

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
APPEAL NO. 45 OF 2022 (WZ)**

**IN THE MATTER OF:**

**Siddesh Salgaonkar**

**... Appellant**

**Vs.**

**Goa Coastal Zone Management Authority & Ors.**

**... Respondents**

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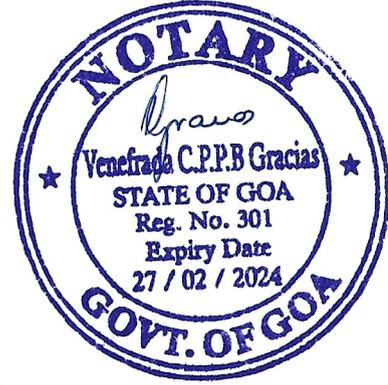
**Filed by:**



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Date: 30.11.2023

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
APPEAL NO.45 OF 2022 (WZ)



IN THE MATTER OF:

SiddeshSalgaonkar

... Appellant

Vs.

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

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

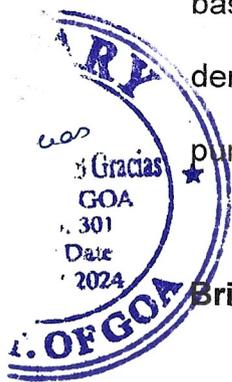
I, Dr. Sneha Gitte (IAS), adult, being the Member Secretary, Goa Coastal Zone Management Authority, having my office at: 4<sup>th</sup> Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of Goa Coastal Zone Management Authority. I am conversant with the facts and circumstances of the present case, and I am competent to swear and file the present Affidavit on behalf of Respondent No.1, on the basis of records and information available with the Department.
2. That Respondent No.1, i.e. Goa Coastal Zone Management Authority is filing the present short Reply Affidavit to the abovementioned Appeal.
3. At the outset, all averments made in the Appeal are denied to the extent the same are contrary to or inconsistent with my case in the present Affidavit. I say

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that no statement in the Appeal should be deemed as admitted for want of a specific denial.

4. At the outset, it is submitted that the grounds raised in the present Appeal are baseless and without merit. The paragraphs under Reply, would clearly demonstrate that the Appellant has no locus standi in the present case to pursue the present Appeal before this Hon'ble Tribunal.



**Brief relevant facts:**

- Events leading to the Demolition Order ("Impugned Order") dated 11 August 2022 and subject Appeal:

5. Respondent No.1 had received an application dated 08.11.2016 from the Water Resources Department, Government of Goa through its Executive Engineer – I, Works Division I requesting for No Objection Certificate (hereafter "NOC") for flood control measures and repair of existing Ganapati Visarjan platform in Survey No. 385/9 ("**Subject property**") at Bandir Waddo, Anjuna, which had become dilapidated over passage of time.
6. On 29 June 2017, Respondent No.1 granted an NOC to the Office of Executive Engineer, Works Division I, Water Resources Department in respect of the above-mentioned application (Exhibit A-4 of the Appeal). The NOC was granted for construction of Anti-Sea erosion wall near the Subject Property.

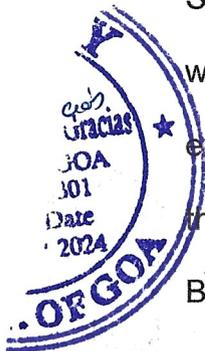
*Ante*

7. On 7 May 2018, the Office of Executive Engineer, Works Division I, Water Resources Department submitted a report wherein the demand for beautification of the existing Ganapati Visarjan platform near the Subject Property was accepted and a budget of Rs. 16,47,000.00/- was proposed, subject to approval from competent authorities (Exhibit A-3 of the Appeal).
8. On 7 July 2020, the Office of the Village Panchayat of Anjuna-Caisua vide a Resolution having No. 10 (33) unanimously resolved to take up the work of improvement & extension to the existing Ganesh Visarjan platform in the Subject Property (Exhibit A-5 of the Appeal).
9. On 20 November 2020, Site Inspection of the Subject Property was carried out by Expert Members of the GCZMA pursuant to the notice dated 4 November 2020 issued by the Member Secretary, GCZMA. In the Site Inspection Report, it was stated that Water Resources Department has already constructed a bandh/flood control measure/erosion control in part of this property. The project is recommended as it is in the public interest, which will benefit community as well as reduce soil erosion (Exhibit A-6 Colly. of the Appeal).
10. On 30 December 2020, Respondent No. 1 granted NOC for the construction of flood control measures/Ganapati Visarjan platform at Survey No. 385/9 at Bandir waddo in V.P. Anjuna i.e. Subject Property as per site plan thereby not exceeding existing Plinth area, further subject to confirmation with local building bye laws (Exhibit A-6 Colly. of the Appeal). The enclosed plan showcases that construction of platform admeasuring 10X20 sq. mts. had been approved.



(Enclosed plan is annexed here to as **Annexure-1**)

11. On 27 June 2021, Mr. Sagardeep A Sirsaikar, the Chairman of the Shree Sakhleshwar & Vithoba Rukmai, Bandir Waddo Trust i.e. Respondent No. 3 wrote a letter to the Chief Engineer, Water Resources Department wherein he expressed his appreciation to the Water Resources Department for initiating the development of the Shree Sakhleshwar Ganesh Visarjan ramp at BandirWaddo (Exhibit A-7 of the Appeal).



12. On 5 July 2021, Mr. Sagardeep A Sirsaikar, the Chairman of the Shree Sakhleshwar & Vithoba Rukmai, Bandir Waddo Trust i.e. Respondent No. 3 filed a complaint before Respondent No. 1 for illegal construction of wall and concrete structure on the bank of the river Chapora, Ward No. 3, Bandir Waddo being carried out by the Appellant i.e. SiddeshS algaonkar and one Mr. Shailesh Chodankar (Exhibit A-8 of the Appeal).

13. On 9 July 2021, Office of the Village Panchayat of Anjuna-Caisua issued a notice to the Appellant based on the complaint dated 5 July 2021 wherein it was stated that the Appellant has done illegal construction of wall and concrete structure on the bank of river Chapora, Ward No. 3, Bandir Waddo, Chapora of property bearing Survey No. 385/9 at Anjuna Village i.e. Subject Property. In the notice it was averred that before commencement of any construction work, prior permission is required to be taken from the Panchayat under section 66(1) of the Goa Panchayat Raj Act, 1994, which the Appellant has failed to take,

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and is thereby directed to stop illegal construction of wall and concrete structure. Further, notice for site inspection to be conducted by the Village Panchayat on 12 June 2021 was also given (Exhibit A-14 of the Appeal).

14. On 12 July 2021, Respondent No. 1 issued a Notice of Site Inspection to the Appellant and one Mr. Shailesh Chodankar based on the complaint dated 5 July 2021 (Exhibit A-13 of the Appeal).



On 27 July 2021, Site Inspection was conducted on the Subject Property in the presence of the Appellant and one Mr. Shailesh Chodankar. The Site Inspection Report stated that the Water Resources Department has undertaken overall flood and erosion control, along with Ganapati Visarjan platform in public interest. Photographs and Site Plan were annexed (Exhibit A-13 of the Appeal).

16. On 19 July 2022, Respondent No. 1 issued a Show Cause Notice to the following persons: a) Executive Engineer, Works Division I, Water Resources Department, b) Mr. Prasad V., Civil Contractor, c) Mr. Sagardeep A Sirsaikar and d) Mr. Jaiparakash Sirsaikar. In the above notice, it was stated that the GCZMA in its 240<sup>th</sup> meeting held on 17 December 2020 granted NOC to Water Resources Department to construct Ganapati Visarjan platform abutting Survey No. 385/9 at Bandir Waddo i.e. Subject Property. It was further pointed out that there is illegal construction of concrete platform in riverine land on the bank of the river Chapora adjacent to the property bearing Survey No. 385/9 of Bandir Waddo i.e. Subject Property, carried out by Water Resources Department by

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misusing the NOC dated 30 December 2020 granted to them and Water Resources Department had carried out the extension at the site beyond the approved plan thereby blocking the access of the community members. It was stated that the alleged construction appears to be in violation of the NOC/approval of GCZMA granted as required under the CRZ notification of 2011 (Exhibit A-15 of the Appeal).

17. On 28 July 2022, at the 317<sup>th</sup> meeting of Respondent No. 1, it was concluded that the 'additional' Ganapati Visarjan platform (beyond 10X20 sq. mts.) was illegal and demolition ordered, leaving an area of 10X20 sq. mts. The above decision was based on the reply received by the Authority from the contractor as well as the Water Resources Department stating that they had only carried the work admeasuring 10X20 sq. mts. as approved by the Authority and the rest of the alleged additional work is not carried out by them.

(Minutes of 317<sup>th</sup> GCZMA Meeting are enclosed hereto as **Annexure 2**)

18. On 11 August 2022, the Respondent No. 1 passed the Impugned Order wherein it directed demolition of the additional construction of platform of Ganapati Visarjan leaving only area of 10X20 sq. mts. as approved by Respondent No. 1 in property bearing Survey No. 385/9 at Bandir Waddo. i.e. Subject Property. The said Order was passed based on the proceedings of the 317<sup>th</sup> meeting of Respondent No.1 (Exhibit A-1 of the Appeal).

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19. On 18 August 2022, Mr. Sagardeep Sirsaikar i.e. Respondent No. 3 wrote a letter to the Deputy Collector & S.D.O., North Goa, Mapusa Bardez Goa i.e. Respondent No. 2, asking for immediate demolition of the additional construction of platform of Ganapati Visarjan leaving area of 10X20 sq. mts. as approved by the GCZMA bearing Survey No. 385/9 at Bandir Waddo i.e. Subject Property in terms of the Order dated 11 August 2022, passed by Respondent No. 1 (Exhibit A-16 of the Appeal).



20. On 19 August 2022, Respondent No. 2 issued a Memorandum directing the Mamlatdar, Bardez, to carry out demolition of additional construction of platform of Ganapati Visarjan leaving only 10X20 sq. mts.(Exhibit A-17 of the Appeal).

21. Aggrieved by the Impugned Order, the Appellant has preferred the present Appeal before this Hon'ble Tribunal.

- Reply by Respondent No. 1 to the specific averments made by the Appellant in Paragraphs 1 to 57 and Grounds(a) to (j) of the Application:

22. The Appellant has challenged the Impugned Order on mainly on three grounds, namely: (i) the Impugned Order has been passed in violation of the principles of natural justice (ii) there is sufficient documentary evidence to prove that the so-called "additional" platform was age-old (pre-1991) and (iii) impugned work was a permissible activity under the CRZ Regulations and therefore there was no valid reason or justification, for ordering its demolition.

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23. It is submitted that the grounds raised by the Appellant in the present Appeal do not hold any water and are completely erroneous.

24. With regards to the alleged ground of violation of principles of natural justice, Respondent No. 1 submits as under:

a) *Non-maintainability of the Appeal -*

(i) There is no question of any violation of principles of natural justice with respect to the Appellant as the Appellant has no *locus standi* to file the present Appeal. The Impugned Order dated 11 August 2022 passed by Respondent No. 1 is against the following persons: a) Executive Engineer, Works Division I, Water Resources Department, b) Mr. Prasad V., Civil Contractor, c) Mr. Sagardeep A Sirsaikar and d) Mr. Jaiparakash Sirsaikar. The Appellant is not affected directly by the Impugned Order nor has the said Order been passed against the Appellant per say. (Exhibit A-1 of the Appeal)

(ii) The Appellant has not made either the Water Resources Department or the contractor Mr. V. Prasad, who carried out the construction work on behalf of the Water Resources Department, a party to the present Appeal, albeit they being the necessary parties.

(iii) It is settled law that a case is liable to be dismissed if a necessary party is not impleaded. For being a necessary party, according to the court, the

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twin test has to be satisfied: (1) there must be a right to some relief against such party in respect of the controversies involved in the proceedings (2) that no effective decree can be passed in the absence of such a party.

(iv) It is submitted that the Appellants have not impleaded the necessary parties i.e. Water Resources Department nor the contractor Mr. V. Prasad, against whom the Order of Demolition has been passed by Respondent No.1. Furthermore, since the Water Resources Department and the contractor Mr. V. Prasad are the necessary parties, who have obtained the NOC from Respondent No. 1 in order to undertake repair work of the Ganapati Visarjan platform, and constructed the platform, respectively, no effective decree can be passed by this Hon'ble Tribunal in this matter pertaining to the Appellant.

(v) It is submitted that the Appellant herein is not the necessary party as firstly there is no right to some relief against such party in respect of the present proceedings as the Appellants do not have any approval per say in order to have carried out the illegal construction i.e. lack *locus standi*. Secondly, there is no embargo on an effective decree being passed even in the absence of the Appellants, who are not the necessary party in relation to the Subject Property which is under dispute. The same is also discernible from the fact that the Appellant was neither present in any of the GCZMA meetings pertaining to the Subject Property nor was a Show Cause Notice issued to him.



(vi) The Appellants affidavit dated 21 July 2021 filed before the Hon'ble High Court in Writ Petition no. 1453 of 2021 clearly shows that the Appellant is nowhere connected with the issue of construction of the extended portion of the platform in the Subject property, therefore the Appellant has no *locus standi* to file the present Appeal. (Annexure C of Reply filed by Respondent 3 and 4)



(vii) Furthermore, it is also an admitted fact by the Appellant themselves that they had not illegally constructed the so-called additional portion of the Ganapati Visarjan platform, while construction of the sanctioned Ganapati Visarjan platform was being undertaken by the Water Resources Department. Hence, the Appellant has no *locus standi* to file the present Appeal.

