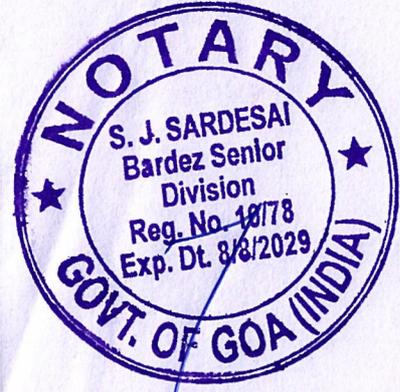


172



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

ORIGINAL APPLICATION NO. 46/2025 (WZ)

IN THE MATTER OF:

Dikshay Dattu Phadte & Anr. ... Applicants

Versus

Goa Coastal Zone Management

Authority & Ors. ... Respondents

REPLY AFFIDAVIT ON BEHALF OF

RESPONDENT NO. 9

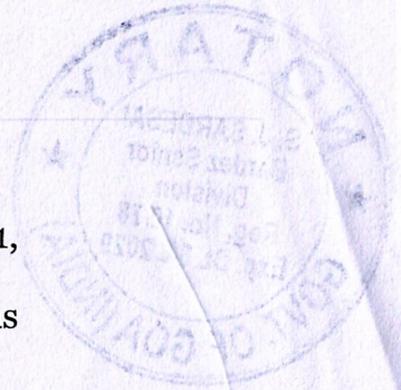
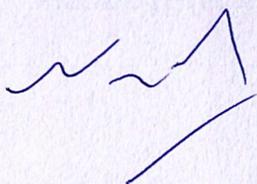
I, Mr. Neeraj Gupta, aged about 48 years,
married, business, Director of Shantam Holdings
India Private Limited, having registered office
address at H. No. 406/35. Madhukar Apartments,

A handwritten signature in blue ink, appearing to be 'Neeraj Gupta', written over a faint circular stamp.

Alto Porvorim, Bardez, North Goa, Goa -403521,
do hereby solemnly affirm and state on oath as
under:

1. I state that I am the Director of Respondent No. 9 – Shantam Holdings India Private Limited (hereinafter referred to as “Respondent No. 9” or “the answering Respondent”) and I am duly authorised to file this affidavit and to depose to the facts set out herein. I am conversant with the facts and circumstances of the present matter and I am competent to swear to this affidavit.

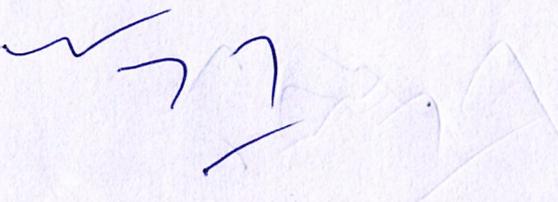
2. I state that I have carefully perused the Original Application filed by the Applicants. I categorically deny all allegations, assertions, and imputations made therein against the answering Respondent as being false, baseless, vexatious, and



untenable in fact and in law, save and except those which are specifically admitted herein.

3. At the outset, I respectfully submit that the Original Application filed by the Applicants is not maintainable against Respondent No. 9 and proceeds on an erroneous assumption that the answering Respondent's floating jetty project near the Dr. Salim Ali Bird Sanctuary at Chorao is in violation of the Coastal Regulation Zone (CRZ) Notification, 2011. The answering Respondent has obtained all requisite clearances and permissions from competent authorities prior to installation and operation of its floating jetty and continues to comply with all applicable environmental and regulatory conditions.

4. I state that the answering Respondent is the operator of a floating excursion vessel service



known as "FunCruise", catering to tourists and local patrons along the Mandovi river. The floating jetty constructed and operated by the answering Respondent is situated on the southern side of the Mandovi river and is intended solely for embarkation and disembarkation related to the said excursion vessel. It does not involve any permanent construction, land reclamation, or obstruction to traditional fishing activities.

5. I state that the answering Respondent has received the following permissions and clearances from the relevant statutory authorities:

a. Consent to Operate from Goa State
Pollution Control Board (GSPCB):

The answering Respondent has been granted Consent to Operate vide Consent Order No. 5/3/2024 dated 05.03.2024, issued under the provisions of the Water (Prevention and



Handwritten signature or initials in blue ink.

Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The said Consent permits operation of the floating jetty and associated vessel services subject to compliance with prescribed environmental safeguards and monitoring obligations. The Consent was granted after due inspection and consideration of all relevant environmental factors by the Board.

b. No Objection Certificate from the Captain of Ports Department:

The answering Respondent has obtained a No Objection Certificate dated 15.02.2024 for the installation of the floating jetty from the Captain of Ports Department, Government of Goa. The said NOC confirms that the installation does not impede navigational channels and adheres to all



Handwritten signature in blue ink.

maritime safety norms applicable to inland water transport infrastructure.

c. Payment of Port Dues:

The answering Respondent has regularly paid all port dues in respect of the floating jetty and its operations. As of the date of this affidavit, port dues stand duly paid up to July 2025. Acknowledgement receipts evidencing these payments are available and can be produced for perusal of this Hon'ble Tribunal, if required.

d. No Objection Certificate from Village Panchayat, Penha de Franca:

The answering Respondent has also secured a NOC from the local self-government authority – Village Panchayat of Penha de Franca – dated 20.02.2024, granting permission for the installation and operation of the floating jetty. The Panchayat has raised



[Handwritten signature]

no objection to the use of the said facility for excursion vessel activities, subject to observance of local norms and maintenance of riverbank cleanliness.

6. I state that the floating jetty established by the answering Respondent is designed as a modular, non-intrusive structure that is moored to the riverbed through environmentally safe anchoring systems. No dredging, excavation, or concretisation of the riverbank has been undertaken. The structure is fully reversible and does not result in any permanent or irreversible ecological impact.

7. I state that the present project is located outside the delineated boundaries of the Dr. Salim Ali Bird Sanctuary and within the navigational channel under the administrative jurisdiction of



Handwritten signature in blue ink.

the Captain of Ports. The installation does not fall within the core or buffer zone of the Sanctuary, nor does it encroach upon any designated eco-sensitive zone (ESZ) or protected area as per notified boundaries.

8. I state that the answering Respondent categorically denies the allegation that the floating jetty has any adverse effect on the sanctuary or nearby traditional fishing communities. The answering Respondent has at all times respected the rights and livelihoods of local fishing populations and has ensured that its operations are conducted without interference with traditional fishing routes or practices. No complaint from any local fishing community or resident has ever been made against the answering Respondent in this regard. On the contrary, the answering Respondent's operations have contributed



positively to local tourism and indirect employment in the hospitality sector.

9. I most respectfully say and submit that the floating jetty is not a “commercial-cum-private jetty” in the nature alleged by the Applicants. It is not intended for cargo handling, industrial shipping, or port activity. It serves only a single excursion vessel and has limited, seasonal operations that are aligned with eco-tourism principles and do not involve land-based commercial development.

10. I state that the Applicants have failed to substantiate how the floating jetty operated by Respondent No. 9 falls within the prohibitions contemplated under Clause 3 of the CRZ Notification, 2011. The said clause permits “foreshore facilities for fishing and related



Handwritten signature or initials in blue ink, appearing to be "M 77".

activities," and does not bar other permissible uses or structures which are temporary, floating, and environmentally benign, particularly when such use is supported by clearances from statutory regulators.

11. I state that the Applicants' prayer seeking restriction on all commercial development in areas "traditionally occupied by fishing communities" is vague, overbroad, and untenable in law. The answering Respondent's operations do not displace, replace, or restrict access to any such traditional communities, and no specific instance of conflict or harm has been demonstrated.

12. I state that the answering Respondent has acted lawfully, obtained all necessary permissions, and ensured environmental and community safeguards throughout. The Applicants' claims as



[Handwritten signature]

against Respondent No. 9 are therefore wholly misconceived, and no relief ought to be granted against it.

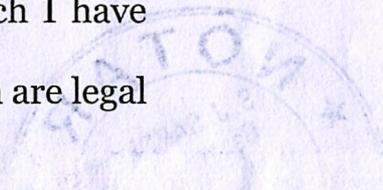
13. I crave leave of this Hon'ble Tribunal to rely upon all original approvals, correspondence, receipts, and inspection reports, as and when required.

14. I respectfully pray that this Hon'ble Tribunal be pleased to dismiss the Original Application as against Respondent No. 9, with costs.

15. I state that what is stated by me in paragraphs 1 to 13 of this reply affidavit are true and correct to my knowledge and based on the records maintained by my office to which I have access, and the submissions made therein are legal

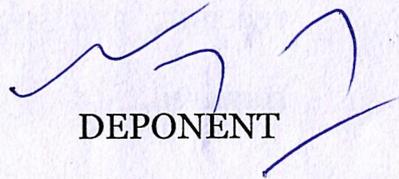


Handwritten signature and initials in blue ink, appearing to be 'Rajno' followed by a large checkmark-like flourish.



submissions based on legal advice, which I believe to be true.

Solemnly affirmed on this 28 day of July, 2025 at Mapusa, Goa.


DEPONENT

Identified by:

Advocate for Respondent No. 9.

✓ Solemnly Affirmed by *Naraj Gupta*
who has been identified by
whom I know Personally.

S. J. Sardesai
S. J. Sardesai
Advocate Notary, Mapusa - Goa

28 JUL 2025

Reg. No. 10441/2025

