laid on the bund.

Hence a top width of 4.0m is maintained for one way entry of trucks and to make a turnaround, cul de sac at convenient



locations. These bunds are not designed/planned/ finished for any vehicular movements.

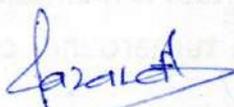
4. The present work namely "Strengthening and renovation of Existing Bund from Nerul bridge to Caculo house at Candolim, Bardez - Goa" was initiated based on request of village panchayat letter dated 04/07/2017 and proposal of Hon'ble Dy. Speaker, Goa Legislative Assembly dated 05/07/2017 as the bund is located in a place of tourist attraction.

I say that the proposal was submitted to GCZMA for permission to take up the work and same was granted vide order dated 20/09/2019.

5. I say that as far as para number (d) and (e) are concerned, the present work consists of only to level and heighten the existing earthen bund. I say that the top width of the bund / carriage way is generally about 4.0 mtrs. This will be used for pedestrian walkway and cannot be used as road for vehicular movement as the same is not designed for movement of vehicles. I say that the operational maintenance of two sluices will not permit vehicle use as it has an opening of 3.0 mtrs and 1.0mtr respectively, which has to be maintained for functioning of the sluices. I say that as far as the alleged damage to the mangroves is concerned, it has already been dealt with in earlier paragraphs.

6. As far as para (f) is concerned, the Joint Committee itself has suggested that the mangroves plantation and associated species in the area, wherever destruction of mangroves has taken place, should be carried out. I say that the present respondent is willing to carry out the plantation with the consultation & advise from GSBB.

7. As far as para (g) is concerned, the allegations made by the Appellant are denied herewith as the detailed reply is furnished in paras above.





8. As far as paras (h), 5, 6, 7, 8 (A) to (D) are concerned, there are no comments to offer. As far as 8 (e) is concerned, I say that the said approach road exists prior to the construction of the existing bund. Many big trees, other than mangrove species are observed in this area which clearly indicate the existence of the said land before construction of the existing BUND.

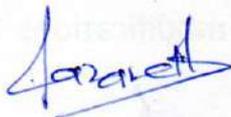
9. I say that as far as para 8 (F) is concerned, as per the Joint Site Inspection held on 08/03/24 and as per report submitted, the carriage width of the bund is 4.00 mtrs. A stretch of bund at the beginning was observed to be around in width 10 mtrs, during the inspection of the bund by expert members of the GCZMA, during the inspection on 24/01/2019. It is observed that the bund has a width of 13.00mtrs, in a stretch of 30 mtrs, which serves as a cul-de-sac to facilitate movement of vehicles during construction.

10. I say that as far as para 8(G) and 8(H) is concerned it is about construction of protection wall for embankment. Towards the river side wall was earlier constructed just above the High tide to protect the embankment from erosion. And towards Land ward side/field side the earth embankment is protected by providing rubble stone pitching with a toe wall (of dimensions 40 cm wide and 50 cm height) to hold it in position. This toe wall will be clad with stone/ covered with laterite boulder rubble.

11. I say that as far as para 8(I) is concerned, it has already been dealt with in previous paras.

12. I say that as far para 8 (J) is concerned, the construction material was observed to be stocked on site as the work is in progress.

13. I say that as far as para 8 (K) is concerned, there are no comments to offer.



14. I say that as far as para 9 is concerned, there are no comments to offer.
15. I say that as far as para 10 (I) and (II) are concerned, they are already covered in previous paras.
16. I say that as far as para 10 (III) is concerned, the present Respondent has no knowledge about who had carried out the land filling/ tree cuttings at the site prior to taking up of the work of improvement of the bund. Many mangroves may have got uprooted during the breaches in the traditional bund.
17. I say that as far as para 10 (IV) is concerned, the traditional bund that was existing, had breached and washed away. The entire length of the bund had been redone with murum and two sluices were provided for tidal regulation during 2012.
18. I say that as far as paras 10 (V) to (XI) are concerned, there are no comments to offer.
19. I say that as far as para 11 (I) and (II) are concerned, barricades are already placed at all the access points of the bund. Access to the bund will be through steps. Masonry steps will be provided at both ends of the bund to only allow pedestrian movement. At present two sluices are observed and serve the requirement of tidal regulation/ flushing of the poi and fishing requirements. As per request of the villagers, additional sluices can be provided. I say that the plantation of diverse mangroves and associated species will be taken up as per the recommendation and help of the Goa Biodiversity Board.
20. I say that as far as para 12 and 13 are concerned, there are no comments to offer.
21. I say and submit that since the Answering Respondent is carrying out the work based on the tender conditions and as per the specifications and modifications for protecting the



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bund, this Hon'ble Tribunal may not quash and set aside the impugned order issued by the Respondent No. 3 GCZMA. It is to state about 25% of works amounting to Rs.75.00 lakhs approximately is executed at site. If agreed, the work will further continue as per the impugned order of the GCZMA.

Solemnly affirmed at Porvorim on 12/07/2024



For and on behalf of WRD

Nazareth Vaz

Executive Engineer

Authorised Signatory

Of Respondent No.6

EXECUTIVE ENGINEER
Works Division - I
Water Resources Department
Porvorim-Goa.



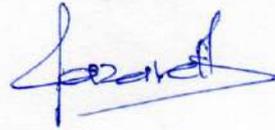
VERIFICATION

I, Nazareth Vaz, aged about 61yrs, India Inhabitant, Executive Engineer, WDI, WRD, being the authorised signatory of Respondent No. 6, having my office address at First Floor, Sinchai Bhawan, Porvorim-Goa do hereby state that I have submitted this affidavit on Solemn affirmation and oath. I have verified that facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter.

Date: 12/07/2024

Place: PORVORIM-GOA

Deponent



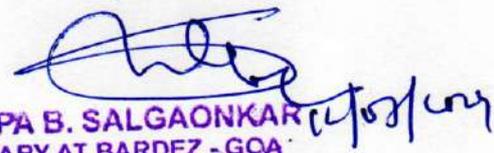
Nazareth Vaz

Executive Engineer **EXECUTIVE ENGINEER**
Water Division - I
Water Resources Department
Porvorim-Goa.

Authorised Signatory of Respondent No.6



SOLEMNL AFFIRMED AND VERIFIED
BEFORE ME BY Nazareth Vaz
WHO IS IDENTIFIED BEFORE ME
BY _____
WHOM I KNOW
SERIAL NO. 3712/2024 DATED 12/07/2024



SHILPA B. SALGAONKAR
NOTARY AT BARDEZ - GOA
STATE OF GOA - INDIA
REG. NO. 243/10