(viii) The Appellant is not an "aggrieved person", nor will any injury be suffered by him due to the demolition of the "additional" platform which has been directed to be demolished vide the Impugned Order passed by Respondent No. 1. The Appellant cannot file the present Appeal as he is not the owner of the Subject Property i.e. where the "additional" platform has been constructed.

(ix) The fact that the house of the Appellant is situated near to the impugned construction has no bearing to the implementation of the Impugned Order. The platform constructed by the Water Resources Department has been

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done keeping in mind the environmental effects and after obtaining requisite permissions and has been done in public interest which also aids the Appellant. Hence, the illegally constructed "additional" platform is of no further help to the Appellant. Further, the implementation of the Impugned Order will not deprive the Appellant from using the Ganapati Visarjan platform in any manner.



It is submitted that since the Appellant is in no way directly affected by the Impugned Order, and has not impleaded the necessary parties i.e. neither the Water Resources Department nor the contractor Mr. V. Prasad, the present Appeal is liable to be dismissed on this ground alone.

- b) *No question of violation of principles of natural justice when the Appellant is not the necessary party, but was still made aware of the proceedings in relation to the Subject Property:*

Even though the Appellant is not a necessary party to the present proceedings as established hereinabove, they were aware of the proceedings which were taking place in relation to the Subject Property which is discernible from the following:

- (i) On 9 July 2021, Office of the Village Panchayat of Anjuna-Caisua had issued a notice of Site Inspection to the Appellant based on the complaint dated 5 July 2021 wherein it was stated that the Appellant has done illegal construction of wall and concrete structure on the bank of river Chapora,

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Ward No. 3, Bandir Waddo, Chapora of property bearing Survey No. 385/9 at Anjuna Village (Exhibit A-14 of the Appeal).

- (ii) On 12 July 2021, Respondent No. 1 had issued a Notice of Site Inspection to the Appellant and Mr. Shailesh Chodankar based on the complaint dated 5 July 2021 from the Chairman of Shree Sakhleshwar & Vithoba Rukmai, Bandir Waddo Trust and Shri Sagardeep A. Sirsaikar. In the complaint it was averred that illegal construction of wall and concrete structure on the bank of river Chapora, Ward No. 3, Bandir Waddo Chapora, Goa was alleged to having been done by the Appellant and Mr. Shailesh Chodankar (Exhibit A-13 Colly. of the Appeal).



- (iii) On 27 July 2021, Site Inspection was conducted on the Subject Property in the presence of the Appellant and Mr. Shailesh Chodankar, which is an admitted fact. The Site Inspection Report stated that the Water Resources Department has undertaken overall flood and erosion control, along with Ganapati Visarjan platform in public interest. Photographs and Site Plan were annexed (Exhibit A-13 Colly. of the Appeal).
- (iv) Furthermore, it is also an admitted fact by the Appellant themselves that they had not illegally constructed the so-called additional portion of the Ganapati Visarjan platform, while construction of the sanctioned Ganapati Visarjan platform was being undertaken by the Water Resources Department. Hence, the Appellant cannot claim any violation of principles of natural justice.

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25. It is submitted that the fact that notices of site inspection were issued and served on the Appellant by both the Village Panchayat on 9 July 2021 and Respondent No. 1 on 12 July 2021, establishes the fact that the Appellant was aware of the ongoing proceedings pertaining to the Subject Property, even though he was not a necessary party to the proceeding. Furthermore, on 27 July 2021, Site Inspection was conducted on the Subject Property in the presence of the Appellant and Mr. Shailesh Chodankar.

26. Without prejudice to the above, it is submitted that neither the service of notices of inspection nor the presence of the Appellant during site inspection in anyway imply explicitly or implicitly, that Respondent No.1 had already recognized that the Appellant was a party interested in the cause.

27. The contention of the Appellant that there has been a violation of principles of natural justice as the Impugned Order has been passed without issuing show cause notice or affording personal oral hearing to the Appellant is baseless and without merit. The very fact that the Appellant is not a necessary party to the present proceedings is evident from the fact that Show Cause Notice have been issued to the Water Resources Department and the contractor, and not to the Appellant by Respondent No.1.

28. The Water Resources Department and the contractor are the only parties competent to pursue the present appeal being directly interested in the matter, and hence, the present Appeal filed by the Appellant is liable to be dismissed.

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29. Furthermore, the Appellant was not a party to any of the meetings held by Respondent No. 1 wherein an opportunity of raising objections and oral hearing was given to the necessary parties.

30. Hence, the aversion of the Appellant that there has been a violation of principles of natural justice is baseless and devoid of merit.

31. With regard to the aversion that there is sufficient documentary evidence to prove that the so-called additional platform was age-old (pre-1991), Respondent No. 1 submits as under:



*Documentary evidence produced by the Appellant do not establish existence of the platform prior to 1991:*

- (i) The site plan as annexed at Page 42 of the Appeal by the Appellant in order to demonstrate the existence of the alleged pre-existing platform (prior to 1991) admeasuring 4.50X10.00 mts, does not bear any date so as to showcase the date of the very Plan having been executed.
- (ii) It is admitted by the Appellants themselves the said Site Plan was prepared by a private architect/surveyor.

In the absence of either any date which establishes the existence of the illegal platform as per the Site Plan relied upon by the Appellant as to have existed prior to 1991 and the fact that the same has been prepared

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by a private architect/surveyor, the Appellant's reliance on the same is misplaced.

(iii) The report of the Water Resources Department (Exhibit A-3 of the Appeal) dated 07.05.2018 which has been relied upon by the Appellant nowhere mentions that the existing Ganapati Visarjan platform, beyond the 10X20 sq. mts. work approved/constructed by the Water Resources Department is an old structure existing prior to 1991.

(iv) Further, the Resolution passed by the local Village Panchayat (Exhibit A-5 of the Appeal) dated 21.06.2021 which has been relied upon by the Appellant also in no way establishes the Ganapati Visarjan platform, beyond the 10X20 sq. mts. work approved/constructed by the Water Resources Department, was in existence prior to 1991.

(v) The Show Cause Notice issued by the Respondent No.1 dated 19.07.2022 (Exhibit A15 of the Appeal) which has been annexed with the Appeal also categorically states the violation of CRZ Notification of 2011 as follows "Illegally extended the platform towards the river pathway approx. 4.50 mts length, 10 mts breadth and 5 mts. height beyond the approved plan." Thus, there is no question of the platform having existed prior to 1991, as is the case of the Appellant.

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Hence, none of the documents relied upon by the Appellant in any manner, showcase or prove that the “additional” platform existed prior to 1991 as averred by the Appellant.

b) *The NOC was granted to the Water Resources Department for platform admeasuring 10X20 sq. mts., and no NOC/permission exists for the additional platform admeasuring 4.50X10.00 sq. mts., which is evidenced from the following documents:*

(i) The Plan annexed as Exhibit A-2 by the Appellant also states, ‘Platform Work done by WRD 20.00X10.00 MTS’, which shows the acceptance of the Appellant regarding this structure constructed by the Water Resources Department.

(ii) The plan annexed with the NOC dated 30.12.2020 granted by Respondent No.1 makes it crystal clear that the approved plan was for the construction of a platform admeasuring 10X20 sq. mts.

(iii) On 27 June 2021, the Chairman of the Shree Sakhleshwar & Vithoba Rukmai, Bandir Waddo Trust wrote a letter to the Chief Engineer, Water Resources Department wherein he expressed his appreciation to the Water Resources Department for initiating the development of the Shree Sakhleshwar Ganesh Visarjan ramp at Bandir Waddo (Exhibit A-7of the Appeal).

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- (iv) The Respondent No. 1 in its 317<sup>th</sup> meeting held on 28.07.2022, after hearing both sides decided to direct the Dy. Collector and SDO Bardez to carry the demolition of additional construction of platform of Ganapati Visarjan leaving only 10X20 sq. mts. as approved by this Authority.
- (v) The reply given by the Office of the Executive Engineer, Works Division I, Water Resources Department dated 27.07.2022 to the Show Cause Notice dated 19.07.2022 issued by the GCZMA categorically states: *"On grant of NOC/permission GCZMA Copy placed at C/2 to C/4, the agency has commenced work the work. The scope of work involved construction of Ganapati Visarjan Platform of size 10X20 sq. mts. and steps of 3.00 mtrs facing the River and beautification by providing 60 mm thick interlocking pavers and S.S. railing along with the sides the work of Ganesh Visarjan platform of size 10X20 sq. mts. is constructed as per the GCZMA NOC and drawing and the work is nearing completion. This office denies that alleged illegal additional work of 4.5 mts. width of the platform obstructing the pathway is carried out by this department."*

(The reply given by the Office of the Executive Engineer, Works Division I, Water Resources Department dated 27.07.2022 to the Show Cause Notice dated 19.07.2022 is annexed hereto as **Annexure3**)

A perusal of the above-mentioned documents would make it crystal clear that a platform admeasuring 10X20 sq. mts. has been constructed by the Water Resources Department through the contractor, based on the NOC

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obtained from Respondent No. 1. However, no document has been able to be pointed out by the Appellant which demonstrates the existence of the alleged pre-existing platform admeasuring 4.50X10.00 mts as is the case of the Appellant.

32. With regard to the aversion that the impugned work was a permissible activity under the CRZ Regulations and therefore there was no valid reason or justification for ordering its demolition, Respondent No. 1 submits as under:

- (i) The illegal construction of the 'additional' platform has been done in the CRZ – I area since it is right at the riverbank and in the riverine area.

The same can be seen from the DSLR plan dated 29.07.2021 of the Subject property.

(DSLR plan is enclosed hereto as **Annexure 4**)

- (iii) This is in gross violation of the Regulation 8 of the CRZ regulations 2011 under which no new construction is permissible in CRZ-I area, except those specifically permitted under the said regulations and with due permissions issued under the regulations. The "additional platform" has been constructed in CRZ – I area, without obtaining requisite permission from the authorities.

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- (iv) As stated above, the NOC i.e. due permission had been granted by Respondent No.1 only for the construction of platform admeasuring 10 X 20sq. mts. as per the NOC and plan dated 30.12.2020.
- (v) The platform constructed by the Water Resources Department based on NOC from Respondent No. 1 was an important flood-control and anti-soil erosion measure. However, the same cannot be said of the illegally constructed "additional platform" admeasuring 4.50X10.00 mts.

Hence, any construction which is done without requisite permission from Respondent No. 1 and in derogation of the CRZ Regulations is liable to be demolished.



33. The Appellant vide an additional affidavit dated 10 November 2022, has sought to bring on record and rely upon a Report prepared by the subject expert (a retired hydrological engineer) in order to contend that implementation of the Impugned Order will lead to adverse effects on the environment itself, as well as on the houses situated in the nearby vicinity, including residential house of the Appellant.

34. It is settled law that report of an expert is not conclusive proof. Evidence of expert is after all is opinion evidence. The court has to evaluate the same like any other evidence. It is for the court to judge whether the opinion has been correctly reached. The opinion of an expert is not a substantive piece of

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evidence, and not conclusive. The weight to be attached to opinion of expert depends on its reasonableness and scientific quality.

35. During the preparation of the said expert report, it is an admitted fact that a site inspection of the Subject Property and adjoining areas was done on 31 October 2022 by the Expert along with the Appellant. However, no intimation or notice was provided to the Respondents regarding the same, hence violating the principles of natural justice.

36. It is also pertinent to point out that during the site inspection, a Site Plan dated 29 October 2022 prepared by Architect Nima N. Khorjuvekar was shown to the expert. However, the said Site Plan can in no way be relied upon by the Appellant to demonstrate that the "additional" platform existed prior to the year 1991.

37. The present Appeal filed by the Appellant is liable to be dismissed owing to the fact that the Appellant herein has no *locus standi* to pursue the Appeal as he is not a necessary party in the matter. Hence, any claims of violation of principles of natural justice are baseless and devoid of merit.

38. As has been established above, only the Water Resources Department or the contractor can only be the necessary party in relation to any Appeal which may be preferred against the Impugned order passed by Respondent No. 1.

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- 39. The "additional" platform which has been constructed is in violation of the CRZ Regulations of 2011, and it will be in the interest of justice as well as of the environment, if the said "additional" platform is demolished.
- 40. The Impugned Order passed by the Respondent No. 1 is correct on fact and law and needs no intervention.
- 41. I state whatever I have stated is true to the best of my knowledge and belief and nothing material has been suppressed therefrom.
- 42. I state that all annexures filed with the reply are true copies of their respective originals.

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**DEPONENT**

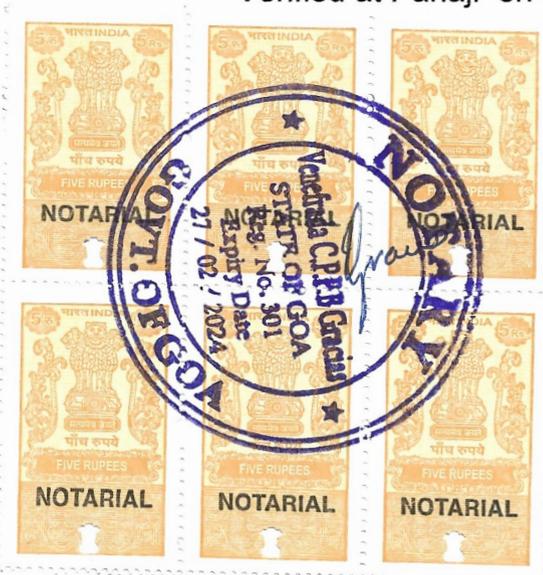
MEMBER SECRETARY  
 GOA COASTAL ZONE MANAGEMENT AUTHORITY  
 PANAJI - GOA

**VERIFICATION**



, the above named deponent, do hereby verify the contents stated herein above are true to the best of my knowledge. No part of it is false and nothing has been suppressed therefrom.

Verified at Panaji on 30<sup>th</sup> day of November 2023



*Gitte*  
**DEPONENT**

MEMBER SECRETARY  
 GOA COASTAL ZONE MANAGEMENT AUTHORITY  
 PANAJI - GOA

**Solemnly affirmed before me**  
*Dr Sneha S. Gilte*

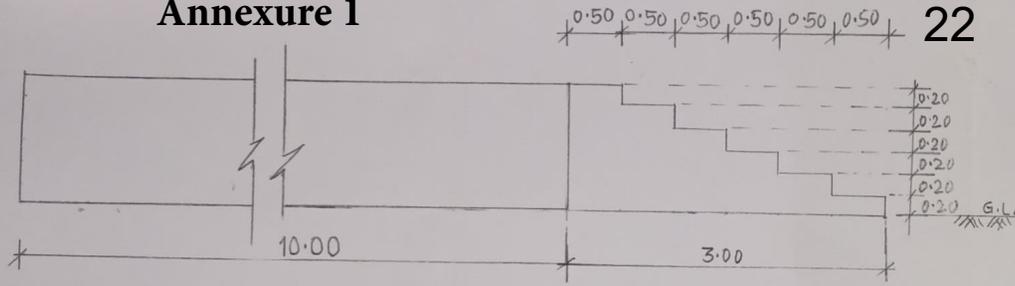
**Who is identified before me by**  
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**At Panjim - Goa**  
 Sr. No. 325/11/2023  
 Date. 30/11/2023

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

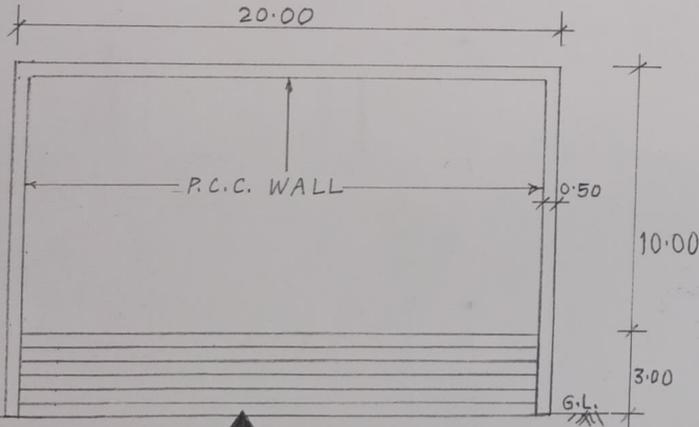
**Annexure 1**

22



ELEVATION

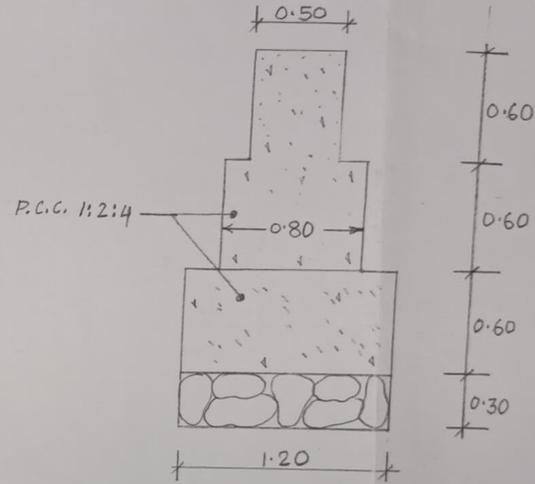
SCALE 1:50



PLAN

SCALE 1:200

227



C. S. OF WALL

SCALE 1:30

NO. G.C.Z.M.A/N/17-18/61/1469  
 dt. 30/12/2020



Government of Goa W.R.D S.D.I, W.D.I PANAJI		
Name of Work: - Beautification of Ganapati Vicarjan platform at Bandirwadda in V.P. Anjuna in Siolim Constituency.		
FLOOD CONTROL MEASURES IN ADJETTING SY. NO 385/3 AT BANDIRWADDA IN V.P. ANJUNA IN SIOLIM CONSTITUENCY		
 J.E	 A.E	 E.E

**MINUTES OF THE 317<sup>th</sup> MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 28/07/2022 at 03.00 PM IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 317<sup>th</sup> Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 28/07/2022 at 3.30 p.m.in the Conference Hall, Fourth Floor, Dempo Tower, Patto-Panaji-Goa.

**The following members were present for the meeting on 28/07/2022.**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Chief Conservator of Forest
- Representative on behalf of Director, Department of Tourism
- Representative on behalf of Directorate of Panchayats.
- Representative on behalf of Department of WRD, Panaji Goa.
- ShriSujeetDongre, Expert Member (GCZMA)
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri Shrirang V Jambhale, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No. 1.1**

**To decide on complaint Mr.HanumantMauzo and Mrs. Laxmi H Mauzo regarding Illegal construction of a structure by digging pits for foundation in the property bearing survey no 172/9 of Calangute Village Bardez Goa carried out by Mr. Bento J. S. Dias**

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as ‘the GCZMA’ in short) had received a complaint letter dated20/01/2021from Mr.HanumantMauzo and Mrs. Laxmi H Mauzo and MrJanardanPai Anglo resident of NavelimMargaoGoa, and was inwards in the office of on the 20/01/2021, with respect to Illegal construction of a structure by digging pits for foundation inthe property bearing survey no 172/9 of Calangute Village Bardez Goacarried out by Mr. Bento J. S. Dias and Santan M Dias,both resident of Madda Vaddo, Calangute, Bardez Goa within 200 mts from HTL.

Accordingly show cause notice cum personal hearing notice has been issued to the alleged violator.

Ld. Adv for the Complainant present and so also Ld. Adv for the Respondent present. Ld. Adv for the Respondent filed the reply.

The Authority after hearing the matter decided to adjourn the matter for filing of Rejoinder of the Complainant if any and furnish the advance copy of rejoinder in reply to the Complainant. The matter is posted on 25/02/2021 at 3.30pm. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252<sup>nd</sup> GCZMA meeting held on 02/03/2021 Ld. Adv for the Complainant present and so also Ld. Adv for the Respondent present. Advocate for Respondent filed reply. The Complainant produced the copies of documents. Ld. Adv for the Complainant wants to file Rejoinder in reply. The Authority after hearing both the adjourned the matter on 25/03/2021 at 3.30 pm.

The matter was taken up in its 281<sup>st</sup> GCZMA Meeting and due to paucity of time the matter was adjourned to 06/01/22 at 3.00p.m.

During 284<sup>th</sup> GCZMA meeting held on 06/01/2022 Complainant absent, Respondent present.

Fresh Notice to be issued to parties. Due to paucity of time matter stands adjourned and posted on 27/01/2022 at 3pm.

During 287<sup>th</sup> GCZMA meeting held on 27/01/2022 Complainant Shri. JanardhanPai and Respondent present in person. Complainant sought time to file rejoinder as his advocate is absent. Respondent stated that the property was purchased by them in the year 1988. Complainant submitted that the sale deed is not done in respect of the said property.

The Authority heard both the parties took note of the oral submissions made by the both parties and decided to grant additional time to Complainant to file rejoinder if any and posted the matter on 10/02/2022 at 3.00 pm.

During 290<sup>th</sup> GCZMA meeting held on 15/02/2022 Ld. Adv for the Complainant along with the complainant present, Adv H. D Naik along with the Respondents present. The Adv for the Complainant files copy of the Rejoinder to the reply filed by the Respondent and the copy of the same is served upon the Respondents. The Adv for the Complainant submitted that the Respondent has constructed an illegal structure by violating the CRZ norms. The Respondent submitted that no new constructions have been done but only excavations have been done and submitted that the property is beyond 200 mtr but within 500 mtr. The Authority questioned the Respondent whether he is ready to remove the extensions done, for that the Adv for the Respondent submitted that he has already filed application for permissions for the same which is before this Authority for approval.

The Authority after hearing the parties decided to carry site inspection through Expert Members by intimating the parties and posted the matter on 10.03.2022 at 3.00pm for receipt of report.

During 298<sup>th</sup> GCZMA meeting held on 07/04/2022 the proceeding and decision as follows: Ld. Adv for the Complainant present, Adv H.D.Naik present for the Respondent. The Adv. for the Complainant submitted that complainants are the owners of the said property and the Respondent has illegally constructed a structure and same is without any permission.

The Authority directed to issue stop work order and posted the matter on 19.04.2022 at 3.00pm.

During 299<sup>th</sup> GCZMA meeting held on 19/04/2022 The Complainant and Respondent remained present in person. The Complainant stated that the Respondent has carried out illegal construction without consent of the owners of the property, and there is no permission granted by any of the statutory Authority. Further the Complainant submitted that besides old structure the Respondent has carried out extension to the said structure.

The Respondent stated that they have undertaken only repairs of their old residential structure as it was in bad shape. The Respondent stated that the structure is very old structure and they had informed the village panchayat about construction activity. Further the Respondent submitted that they had purchased the said property from the Bhatkar.

The Authority after hearing the parties decided to hold inspection on 27/04/2022 at 11.00 am through Expert Member GCZMA. The parties present waived notices for site inspection fixed on 27/04/2022 at 11.00 am. The Authority also directed the Respondent not to do any further construction as the stop work order has been issued to them and it is in operation. The Authority decided to fix the matter for further hearing on 05/05/2022 at 3.00 pm.

Site inspection was conducted by Expert members GCZMA on 27/04/2022 and submitted the report.

During 302<sup>nd</sup> GCZMA meeting held on 05/05/2022 Complainant present in person, Ld. Adv for the Respondent present. Adv for the Respondent seeks time on the ground that he wishes to rely on some additional documents in support of his case.

The Authority after hearing the Respondent granted time and directed both the parties to collect the site inspection report and file reply to the same and posted the matter on 26.05.2022 at 3.00pm.

Complainant present in person. Adv.C.A Carvalho holding for Adv. H.D.Naik present for the Respondent. The Adv for the Respondent sought time stating the personal difficulty of Adv. H.D.Naik and files additional reply same is served upon the Complainant. The Authority directed the Advocate for the Respondent to file written application for time and further directed to file reply on the site inspection report.

The Authority granted time to the Respondent and posted the matter on 9/06/2022 at 3.00pm for reply and final arguments.

During 308<sup>th</sup> GCZMA meeting held on 09/06/2022 Complainant present in person along with their Advocate Deepak Tilve. Respondent present in person along with Adv. H.D.Naik and files additional reply with the relevant documents. He further submitted Agreement for sale was executed between the parties but due to some reason Sale Deed was not executed. Further sought time to file reply on site inspection report.

The Authority heard the Respondent and granted last and final opportunity to the Respondent to file reply on site inspection report and posted the matter on 30/06/2022 at 3.00pm. Further directed that the stop work order to be continued till the next date of hearing. On 30/06/2022 the meeting is cancelled and posted on 07/07/2022 at 3.30 pm.

During 315<sup>th</sup> GCZMA meeting held on 07/07/2022 Complainant present in person along with their Advocate. Respondent present in person along with Adv. H. D. Naik files his reply on the Site Inspection report and furnishes copy of the reply to the other side. He also files an application for regularization of the structure. The Authority further directed that the stop work order to be continued till the next date of hearing.

The Authority has taken the reply on record and decided to post the matter for arguments on 28/07/2022 at 3.30 p. m.

**Proceedings:** Complainant present in person along with their Advocate. Respondent present in person along with Adv. H.D. Naik states that he has filed an application for regularization at the Village Panchayat and also before the Authority. Adv Naik states that the Village Panchayat had also given them permission for repairs. He seeks time to produce all the documents on record. Adv for the Complainant stated that he had no objection to the Respondent seeking time.

**Decision:** The Authority considered the request of the Respondent and granted him time in the matter and posted the matter on 18/08/2022 at 3.30 p.m. for arguments.

**Case No.1.2****To decide on the Suo Moto cognizance of Hon'ble High Court of Bombay at Goa, with regards to M/S Boomerang Bar and Restaurant.**

**BACKGROUND:** The present matter is interalia Suo Moto cognizance of Hon'ble High Court of Bombay at Goa, Panaji about the illegalities/constructions in CRZ area. The Hon'ble High Court of Bombay at Goa vide Order dated 26/09/2007 passed in the matter of Suo Moto Writ petition no.02/2006 had directed all Panchayats /Municipalities to submit action taken report with regard to constructions in NDZ/CRZ area as per terms mentioned therein along with an affidavit.

Pursuant to the decision taken by the Authority in its 198<sup>th</sup> GCZMA meeting held on 10/05/2019; directions were issued by GCZMA to M/S Boomerang Bar and Restaurant to demolish G+1 structure vide order bearing no. GCZMA/SMWP/02/06/743 dated 30/05/2018. The affected party approached Hon'ble High Court of Bombay at Goa to challenge the said demolition order bearing WP No. 469 of 2019.

The respondent has also filed a review Application dated 09/07/2019 interalia seeking review of the order dated 30/05/2019 passed by GCZMA.

The matter was placed in the 210<sup>th</sup> GCZMA meeting held on 07/08/2019. In the said meeting it was decided as follows " the Authority noted that the respondent was not present for the hearing. The Authority decided to give him an opportunity for another hearing. The next date of personal hearing before the Authority is scheduled on 24/08/2019 (11.00am) onwards".

The matter was placed in the 211<sup>th</sup> GCZMA meeting held on 24/08/2019. In the said meeting it was decided as follows "The authority considered the judgment of the Hon'ble High Court dated 25/09/2018 passed in Writ Petition No. 702/2018 wherein the Hon'ble High Court has held that the GCZMA has only limited ground of review and that ground must relate to violation of principles of natural justice for reasons attributable to GCZMA. The limited issue that this authority shall consider is whether there is any breach of principles of natural justice and whether such a breach has arisen due to omission or error on the part of the authority without any contribution on the part of the party against whom the order is passed and whether such breach goes to the root of the matter. Upon perusal of the decision taken in the minutes of the meeting held on 10/05/2019 on the basis of which the demolition orders were issued, it is noted that this authority has drawn adverse inference against the Respondent for non production of the original affidavit dated 18/04/2019 sworn by Mr. Silvester Rodrigues and has discarded the said affidavit for the purpose of the proceedings. The said affidavit was sworn

specifically for the purpose of the GCZMA proceedings and the same was sought to be relied upon by the Respondent to establish the vital link between the documents and owners prior to 1991 and the Respondent. The original affidavit was in possession of the Respondent and is placed on record of this authority. This authority also noted that no opportunity was given to the Respondent to place the original on record nor was any query addressed to the Respondent with regard to the existence of original or the requirement of the original for the proceedings. The authority noted that the same has caused grave prejudice to the Respondent and it was an error on the part of the authority not to give an opportunity to the Respondent to place the original affidavit on record or to inform him about the requirement of the same and the same has resulted in giving an adverse finding behind the back of the Respondent which is in violation of the principles of natural justice and the same goes to the root of the matter. The discarding of the said affidavit has a bearing on the material findings given by this authority in the minutes of the meeting held on 10/05/2019 which has resulted in the demolition order. The authority is of the opinion that a case for review is made out on the said ground itself. In addition to the above, the authority has also noted that adverse finding was also given against the Respondent in respect of discrepancy in the signature in respect of deed of sale cum mortgage dated 01/08/1996 and the deed of rectification and the said documents were discarded for the purpose of decision making. Authority noted that the legality of the said deed of mortgage was not challenged by the complainant and the said finding was given without giving an opportunity to the Respondent to address the same. The said deed also is relevant and has a bearing on the issues and is relied upon by the Respondent to substantiate his case. The Respondent was also not put to notice that the legality of the said deed was in question. By discarding the said deed, findings have been given to the Respondent on issues which according to the Respondent are covered by the said deed. Authority has therefore concluded that even on the said count there is violation of principles of natural justice borne out of omission on the part of the authority and the same goes to the root of the matter and a ground for review is made out. Authority is also of the opinion that in light of above and in the interest of justice, the decision taken in the minutes of the meeting dated 10/05/2019 and the demolition order dated 30/05/2019 be review and recalled and a fresh hearing be conducted on the merits of the matter by giving a due opportunity to the Complainant and the Respondent. No prejudice shall be caused to the Complainant even otherwise since a fair opportunity will be given to all the parties including the Complainant.”

The matter was placed in the 214<sup>th</sup> GCZMA meeting held on 24/08/2019. In the said meeting it was decided as follows “The Authority heard the arguments from both the parties and decided to fix a matter on 22/10/2019 giving opportunity to complainant to cross examine Mr. Sylvester Rodrigues”.

The matter was placed in the 215<sup>th</sup> GCZMA meeting held on 22/10/2019. In the said meeting it was decided as follows “The Respondent had moved the application for Review of the decision and after hearing the parties in the 211<sup>th</sup> meeting held on 24/08/2019, the Authority came to a conclusion that the grounds for review were made out within the parameters laid down by the Honourable High Court in Writ Petition No. 702/2018 by Judgment and Order dated 25/09/2018. The Member Secretary also informed the members that the opinion of the Ld Advocate General of Goa was also obtained so as to know if procedural review is permissible and in that sense the Ld advocate General has opined that the same can very well be done. In any case the decision taken in the 211<sup>th</sup> meeting has not been challenged till date and the Complainant despite being informed in the last meeting held on 03/10/2019 maintained that she was not aware that the Review Application was allowed. In fact, the matter was partly heard on the last date itself on merits and it is only since the Complainant requested for time to study the matter to cross-examine the said Sylvester that the matter was posted today and the parties were informed that the matter shall be taken up for enquiry and hearing today. The Complainant cannot reopen the issue of review in this hearing and it is for the Complainant to take appropriate steps if she is aggrieved with the decision. In fact, it is only because of the decision for review which was taken that the present enquiry and hearing is being conducted. The Authority will be hearing the matter afresh and an opportunity is given to the Complainant to cross-examine the said Sylvester Having clarified on all the aspects raised, the authority decided to give an opportunity to the complainant to cross examine or obtain any inputs from said Sylvester @ Silverio.” The GCZMA has decided to call the parties for personal hearing.

The Authority during its 225<sup>th</sup> meeting held on 04/06/2020 took cognizance of the fact that since the proceeding were fixed for cross examine the witness of the respondent who had given the affidavit in support of the respondent who isn't present on account of some treatment which is undertaken by him, the authority decided to give an additional opportunity to the respondent to bring forth the witness for cross questioning him by the complainant. The proceedings are rescheduled on 03/07/2020 @ 10.30 am.

During 227<sup>th</sup> GCZMA meeting held on 17/09/2020 the matter was placed for personal hearing to the parties wherein the complainant Mrs Judith Almeida appeared in person and the respondent through advocate ShivanDessai to defend their case. The Authority in its 225<sup>th</sup> meeting held on 04/06/2020 had called upon the complainant to seek for any clarifications from the witness of the respondent claiming that he had been carrying out business within the offending structure much prior to 1991.

The Authority after hearing recorded the statement of the witness decided to hear the both parties on merits of the case on 24/09/2020 @ 3.30 pm. The Authority during 228<sup>th</sup> meeting held on 24/09/2020 decided that the hearings are taking place in open forum and the complainant herself has examined the witness and the email copy put before the Authority is not in good taste. The Authority noted that disposal of matters placed before the Authority is of prime importance and any such delaying tactic severely affects the output of the Authority. The Authority decided not to grant any further hearing in the matter. The parties may file their written arguments within a weeks' time, thereupon, the Authority will decide on the matter with available materials on record. The Authority was in receipt of written submissions from both the parties, Heard the matter and The Authority kept the matter for orders.

Since order in present matter not communicated to parties in that period of time, Chairman of GCZMA transferred and new chairman of the Authority had taken charge hence in view of this, Authority felt mandatory to re-hear both the parties.

During 285<sup>th</sup> GCZMA meeting held on 13/01/2022 The matter was taken through V.C AdvShivan appeared for the Respondent. Complainant sent a mail stating her inability to appear in the matter for today's hearing. AdvShivan argued the matter and sought to rely on the synopsis and the additional documents filed by him in the matter. Adv made reference to the synopsis dated 13/10/2020 and inwards in the office on 14/10/2020. Adv argued that there was an inquiry conducted and the Complainant had cross examined the party. Adv stated that he seeks to rely on the documents of the year 1966 wherein the Village Panchayat issued NOC to the predecessor in title and marked as Annexure A in synopsis dated 13/10/2020. Subsequent letter dated 1985 of Sunset Bar and Restaurant is at Annexure B at said synopsis. Adv states that the person who used to run the bar and restaurant has filed an affidavit stating that Mr Sylvester is making the payments for renewal of licences prior to 1991. The Village Panchayat has issued NOC to undertake minor repairs of structure granted to Mr Max Rodrigues. Assessment order is in the name of Max Rodrigues all documents are prior to 1991. Adv states that he has annexed an international travel Journal published in 1984 published in Australia which makes the mention of said Restaurant. Adv states that the matter was forwarded to the inquiry committee and they have submitted a report in favour of the Respondent.

The Authority heard the Respondent at length and posted the matter for further arguments of the Complainant on the 27/01/2022 at 3.00 p.m.

During 287<sup>th</sup> GCZMA meeting held on 27/01/2022 Complainant Judith Almeida present in person. Advocate ShivanDessai appeared for respondent.

Due to paucity of time the matter is posted on 03/02/2022 at 3.00 pm.

During 288<sup>th</sup> GCZMA meeting held on 03/02/2022 Complainant Smt Judith Almeida present in person, AdvShivan Desai present for the Respondent. The Complainant states that the present issue is emanating from the proceedings of Suo Moto WP 2/06. The Complainant explained the gist of the Complaint before the Authority and informed that she has filed the written arguments on record in support of her case. The Complainant submitted that in the present matter the Authority had directed the Respondent to produce plan attached to the deed of Sale cum Mortgage dated 01/08/1996, documents to show connection between Sunset Bar and Restaurant and Boomerang Hotel, Permission for ground plus one structure in Syno.39/1 Colva Village, conversion sanad, copy of the plan along with NOC dated 3/10/1987 and Copy of resolution from Village Panchayat dated 15/06/2009. The Respondent has failed to furnish the aforesaid documents. The fact that the no such documents were produced was recorded in the 187<sup>th</sup> GCZMA meeting minutes. In the said 187<sup>th</sup> GCZMA meeting minutes the Authority differed with findings of Inquiry Committee as the structures did not corroborate. The Authority could differ with report submitted by the Inquiry Committee as the Committee was formed only to expedite the disposal of the matters before it. The Authority in the 187<sup>th</sup> GCZMA meeting rightly issued an order of demolition.

The Complainant submitted the said order was challenged in an Appeal bearing no.04/2019. The Hon'ble Tribunal without expressing merits remanded the matter to this Authority. The said remand order passed by Tribunal was issued without issuing notices to parties.

The Complainant submitted that pursuant to hearing in various meeting the Authority issued second direction to the Respondent. A Wpno.469/2019 was filed by the Respondent and sought relief to continue commercial activities and Hon'ble High Court was pleased to grant the same till 07/07/2019. The Respondent further filed an Appeal no.46/2019 against order of Authority and later withdrawn after more than a year. The Respondent thereafter filed the present Review Application. The Review application has been heard inspite of objections.

The Complainant submitted a note was moved that Advocate General seeking legal opinion in the matter. The Complainant submitted said note made a deliberate omission of facts. The Complainant pointed out to Para 4, 5 of the said note.

The Complainant rejected the legal opinion given by Advocate General as important facts were not informed. The Committee/authority which issued direction dated 05/12/2018 and 30/05/2019 had no power to review its own decision.

The Complainant submitted Respondent failed to establish link between Sunset Bar and Restaurant and Boomerang Bar and Restaurant. An affidavit was filed and witness was allowed to depose before the Authority. The Complainant was had objected deposition and had to cross examine the same in protest. Such practice is to be deprecated. The deposition of Mr. Sylvester Rodrigues has to be discarded.

The Complainant submitted that agreement of lease was only in respect of part of property sold by Deed of Sale dated 20/09/1996. The Sunset Bar and Restaurant could only exist only in portion of property sold by sale deed dated 20/09/1996.

The Complainant submitted that deed of Sale dated 20/09/1996 is extremely important to clear all doubts regarding extent of property in Syno.39/1, Colva Village to which Mr. Sylvester Rodrigues. The Complainant submitted that the witness statement and clarification cannot be utilised to legalise illegal structures.

The Complainant submitted that Authority is being misled by the Respondent by providing forged documents. In fact the Boomerang Bar and Restaurant did not even exist at the time of the 1974 survey. The Complainant submitted that the structure is within No Development Zone and application for Review is frivolous and application has to be rejected/dismissed.

The Advocate for Applicant/Original Respondent submitted that findings of the Inquiry Committee cannot be discarded. The present application is maintainable in law. The Application is filed after withdrawing the Appeal filed before the Hon'ble NGT. The Authority has to consider the present Application based on documents before it. The structure is existence prior to year 1991. The Advocate prayed that Application be allowed.

The Authority directed the Respondent to produce the copy the previous NGT order on record and posted the matter on 24.02.2022 at 3.pm.

During 293<sup>rd</sup> GCZMA meeting held on 24/02/2022 Complainant Smt Judith Almeida present in person, AdvShivan Desai present for the Respondent. The Complainant submitted that the matter pertains to the review application filed by the present Respondent and the said review is otherwise not maintainable. The Adv for the Respondent stated that a question of maintainability of review application has already been decided. The maintainability of the review was considered in 211<sup>th</sup> GCZMA meeting held on 24.08.2019 and 215<sup>th</sup> Meeting held on 22.10.2019. The said minutes clearly indicates that the Authority has categorily found that the present application is maintainable. The Authority at this juncture questioned the Adv for Respondent as to the decision taken by the Authority in its meeting that tent amounts to passing an order or an independent order has to be prepared and send to the party. In the present case the

decision of the Authority is an interim decision and the same has been already communicated to the parties through a notice of hearing hence no specific communication of an interim order is required. The Adv for the Respondent further submitted that the minutes are also in public domain and parties are required to take note on the same. Further submitted that communication of the order to the parties is only enabling the parties to seek proper legal recourse as the date of limitation begins from the date of communication of such order. The Complainant submitted that the present review application has been filed after misleading the Hon'ble High Court and NGT and is complete abuse of judicial process. The NGT order was in fact passed *ex parte*. The Adv for the Respondent submitted the said order of the NGT has not been challenged by the Complainant and the Authority has power to review.

The Authority heard the parties and decided to communicate the decision on allowing the review application to the parties and further posted the matter on 24.03.2022 at 3.00pm for final arguments on merits. Meeting was cancelled on 24/03/2022 and Authority decided to issue fresh hearing notices to the parties.

During 300<sup>th</sup> GCZMA meeting held on 26/04/2022 Complainant Smt Judith Almeida present in person, AdvShivan Desai present for the Respondent. Adv for the Respondent sought time due to some personal difficulties.

The Authority granted time to the Respondent as requested and posted the matter on 12/05/2022 at 3.00pm for arguments.

During 303<sup>rd</sup> GCZMA meeting held on 12/05/2022 Complainant Smt Judith Almeida present in person, AdvShivan Desai present for the Respondent. The Complainant stated that the Authority had rightly decided and after perusing the documents passed a detailed order. The Complainant stated that the Respondent has failed to produce the conversion sanad, that they had no permission from any competent Authority, that the Plan at the time of purchase showed no structure. The Respondent failed to produce documents that the G+1 was a legal structure. She stated that the portion A1 and B1 has no structure. The Complainant stated that if the Respondent has constructed after 1974 then they have not produced any permission, the Respondent does not even have TCP approval

Based on the order of demolition the Respondent approached the Hon'ble NGT on the ground that they have more documents to produce it was only on this condition that the NGT reverted the matter back to the Authority to hear the matter.

The Respondent had also approached the Hon'ble High Court in writ petition 469 and the Hon'ble High Court granted them time.

The Respondent stated that the Review was allowed.

The Authority had also examined a witness who had deposed saying that the structure was existing. However, the Witness could not produce any documentary evidence to prove the existence of the structure prior to 1991.

In the submission dated 26/4/2022 at C Colly the photos show that the structure is on the beach. The entire beach is filled with stones. The Complainant says that the Authority should apply the polluter pay principle.

The Adv for Respondent stated that the GCZMA had issued a demolition order and had however failed to consider the documents. He added that the Authority failed to consider the plan attached to the deed of sale, the construction repair plan, the NOC issued, the Resolution of the Village Panchayat, the Authority also differed the Expert Committee's report and discarded the same.

The Respondent states the structure is shown on the plan attached to the Deed of Sale.

The Adv for Respondent stated that the Report of the Committee is stating the true fact of the case. He relied on the written synopsis dated 13/10/2020 and elaborated on the documents relied thereon.

The Respondent stated that Sylvester is the family member of Max. The Adv for Respondent stated that the Property belonged to Sebastian and it was through inventory that the property is allotted to Max.

The Authority after hearing both the parties directed the Respondent to produce the additional document on record to prove the legal lineage of Sunset Bar and Restaurant with Boomerang and posted the matter on 16/06/2022 at 3.00pm for further arguments.

During 310<sup>th</sup> GCZMA meeting held on 16/06/2022 Complainant Ms. Judith present in person. Adv Anirudh Sardesai present on behalf of the Respondent and filed application for additional documents with the document proving the link between the Sunset Bar and Restaurant and Boomerang and submitted that same is in existence prior to 1991.

Complainant submitted that there is no existence of SunSet Bar and Restaurant further submitted that she has relied upon the plan of 1972 in which there is no structure showing which is clear that there is no structure by name SunSet Bar and Restaurant which the Respondent claiming to be in existence prior to 1991.

The Authority directed the Respondent to collect the copies of the map/plan and file reply on the same and posted the matter on 14/07/2022 at 3.30pm. On 14/07/2022 the meeting got cancelled due to monsoon Legislative Assembly session and the said matter is postponed to 28/07/2022.

**Proceeding:** Complainant Ms. Judith present in person. AdvAnirudhSardessai present on behalf of the Respondent and filed additional reply. The Complainant stated that this property via the inventory proceedings was allotted to Maximo; that nowhere in the Sale Deed of the year 1996 is it mentions that there is a restaurant. That the survey plan also does not show structure. That the Respondent has failed to prove by documentary evidence that the restaurant standing on the structure is prior to 1991. The Respondent on the last hearing was directed to prove by documentary evidence the connection between the Sunset Barand Restaurant and the Boomerang. The Respondent has not brought out the connection in his additional reply. The Respondent seeks to rely on his replies filed before the Authority.

**Decision:** The Authority heard the parties at large and posted the matter for orders.

### Case No.1.3

**To decide on complaint from Nilkanth R Halarnkar, MLA Tivim Constituency stating that Mr. Michael Fernandes (Panch Member of Ward No. 2 in V.P.Tivim) has carried out huge illegal construction at Paina Vaddo, in Tivim in Sy No. 560/3.**

**Background:** the Office of the GCZMA had received a note dated 10/03/2021 and inwards in the office of the GCZMA on the 10/03/2021; from Nilkanth R Halarnkar, MLA Tivim Constituency bearing ref No TH/ML/39/2021 dated 10/03/2021 with regards to a complaint letter from the members of Village Panchayat of Tivim stating that Mr. Michael Fernandes (Panch Member of Ward No. 2 in V.P.Tivim) has carried out huge illegal construction at Paina Vaddo, in Tivim in Sy No. 560/3 which has resulted in mass violation of Communadade Land and0 further blocked the path of farmers preventing their entry to the appx 10,000 sqmts of agricultural field; he has also illegally encroached the public road near MOORAR bridge by constructing a laterite stone boundary adjacent to rivulet and damaging paddy fields.

During 310<sup>th</sup> GCZMA meeting held on 16/06/2022 Complainant absent, Ld. Advocate for the Respondent present and submitted that as per CZMP the said plot falls outside CRZ.

The Authority decided to hold fresh site inspection by issuing notices to the parties and posted the matter on 14/7/2022 at 3.30pm. On 14/07/2022 the meeting got

cancelled due to monsoon Legislative Assembly session and the said matter is postponed to 28/07/2022.

**Proceeding:** Complainant absent, Ld. Advocate Noronha for the Respondent present. The Site Inspection report is on file. As per the Site inspection report the structure falls beyond the HTL/CRZ

**Decision:** The Authority perused the records and noted that the property in issue falls outside the CRZ limits and decided to drop the proceedings and discharge the Respondent from the Show Cause Notice bearing no GCZMA/N/ILLE-COMPL/20-21/123/2069 dated 10/03/2021.

#### **Case No 1.4**

**To decide on application bearing no.61/2014 was filed by Cavelossim Villagers Forum interalia against M/s Balaji Concepts, Margao, Goa for illegal construction activities adversely affecting the natural water bodies/nallas/channels/paddy fields.**

**Background:** An application bearing no.61/2014 was filed by Cavelossim Villagers Forum interalia against M/s Balaji Concepts, Margao, Goa for illegal construction activities adversely affecting the natural water bodies/nallas/channels/paddy fields.

The said application came for hearing on 24/04/2019 before the Hon'ble National Green Tribunal. The Hon'ble National Green Tribunal has vide order dated 24/04/2019 directed as follows: *“Since the matter has been pending for the last about five years, having regard to the need for expeditious disposal based on correct and latest factual position, we consider it appropriate to direct furnishing of a joint report by representatives of the MoEF&CC, GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa. The GCZMA will be the nodal agency for coordination and compliance. Such factual report dealing with the issue may be furnished within three months by email at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com). A copy of the order be sent each to the MoEF&CC, GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa by email.*

*24. It will be open to the parties to furnish their respective versions to the GCZMA. It will also be open to the joint Committee to carry out inspection to ascertain status and assess the damage to the environment, if any, and suggest remedial measures”.*

In terms of said order dated 24/04/2019, the joint committee conducted the inspection and furnished and placed before the Hon'ble National Green Tribunal.

The Hon'ble National Green Tribunal has vide order dated 01/10/2019 has directed to as follows *"We, therefore, direct that the matter shall be looked into by the Goa Coastal Zone Management Authority (GCZMA) in terms of the Recommendation 3 (xii) on the aspects pointed out in the report. The GCZMA shall issue notice upon the parties and fix a date for consideration of the matter. The parties shall be at liberty to place their respective views and file additional documents, if so advised in the matter. The GCZMA shall dispose of the matter in accordance with law expeditiously within three months from hence"*.

During 233<sup>rd</sup> GCZMA meeting held on 29/10/2020 the matter fixed for hearing on 12/11/2020 at 3.30p.m. The Complainant and Respondent to take note of this date and time and appear to advance final arguments. Complainant Iris Prasanna appeared on behalf of Cavellossim Villagers Forum. Adv. P Morais appeared on behalf of Respondent. Complainant and Respondent filed written documents before Authority which were taken on record. The Complainant informed that the Respondent had diverted the existing nullah which is denied by the Respondent. Respondent stated that alleged construction is beyond NDZ and that they had obtained required permission to do development in the area. The Authority heard both the parties and the matter is adjourned to 10/12/2020 @ 3.30 pm with a direction to officials from the WRD and Expert member (GCZMA) to inspect the site to check the salinity of water and tidal influence of all water bodies and nullah which have been diverted by tracing their older alignments and submit the report on or before the next date of hearing.

The matter was heard in 239<sup>th</sup> GCZMA meeting held on 10/12/2020 and 249<sup>th</sup> GCZMA meeting held on 18/02/2021. In the 254<sup>th</sup> GCZMA meeting held 18/03/2021 wherein it was decided that *"Items as per Agenda from Case No.1.1 to 1.18 could not be taken up for discussion today as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.18 stands adjourned and fixed for hearing as per the date and time given to the respondent and complainant in respective matters."*

The matter was placed in the 264<sup>th</sup> GCZMA meeting held on 06/07/2021. The matter was heard and the matter was posted on 22/07/2021 at 3.30 pm.

Now the Authority has decided to issue fresh notices to both the parties.

During 307<sup>th</sup> Meeting held on 2/6/2022 the proceeding and decision as follows: Advocate B. Pacheco present for the Complainant present, Ld. Advocate for the Respondent present. The Advocate for the Respondent submitted that the construction is beyond CRZ and has valid permissions. The water bodies are been constructed as approved by WRD. He further informed that there is no intention of the Respondent to do any

further construction or divert water body without the approval of this Authority. He further pointed out that he has filed application.

The Advocate for the Complainant submitted that the Respondent has dumped mud in the water bodies by destroying the same.

The Expert Member and WRD officials had inspected the site and given report and same is available in file. The report speaks about the destruction of the water bodies and requested to pass appropriate order for restoration.

**Decision:** The Authority after hearing both the parties at length decided to carry fresh inspection on 10/6/2022 from 11.00am onwards through Expert Members in presence of both the parties and further posted the matter on 16/06/2022 at 3.00pm for receipt of report of Expert Member and for further discussion.

During 310<sup>th</sup> GCZMA meeting held on 16/06/2022 Both the Advocates present and submitted that site inspection has not been carried out.

As site inspection is not carried out the Authority adjourned the matter and posted on 30/06/2022 at 3.30pm. On 30/06/2022 the meeting is cancelled and posted on 07/07/2022 at 3.30 pm.

During 315<sup>th</sup> GCZMA meeting held on 07/07/2022, the Authority directed both the parties to collect the Site Inspection report from the Authority office and file their objections if any which will be decided by the Authority. The Authority adjourned the hearing and posted the matter on 14/07/2022 at 3.30 p. m.

**Proceedings** Advocate B. Pacheco present for the Complainant present, Ld. Advocate Morias present for the Respondent. Adv for the Complainant stated that he objects to the Site Inspection report as he was not present for the same at the time of Site Inspection. The Complainant stated that the water body is diverted by shifting the same to another location. The Adv for complainant stated that the WRD cannot grant permission to shift the water bodies. Further, he stated that the 2<sup>nd</sup> site inspection report states that the Respondent has filled the water body falling outside CRZ with permission of WRD. The Adv for the Respondent states that there are two water bodies in the property one lies in the NDZ and another falls outside NDZ. The Adv for the Respondent states that he has not filled the water bodies and that he would obtain the required permissions before starting the work from the CRZ. He further stated that the respondent had not carried out any construction within NDZ and the constructions which are carried out with the approval of authority are falling beyond NDZ.

**Decision:** The Authority noted the present matter is before it pursuant to order dated 24/04./2019 passed by the Hon'ble Tribunal in Original Application no.61/2014.

The said order constituted a Joint Committee who was required to present correct and factual position at loco vis-à-vis the property of the Respondent. The said Committee has submitted the report dated 31/05/2019. The Authority perused the said report and noted that no construction has been done by the Respondent within the riverine NDZ area by the Respondent. Further the Joint Committee gave certain recommendation in said report.

The said joint report of Joint Committee was placed before the Hon'ble National Green Tribunal. The Hon'ble Tribunal was pleased to dispose of the Original Application no.61/2014 vide order dated 01/10/2019 and interalia directed to deliberate upon issues raised report of the Joint Committee.

The Authority after hearing the parties in the 236<sup>th</sup> meeting held on 12/11/2020 was pleased to order joint site inspection along with Department of Water Resources. The report submitted by Expert Member GCZMA also noted no changes at site subject matter property.

Further after hearing the matter, the Authority further called for report in the matter. The officials of GCZMA conducted a site inspection on 29/06/2022 and submitted a report. The said report of the officials of GCZMA have observed that Syno.91/1, 91/6 and 91/5 (partly) (village Cavelossim) falls in CRZ III and partly outside CRZ area. The Syno.90/6 (village Cavelossim) falls within NDZ area of River Sal. The said site inspection has revealed that there is no construction work during site inspection.

The Authority noted that major construction work approved ie. Villas are beyond the No Development Zone of Sal river. The Authority noted that the Respondent has obtained necessary permissions from Town and Country Planning Department, Village Panchayat of Cavelossim and Water Resources Department.

The Authority after considering the all inspection report observed that the any activity including filling of water, creation of water body and nallah etc would mandate N.O.C/ permission under CRZ Notification 2011.

The Authority observed that presently the Respondent has not carried out any activity/ construction activity at site within CRZ area. The mandate of prior N.O.C/ permission from Authority has to be scrupulously followed by Respondent M/s Shree Balaji Concepts for carrying out any activity within CRZ Area. The Authority considering the above accordingly decided to close the proceedings before it.

### **Case No.1.5**

**To decide on a complaint letter from M/s Ashwin Holdings Pvt Ltd., through its authorized representative Mr. Ramesh Kumar Singh, r/o 6/194, KhobraVaddo, Calangute, Bardez Goa; with regards to illegal construction and extension to the illegal house;in the property bearing survey no 208/1, at KhobraVaddo, Calanguteby Mr. Celestino D'Souza.**

**Background:** the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 18/04/2022 from M/s Ashwin Holdings Pvt Ltd., through its authorized representative Mr. Ramesh Kumar

Singh, r/o 6/194, KhobraVaddo, Calangute, Bardez Goa; with respect to illegal construction and extension to the illegal house; in the property bearing survey no 208/1, at KhobraVaddo, Calangute, within CRZ III area carried out by Mr. Celestino D'Souza and Mrs. Joanita D'Souza R/o E-6/43, (old House No 643) KhobraVaddo, Calangute, Bardez Goa; within the NDZ.

A show Cause Notice was issued to both the parties.

During 302<sup>nd</sup> Meeting AdvSupekar present for Complainant, AdvRaikar for the Respondent. Adv for Respondent files reply, Complainant is directed to collect copy of the reply and files rejoinder if any.

The Authority decided to hold site inspection with prior intimation to the parties and posted the matter on 9/06/2022 at 3.30pm for further hearing.

During 308<sup>th</sup> GCZMA meeting held on 9/06/2022 AdvSupekar present for Complainant, AdvRaikar for the Respondent. It is brought to the notice of the parties that site inspection has been fixed on 14<sup>th</sup> June and notices has been posted intimating the same.

The Authority adjourned the matter and posted the matter on 14/07/2022 at 3.30pm for receipt of the inspection report of Expert Members. On 14/07/2022 the meeting got cancelled due to monsoon Legislative Assembly session and the said matter is postponed to 28/07/2022.

**Proceeding:** Adv for the Complainant present. Adv for the Respondent present. Adv for the Respondent filed his rejoinder in reply and furnished copy to the other side. The authority had fixed the inspection of mapping of structure through DSLR on 29/07/2022 from 10 am onwards.

**Decision:** The Authority noted that since the process of mapping was not completed the matter stands adjourned and posted on 25/08/2022 at 3.30pm.

### **Case No.1.6**

**To decide on complaint against Chandravati B Vaigankar and others for carrying out illegal construction of RCC structure for commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.**

#### **Background:**

the Office of the Goa Coastal Zone Management Authority had received a report from the Deputy Collector (Revenue) DLC wherein it has been submitted that Chandravati B Vaigankar and others have carried out illegal construction of RCC structure for

commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.

The GCZMA issued a Show Cause Notice bearing No.GCZMA/N/Ille-Compl/19-20/134/2714, dated 19/03/2020;issued to Chandravati B. Vaigankar, VatsalaVaigankar, Mr. Uday B. Vaigankar, UttaraVaigankar, however, one of the Respondent filed his reply to the notice.

During 238<sup>th</sup> GCZMA meeting held on 26/11/2020. The Complainant and the Respondent present. The Respondent filed the reply. The copy reply is given to the Complainant. Both parties are directed to collect the inspection report from office record.

The Authority adjourned the matter with direction to both parties to file reply and lead arguments. The matter is adjourned and fixed on 17/12/2020 at 3.30pm.

During 240<sup>th</sup> GCZMA meeting held on 17/12/2020. Adv. A Naik was present on behalf of Complainant. Adv. Godinho was present for Respondent and filed the reply.

The Authority after detailed discussion directed the Respondent to bring the legible copy and also original documents relied by them for verification. The matter is fixed on 14/01/2021 at 3.30pm.

Ld Advocates for both parties present. Ld. Advocate for the Complainant moved an application seeking the directions to the Respondent to furnish the legible copies. LdAdv for the Respondent undertakes to furnish copies.

The Authority after hearing both the parties directed the Respondent to furnish the legible copies of documents and file reply if any with the advance copy to shared among both parties with clear directions no more time will be granted and the matter is posted for further hearing on 04/02/2021 at 3.30pm.

During 246<sup>th</sup> GCZMA meeting held on 04/02/2021. Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time to file rejoinder.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253<sup>rd</sup> GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021at 3.30 pm.

During 260<sup>th</sup> GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for Complainant. Advocate AthainNaik appeared for respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

During 262<sup>nd</sup> meeting held on 24/06/2021 Heard both the parties, the Authority decides to keep the matter on 01/07/2021 at 3.30 pm.

During 263<sup>rd</sup> GCZMA meeting held on 01/07/2021 In this matter AdvA.Gosavi who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264<sup>th</sup> GCZMA meeting held on 06/07/2021. Adv Amey is appeared for the Complainant. AdvA.Gosavi is appeared for the Respondent. Sought time to file his reply.

The Authority heard the parties. The matter is now posted for filing reply on 22/07/2021 at 3.30p.m

During 266<sup>th</sup> GCZMA meeting held on 22/07/2021 Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Proceeding:** Adv for the Complainant present along with the Son of the Complainant. Respondent appeared in person and stated that his advocate could not be present as the Adv has contracted Covid-19.

**Decision:** The Authority considered the request and granted time in the matter and posted the same on 25/08/2022 at 3.30pm.

### **Case No.1.7**

**To decide on complaint dated 23/10/2020 from Mr. Oswald Dsouza ,Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa.**

**Background:** This office is in receipt of complaint dated 23/10/2020 from Mr. Oswald Dsouza, Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa without prior approval of the Authority.

After receipt of the complaint this office had issued show cause notice dated 26/10/2020 and decided to call the parties for personal hearing before the GCZMA.

The Authority decided to grant additional time to Respondent and adjourned the matter.

Complainant Oswald D'Souza remained present. Respondent UdayVaigankar appeared along with Adv. Gosavi and filed reply. So also the Complainant filed reply. Partly heard Adv for the Respondent.

The Authority during 242<sup>nd</sup> meeting held on 07/01/2021 after hearing both the parties decided to grant time for Respondent on a principal of natural justice and decided to keep the matter for further hearing on 21/01/2021 at 3.30.p.m with direction to come with clear documents and lead arguments. However the Meeting is postponed to 25/01/2021. During 244<sup>th</sup> GCZMA meeting held on 25/01/2021. LdAdv for the Complainant and LdAdv for the Respondent present. LdAdv for the Respondent filed the reply to show cause notice along with the documents. The Authority decided to post the matter for further arguments on 04/02/2021 at 3.30 pm.

During 246<sup>th</sup> GCZMA meeting held on 04/02/2021. Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253<sup>rd</sup> GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021 at 3.30 pm.

During 260<sup>th</sup> GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for the Complainant. Advocate Athain Naik appeared for the Respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

During 262<sup>nd</sup> meeting held on 24/06/2021. The Authority heard both the parties the Authority decides to post the matter on 01/07/2021 at 3.30 pm.

During 263<sup>rd</sup> meeting held on 01/07/2021. In this matter Adv A. Gosavi who is appearing for the Respondent communicated his adjournment application via Email

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264<sup>th</sup> GCZMA meeting held on 06/07/2021 Adv Amey Phadte is appeared for the Complainant. Adv A. Gosavi is appeared for the Respondent. Adv Gosavi stated that he had filed his reply.

The Authority heard the parties and has taken the reply on record. The matter is now posted for hearing on 22/07/2021 at 3.30p.m for arguments.

During 266<sup>th</sup> GCZMA meeting held on 22/07/2021 Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Proceeding:** Complainant appeared in person and prayed for the time. Ld advocate for Respondent Adv Gosavi could not be present as he has contracted Covid 19.

**Decision:** The Authority considered the request and granted time in the matter and posted the same on 25/08/2022 at 3.30pm

### Case No.1.8

**To decide on complaint filed by Shri.DharmeshSaglani against Mr. PravinGhanashyamDattaWarik, for carrying illegal construction several permanent structures within CRZ area in the property surveyed under survey No.66/12 of village NagorcemPalolemCanaconaTaluka.**

### **Background :**

Shri.DharmeshSaglani r/o H.No.850, Gokulwadi, Sanquelim Goa, vide letter dated 18/12/2020 filed a complaint against Mr. PravinGhanashyamDattaWarik, R/o House No.184/1, PatnemColomb, Canacona Goa, carrying illegal construction several permanent structures within CRZ area in the property surveyed under survey No.66/12 of village NagorcemPalolemCanaconaTaluka.

On receipt of complaint Authority forwarded same to Chairman of District Level committee to inspect the site and to submit the report, DLC now submitted report before Authority after conducting site inspection. Show Cause cum Hearing notices have been issue to the party.

**Proceeding:** Adv Lobo present for the Complainant. Respondent absent.

**Decision:** The Respondent after been duly served Show Cause Notice from this Authority with regards to alleged illegal structures chose not to appear and remain absent.

The Authority deliberated on the matter at length. The Authority after perusal of DLC site inspection notice, noted that Respondent constructed 4 Load bearing masonry structures having plinth area 220.30 sq mts Within NDZ at 44.30 mts from HTL in property surveyed under survey No.66/12 of village Nag-Palolem, Canacona Taluka thereby violating CRZ regulation.

The Respondent has not produced any requisite documents/permission from any competent authority to support his case that his 4 alleged illegal structures are authorized structures.

The Respondent after due service of show cause notice by post didn't not bother to appear before the authority. The Authority after considering all documents and site inspection report, came to conclusion that 4 Load bearing masonry structures having

plinth area 220.30 sq mts Within NDZ at 44.30 mts from HTL in property surveyed under survey No.66/12 of village Nag-Palolem, Canacona Taluka constructed by Respondent, shall demolished as same are Unauthorized and illegally constructed without obtaining any statutory permission from any competent authorities.

**Case No.1.9**

**To decide on complaint dated 14/01/2022 from ShriYadneshwar D. T. Vernekar with regards to illegal construction of Compound wall thereby blocking my traditional access by MrSavloramTukaramGovekar; &ors in survey no 165/1 and 116 of Siolim Bardez, Goa.**

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a complaint letter dated 14/01/2022 ; from ShriYadneshwar D. T. Vernekar a with regards to illegal construction of Compound wall thereby blocking my traditional access by MrSavloramTukaramGovekar; SmtLalitaTukaramGovekar; SurajTukaramGovekar; SarveshTukaramGovekar and TukaramTukaramGovekar in survey no 165/1 and 116 of Siolim Village.

Show cause notice cum personal hearing notice was issued by the GCZMA to the violators.

During 286<sup>th</sup> GCZMA meeting held on 25/01/2022 Ld Advocate for Complainant present. None present for Respondent. The report of police states that due to change in names of Respondent, no notices could be served and notices are returned back to the Authority.

The Authority after hearing the parties decided to inspect the site through expert member (GCZMA). The Complainant has to furnish correct names of Respondents. Further Authority decided to keep the matter on 24/02/2022 at 3.00 pm. Fresh notices to be issued on Respondents.

During 293<sup>rd</sup> GCZMA meeting held on 24/02/2022 Adv V. Naik present for the Complainant. LdAdv for the Respondent present and sought time by way filling application for time. Time granted as last and final and opportunity. The Adv for the Complainant asked for the copy of the site inspection report and also requested the Authority to give directions to the Respondent to maintain status quo. The Authority directed the Complainant to collect the copy of the S.I report from the office of GCZMA.

The Authority posted the matter on 17.03.2022 at 3.00pm for filling reply.

During 298<sup>th</sup> GCZMA meeting held on 07/04/2022 Adv for the Complainant absent, None for the Respondent present.

The Authority decided to issue fresh hearing notice by giving last and final opportunity to the Respondent and posted the matter on 26.04.2022 at 3.00pm.

During 300<sup>th</sup> GCZMA meeting held on 26/04/2022 Complainant Present, Respondent present through his Advocate.

The Authority decided to hold site inspection through officials of GCZMA on 29/4/2022 at 11.00 am onwards and posted the matter for hearing on 19/05/2022 at 3.00pm.

During 205<sup>th</sup> GCZMA meeting held on 19/05/2022 Respondent and complainant present in person, both collected the report of site inspection.

Authority directed both parties to file reply if any and posted matter for final argument on 28/07/2022 at 3.30 pm.

**Proceeding:** Complainant present along with his Advocate. Respondent absent.

**Decision:** The Authority deliberated on the matter at length. The Authority after perusal of site inspection report dated 12/05/2022 conducted by technical team of Authority, it noted that Respondent constructed compound wall of dimensions of 2x0.3x0.6m in CRZ III area in property surveyed under survey no 165/1 and 116 of Siolim Village of Bardez Taluka.

The Respondent has not produced any requisite documents/permission from any competent authority with regard to construction of present subject matter compound wall. The Respondent even failed to prove that said compound wall constructed by Respondent prior to year 1991, before CRZ Notification came into force.

In view of above Authority come to conclusion that as Respondent didn't produce any permission/approval from any competent authority with respect to alleged illegal compound wall and Respondent totally failed to establish the legality of said compound wall, Authority decided to demolish the said compound wall constructed by Respondents in survey no 165/1 and 116 of Siolim Village, Bardez Taluka.

### **Case No.1.10**

**To decide on the complaint filed by Mr Rajesh V. Dabholkar and Mr Advino Fernandes Members of Reis Magos Panchayat Supervisory Committee against M/s Silver Spoon Restaurant and bar through Mr Benedict D'Souza.**

**Background:** A complaint letter dated 28/05/2019 from Mr Rajesh V. Dabholkar and Mr Advino Fernandes Members of Reis Magos Panchayat Supervisory Committee was inwards in the Office of the GCZMA on 28/05/2019; pertaining to the illegal structures built by M/s Silver Spoon Restaurant and bar through Mr Benedict D'Souza, in CRZ area bearing Sy. No. 78/1 of Village Reis Magos.

A Show Cause Notice was issued to the Respondent M/s Silver Spoon Restaurant and bar through Mr Benedict D'Souza thereby directing the party to appear before the Authority and file reply along with supporting documents.

Adv. HD Naik appeared for Complainant. Adv V Pilankar appeared physically for Respondent and filed his Vakalatnama. Respondent sought 30 days time to file reply.

The Authority after hearing the parties decided to keep the matter on 24/02/2022 at 3.00 pm with a direction to the Respondent to file advance copy to Complainant.

During 293<sup>rd</sup> GCZMA meeting held on 24/02/2022 Adv. HD Naik appeared for Complainant, Adv for the Respondent absent. Last and final opportunity is given to the Respondent to file reply, if reply is not filed then the Authority shall proceed with the matter on merits.

The Authority posted the matter on 10.3.2022 at 3.00pm.

298<sup>th</sup>GCZMA meeting held on 07/04/2022 Adv. HD Naik appeared for Complainant, Adv for the Respondent absent.

The Authority decided to issue fresh hearing notice to the Respondent by giving last and final opportunity to appear before Authority and posted the matter on 28/04/2022 at 3.0pm.

During 301<sup>st</sup> GCZMA meeting held on 28/04/2022 Adv. HD Naik present for the Complainant, Ld. Adv for the Respondent present and filed an application praying for time.

The Authority after hearing the Respondent granted time as last and final opportunity and posted the matter on 19 /05/2022 at 3.00pm

During 305<sup>th</sup> GCZMA meeting held on 20/05/2022 Both Advocates for Respondent and complainant appeared, both asked for time.

Authority decided to grant time to Respondent and complainant to argue in matter and posted matter on 02/06/2022.

Advocate H.D.Naik present for the Complainant. Respondent absent. The Advocate for the Complainant submitted that ample of opportunities have been granted to the Respondent to file reply but Respondent has failed to do so.

The Authority granted last and final opportunity to the Respondent with the condition if incase the Respondent failed to appear on the next date of hearing before the Authority the matter will be heard Ex-parte against the Respondent and posted the matter on 16 /06/2022 at 3.00pm.

During 310<sup>th</sup> GCZMA meeting held on 06/06/2022 Adv.H.D.Naik present for the Complainant, Respondent absent. Complainant files application to hold fresh site inspection.

As it is seen from the records that Respondent is not appearing for past number of hearings the Authority decided to proceed Ex-parte against the Respondent and

decided to hold fresh site inspection through Expert Member ShriSujeetDongre on 27/6/2022 from 11.00am onwards by issuing notices to the parties and posted the matter on 7/7/2022 for receipt of report at 3.30pm.

During 315<sup>th</sup> GCZMA meeting held on 07/07/2022 Complainant present along with AdvH.D.Naik. Respondent absent however a letter has been inwards in the office of the Authority stating the difficulty in appearing in the matter as the concerned owner is out of the country and requests for time of 30 days to produce the documents and file appropriate reply in the matter. The inspection report is in file.

The Authority considering the request granted time in the matter and posted for filing of reply of the Respondent on the 28/07/2022 at 3.30 p.m.

**Proceeding:** Adv. HD Naik appeared for Complainant. Respondent absent.

**Decision:** The Authority noted that the Respondent was granted time in the matter upon the request received by the Authority. However, the Respondent has failed to remain present for today's hearing. Further, **the Respondent has not allowed the Inspecting team of the GCZMA to inspect the site in dispute.** In view of the above, the Authority decided to issue Sealing Order in this matter with a further direction to the Electricity Department to disconnect the electricity supply to the structure M/s Silver Spoon Restaurant and bar standing in Survey no 78/1 of Village Reis Magos and further directions to the PWD to disconnect the water supply to the structure M/s Silver Spoon Restaurant and bar standing in Sy. No. 78/1 of Village Reis Magos.

### **Case No.1.11**

**To decide on complaint from MrsSwati ShankarSatelkar, against Mr. Narayan Satelkar and Mrs. Roshan Narayan Satelkar for carrying out illegal construction in NDZ area under survey No 162/14 Village ArambolPernem Goa.**

### **Background:**

Mrs Swati Shankar Satelkar, R/o H. No 131/3, Khalchawada, Arambol –Pernem Goa vide letter dated 13/08/2021 in warded at the office on 22/10/2021 filed a complaint against Mr. Narayan Satelkar and Mrs. Roshan Narayan Satelkar R/o Arambol –Pernem Goa for carrying out illegal construction in NDZ area under survey No 162/14 Village ArambolPernem Goa.

On receipt of complaint, the Engineers attached to this office did the site inspection on 26/11/2021. Show Cause cum Hearing notices have been issue to the party.

**Proceeding:** Complainant absent. Son of Mr Narayan Satelkar present in person and seeks time to file reply / objections if any on the Site Inspection Report

**Decision:** The Authority considered the request of the Respondent and posted the matter on 04/08/2022 at 3.30pm for filling reply.

**Case No.1.12**

**To decide on a Complaint from Karishma Krishna Ingle wherein Mr. Krishna Virnodkar, has carried out illegal construction of Structure for residential purpose in the property bearing survey no 65/10, of Village Arambol, Pernem, Goa.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a Complaint from Karishma Krishna Ingle, dated 19/03/2021; wherein Krishna Virnodkar, has carried out illegal construction of Structure for residential purpose in the property bearing survey no 65/10, of Village Arambol, Pernem, Goa.

The Office of the Mamlatdar and Executive Magistrate of Pernem Taluka Pernem vide no MAM/PER/CI-I./III-CONV/152/2018/1380 dated 22/06/2018 has carried out a report along with Panchanama and Plan of the newly constructed structure, etc; in Sy. No. 65/10 at Arambol Village, Pernem, Goa. This office has issued SCN to the violator.

During 260<sup>th</sup> GCZMA meeting held on 10/06/2021 The Authority heard both the parties. Matter is posted for arguments on 22/07/2021 at 3.30 pm.

During 266<sup>th</sup> GCZMA meeting held on 22/07/2021. Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter. Fresh hearing notices are issued to both the parties.

During 287<sup>th</sup> GCZMA meeting held on 27/01/2022 Advocate Ameyphadte appeared for Complainant. Adv. for Complainant submitted that the Deputy Collector, Pernem has regularised the illegal structure. The Panchanama report says that the structure is illegal and without permission.

Advocate for Respondent submitted that she had filed the reply and that the property falls beyond 500mts CRZ area. Adv. for Respondent prayed for time to argue the matter as her senior is not available for arguments.

The Authority after hearing both the parties directed the Complainant to go through the draft CZMP plan of Goa and check if the area falls within 500mts of CRZ or beyond 500mts and place the plan in file. The matter is adjourned and kept on 10/02/2022 at 3.00 pm.

During 290<sup>th</sup> GCZMA meeting held on 15/02/2022 Advocate Ameyphadte appeared for Complainant, AdvShahapurkar appeared for the Respondent. The Adv for the

Respondent submitted that he wants to file his reply on the application and requested for a next date.

The Authority after hearing the Respondent granted time to the Respondent and posted the matter on 03.03.2022 at 3.00pm.

During 294<sup>th</sup> GCZMA meeting held on 03/03/2022 Advocate AmeyPhadte appeared for Complainant, Respondent Advocate AparnaTalkatkar present. The Adv for the Respondent submitted that she has filed reply to the application for the production of document filed by the Complainant and the same is in warded at the office of GCZMA on 03.03.2022. The copy of the same was mailed to the Complainant by the office of GCZMA.

The Authority decided to conduct a joint site inspection through the Expert Member on 08.03.2022 and posted the matter on 17.03.2022 at 3.00pm for report and further discussion.

During 298<sup>th</sup> GCZMA meeting held on 07/04/2022Ld. AdvAmeyPhadte for the Complainant present, Adv for the Respondent absent. The Adv for the Complainant submitted that the Respondent has illegally constructed a structure and without any permission, further the said structure is not depicted on the survey plan nor the name of the Respondent is appearing on form I&XIV and same is falling in NDZ. The Regularization by the Deputy Collector is not applicable in present case as the area falls in NDZ and governed by CRZ Notification.

The Authority decided to issue fresh notice and granted last and final opportunity to the Respondent, and posted the matter on 28/04/2022 at 3.00pm.

301<sup>st</sup> meeting on 28/04/2022Complainant absent, Respondent present in person along with his Advocate and requested for the copy of the site inspection report , same is been furnished to the Respondent.

The Authority directed the Respondent to file reply on the site inspection report and posted the matter on 9/06/2022 at 3.00pm for arguments.

During 308<sup>th</sup> GCZMA meeting held on 09/06/2022. Both the Advocates present along with their parties. Advocate for the Respondent files reply on site inspection report.

The Advocate for the Complainant submitted that the house in question falls under CRZ. Further the Respondent has not produce any documentary evidence regarding existence of the house prior to 1991 and has done extension to the house. On form I & XIV the name of the Respondent is not appearing. On survey plan also the house is not depicted. Further pointed out at the order the Deputy Collector and SDO,

Pernem regularizing the structure is also illegal and there is no provision for regularization of any structure under the said Act which infact the Act prohibits such regularization. He further submitted that the property in question belongs to Deshprabhu family from Pernem.

The Respondent rebutted to the arguments advanced by the Complainant and submitted that they are Mundkar of the said property and the said house is located in the residential locality. Further submitted that the tree had fallen on the said house and that is why the Respondent had undertaken the work of roof replacement. He further submitted that there is house tax receipt of 1988. Further submitted that the order of the Deputy Collector has not been challenged by the Complainant. The Respondent undertakes to produce certificate from Panchayat to show the existence of house. As per the certificate of Panchayat produced by the Respondent there are two houses, H.no 377 from 1988 and House No 34/1 from the year 2000 are been assessed for House Tax.

The Authority directed the Respondent to produce on record the relevant documents in support of his case and posted the matter on 07/07/2022 at 3.30pm.

The matter was taken up during 315<sup>th</sup> GCZMA meeting held on 07/07/2022 Advocate AmeyPhadte appeared for Complainant. Adv for the Respondent present. AdvPhadte says that the name of the person figuring on the House tax receipt do not relate to the Respondent. That the House tax receipt does not show in which survey number the house is situated. That the house number is a bifurcation of house number. Further the Form I & XIV does not show that there are any structures on the land. The Respondent seeks time to clarify the details and file appropriate reply along with documents.

The Authority decided to grant time to the Respondent to file appropriate reply along with documents and posted the matter on 28/07/2022 at 3.30p.m

**Proceeding** Advocate AmeyPhadte appeared for Complainant. Adv for the Respondent present. AdvAmey stated that the Deputy Collector and SDO, Pernemhas regularized the structure which amounts that the structure was illegal. AdvPhadte stated that Respondent does not own the property in question. Adv for the Respondent sought time to produce the documents on records as she has applied for the same from the concerned Village Panchayat. Adv for Respondent also stated that they are local inhabitants and the structure is used for their personal residence.

**Decision:** The Authority considered the request for time as last and final opportunity and adjourned the matter to 18/08/2022 at 3.30pm.

**Case No.1.13****To decide on the NOC granted to WRD to construct GanpatiVisarjan platform abutting Survey No. 385/9 at Bandir Wada, Anjuna, Bardez Goa.**

**Background:** The GCZMA in its 240<sup>TH</sup> Meeting held on 17/12/2020 granted the NOC to WRD to construct GanpatiVisarjan platform abutting Survey No. 385/9 at Bandir Wada, Bardez Goa, Village Panchayat of Anjuna in Siolim Constituency.

A Complaint letter from dated 26/04/2022 from the Chairman of Shree Sakhleshwar&VithobaRukmai, Bandirwaddo Trust, ShriSagardeepASirsaikar, stating that there is illegal construction of wall and concrete structure on the bank of river Chapora ward No 3, Bandir Wada Chapora Bardez Goa carried out by MrSiddeshsalgaonkar and MrShaileshChodankar r/o Bandir Wada Chapora Goa and some unknown persons in Sy. No. 385/9 at Bandir Wada Chapora Village, Goa;

Shree Sakhleshwar&VithobaRukmai, Bandirwaddo Trust approached the Hon'ble High Court of Bombay at Goa in Writ Petition (Filing) No. 1453/2021 wherein the Hon'ble High Court on 23/11/2021 has held that, "*the petition is disposed of as withdrawn with liberty to file appropriate proceedings before the NGT for challenging the said Corrigendum dated 11th August 2021 as well as the decision of the GCZMA dated 31<sup>st</sup> August 2021.*".

The Expert Members, along with Field Surveyor of the Authority had conducted a Site Inspection; of the property bearing survey no. 385/9 at Bandirwaddo, Village Panchayat of Anjuna Village, Bardez Taluka.

A fresh Complaint has been received from Mr. JaiprakashSirsaikar, r/o 308, Welcome House, Dabolwada, Chapora Bardez Goa, wherein the Complainant has clearly stated that there is illegal construction of concrete platform in riverine land on the bank of the river Chapora adjacent to the property bearing Sy No 385/9 of Bandirwaddo, carried out by WRD by misusing the NOC granted to them and WRD had carried out the extension at the site beyond the approved plan thereby blocking the access of the community members.

**Proceeding:** The Ld Adv for the Complainant present. Shri Nazareth Vaz EC WRD present along with Contractor Mr V. Prasad. The Authority is in receipt of the reply from the Contractor as well as the WRD stating that they had only carried the work admeasuring 10 x 20 sq mts as approved by the Authority and the rest of the alleged additional work is not been carried out by them.

**Decision:** The Authority after hearing the both side decided to direct the Dy.Collector and SDO Bardez to carry the demolition of additional construction of platform of Ganapati Visarjan leaving only area 10 x 20 sq mts as approved by this Authority within a period of 45 days and send the compliance report.

**Case No.1.14**

**To decide on complaint from Jayant G Naik, illegal construction of Structure in Survey no 269/4, 269/5 and 269/6 of Mandrem Village by Mr. Vithal H. Naik.**

**Background:** This Office had received a complaint from Jayant G Naik, resident of Flat No. UGF-004 Bldg, C Pinto Ville, Socorro Bardez Goa 403521; wherein it has been alleged that Mr. Vithal H. Naik r/o Junus Wada Mandrem Goa; has illegally carrying out the construction of Structure in Survey no 269/4, 269/5 and 269/6 of Mandrem Village, Pernem Goa and is using for commercial purpose within the NDZ.

The matter was taken up during 315<sup>th</sup> GCZMA meeting held on 07/07/2022 Adv for Complainant present. Adv for Respondent present. The Authority questioned the Adv for the Complainant about the absence of the Complainant before the Authority.

The Authority directed the Adv for the Complainant to secure the presence of the Complainant and posted the matter on 28/07/2022 at 3.30p.m for the appearance of the Complainant.

**Proceeding:** Adv for the Complainant present. Complainant Mr. Jayant Naik also present in person. Adv for Complainant files his Written Arguments. He further added that the Restaurant and the Hotel is in NDZ. Respondent present in person and states that the restaurant is at a distance of 200 mts. The Respondent states that the property belongs to Harichandra Naik who is his father and that Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) have taken over the property to conduct business. He further adds that the hotel is constructed in 269/3 and it spreads out in sy no 269/4, 269/5 and 269/6 of Mandrem Village hence the Authority decided to club both the matters together i.e SCN against **Mr. Vithal H. Naik and Mr. Harichandra Naik**. The Complainant states that in the reply of the Respondent dated 27/01/2021 they have taken a stand saying that there are three structures existing on site prior to 1991. They have stated that they have subsequently sought approval for repairs of the structures, that the same has been assessed by the Concerned Village Panchayat and that they are paying house tax for all the house numbers. The Complainant states that the Respondent have also relied on the permissions and the house tax receipts issued by the Village Panchayat from time to time.

The Complainant further states that they had obtained information under RTI seeking for clarification as to whether the House numbers and permission granted to the Respondent is valid to which the Complainants have got a reply under RTI stating that House numbers and permission granted does not form part of the records of the Village Panchayat Mandrem.

**Decision:** The Authority noted the discrepancies and decided to issue Sealing Order in this matter with a further direction to the Electricity Department to disconnect the electricity supply to the structure standing in Survey no 269/3,4,5, 6 of Village Mandrem and further directions to the PWD to disconnect the water supply to the structure standing in Sy. No. 269/3,4,5, 6 of Village Mandrem. The Sealing order to be in force from 03/08/2022; The Matter posted on 11/08/2022 at 3.30p.m for further hearing in the matter.

**Case No.1.15**

**To decide on complaint from VishwanathKamatDessai wherein Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) have carried out illegal construction of beach shack with bar, illegal sand dunes cutting, illegal construction of retaining wall and sewage discharge in sea. Illegal construction of Two storey building for commercial purpose in the property bearing survey no 269/3, of Village Junaswada, Mandrem, Pernem, Goa.**

**Background:** the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint from VishwanathKamatDessai wherein it has been submitted Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) have carried out illegal construction of beach shack with bar, illegal sand dunes cutting, illegal construction of retaining wall and sewage discharge in sea. Illegal construction of Two storey building for commercial purpose in the property bearing survey no 269/3, of Village Junaswada, Mandrem, Pernem, Goa.

Upon receipt of the Complaint the GCZMA carried out a site Inspection, on 06/11/2020; and a submitted the report to this Authority.

Upon receipt of the Complaint and the report from the Expert Member, the GCZMA issued a Show Cause notice bearing No. GCZMA/N/ILLE-COMPL/20-21/52/1041 dated 18/11/2020; to Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa).

The Matter was placed for Personal Hearing before the GCZMA Authority in its 238<sup>th</sup> Meeting held on 26/11/2020. The Proceeding of the Meeting were as under, "Ld.AdvAmeyPhadte for Respondent present and submitted that the notice is wrongly served upon him and that the property bearing survey no 269/3 of Village Mandrem does

*not belong to him but belongs to one Mr. HarichandraNaik and the notice be issued to him”.*

The Authority in its 238<sup>th</sup> Meeting held on 26/11/2020, decided that, “*The Authority decided to issue Stop Work Order cum Show Cause Notice to HarichandraNaik and serve the same through the Village Panchayat of Mandrem. The matter is kept on 10/12/2020 at 3.30p.m.*”.

The Alleged Violators Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) filed his reply to the Show Cause Notice stating that the structure in question is owned and possessed by Mr. Vithal H. Naik and his sons. He further stated that the SCN is wrongly issued to them. The alleged violators have also furnished the address of the Owner.

Upon receipt of the reply of to Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa), the GCZMA issued a Show Cause notice bearing No. GCZMA/N/ILLE-COMPL/20-21/52/1202 dated 02-12/11/2020.

The matter was placed for Personal Hearing before the GCZMA Authority in its 239<sup>th</sup> Meeting held on 10/12/2020. The Authority decided that, “*The Authority after discussion granted the time to Respondent. The matter is fixed on 28/01/2021 at 3.30.p.m. Issue fresh notice on the Respondent to remain present.*”

During 273<sup>rd</sup> GCZMA meeting held on 30/09/2021 after hearing both the parties at length. The authority decided to place the matter on 07/10/2021 at 3.30 for final arguments.

The matter was taken up during 274<sup>th</sup> GCZMA meeting held on 07/10/2021 wherein the authority decided to issue fresh hearing notices.

The matter was taken up during 315<sup>th</sup> GCZMA meeting held on 07/07/2022 Adv for Complainant present. Adv for Respondent present. The Authority questioned the Adv for the Complainant about the absence of the Complainant.

The Authority directed the Adv for the Complainant to secure the presence of the Complainant and posted the matter on 28/07/2022 at 3.30p.m. for the appearance of the Complainant.

**Proceeding:** Adv for the Complainant present. Complainant Mr Jayant Naik also present in person.. He further added that the Restaurant and the Hotel is in NDZ. Respondent present in person and states that the restaurant is at a distance of 200 mts. The

Respondent states that the property belongs to HarichandraNaik who is his father and that Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) have taken over the property to conduct business. He further adds that the hotel is constructed in 269/4 and it spreads out in sy no 269/4, 269/5 and 269/6 of Mandrem Village hence the Authority decided to club both the matters together i.e SCN against **Mr. Vithal H. Naik and Mr. HarichandraNaik.**

**Decision:** The Authority noted the discrepancies and decided to issue Sealing Order in this matter with a further direction to the Electricity Department to disconnect the electricity supply to the structure standing in Survey no 269/3,4,5, 6 of Village Mandrem and further directions to the PWD to disconnect the water supply to the structure standing in Sy. No. 269/3,4,5, 6 of Village Mandrem. The Sealing order to be in force from 03/08/2022; The Matter posted on 11/08/2022 at 3.30p.m for further hearing in the matter.

**Case No. 1.16**

**To decide on Complaint from MrsCarmalina Rodrigues, against Mr.Darvin Fernandes for construction of new illegal house in sy.no 105/3 Village NaquerimBetulQuepem Goa.**

**Background:** The office of the GCZMA is in receipt of Complaint from MrsCarmalina Rodrigues, R/o 35, Via Cuncolim, Central Waddo, p.oCanagunim Goa, vide letter dated 20/08/2020 filed a complaint against Mr. Darvin Fernandes R/o Canagunim, V.P NaquerimBetulQuepem Goa, for construction of new illegal house in sy.no 105/3 Village NaquerimBetulQuepem Goa. The said matter was taken up for the hearing on 26.04.2022.

During 297<sup>th</sup> Meeting held on 31/3/2022 None present for the Complainant as well as the Respondent. On 16.3.2022 the Authority received a letter from the Complainant MrsCarmelinaRodrigues stating that she is old lady and she has no connection with the Respondent and her name is misused and false complainant has been filed in her name and false thumb impression has been put up and she request the Authority to drop the proceedings against the Respondent Mr. Darvin Fernandes.

The Authority decided to issue personal hearing notice to the Respondent and posted the matter on 21<sup>st</sup> April 2022 at 3.00pm.

During 300<sup>th</sup> GCZMA meeting held on 26/04/2022. None present for the Complainant as well as the Respondent.

The Authority once again decided to issue fresh personal hearing notice to the Respondent to file reply to Show Cause Notice.

During 313<sup>th</sup> GCZMA meeting held on 28/06/2022 Complainant absent. Respondent present along with his Advocate Mr.Pacheco. The Respondent requested for the copies of the complaint along with the attached documents. The Respondent submitted that Complainant had filed an affidavit that she is an old lady and she has no connection with the Respondent and her name is misused and false complainant has been filed in her name and false thumb impression has been put up.

The Authority directed the Respondent to collect the copies of the complaint along with the documents and file reply on the same and posted the matter on 28/7/2022 at 3.30pm.

**Proceeding:** Complainant absent. Respondent present alongwith his Advocate Mr.Pacheco Adv for Respondent seeks time to file reply

**Decision:** The Authority considered the request of the Respondent and granted time in the matter and posted the matter on the 25/08/2022 at 3.30p.m for filling reply.

**Case No. 1.17**

**To decide on the Complaint Filed By Rajesh V. Dabholkar And Ors, Members Of Reis Magos Panchayat Supervisory Committee Against M/S Organise Constructions**

**Background:** A complaint letter dated 07/12/2018 from Mr Rajesh V. Dabholkar and Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, Members of Reis Magos Panchayat Supervisory Committee was inwards in the Office of the GCZMA on 07/12/2018; pertaining to the illegal construction of compound wall and swimming pool built by M/s Organise Constructions, in CRZ area in the property bearing Sy. No. 76/1 of Village Reis Magos.

A Show Cause Notice was issued to the Respondent M/s Organise Constructions thereby directing the party to appear before the Authority and file reply along with supporting documents

During 286<sup>th</sup> GCZMA meeting held on 25/01/2022 Adv. Hanumant Naik appeared for Complainant. Adv Shivan Dessai appeared for Respondent and sought time.

The Authority after hearing the parties decided to keep the matter on 17/02/2022 at 3.00 pm.

During 313<sup>th</sup> GCZMA meeting held on 28/06/2022 Complainant Mr. Rajesh Dabolkar present along with his Adv. Hanumant Naik. Adv. Anirudh Sardesai present for the Respondent and files reply along with the Wakalatnama same served upon the Complainant.

The Authority posted the matter on 28/7/2022 at 3.30 pm.

**Proceeding:** Complainant Mr. Rajesh Dabolkar present along with his Adv. Hanumant Naik. Adv. Anirudh Sardessaipresent for the Respondent. The Adv for Complainant states that the site is not inspected as the staff of the Respondent has denied entry. The Adv for the Respondent stated that he has not received any communication about the Site Inspection and further stated that his party resides in Mumbai. Adv for Respondent filed his reply and objected to the Site Inspection stating that he has all the valid permissions and the same are produced on record. The Authority insisted on conducting a site inspection in order to verify the authenticity of the Complaint and to plot down the structures standing in the property or to seal the property. The Advocate for the Respondent objected stating that he has no instructions.

**Decision:** The Authority decided to carry out the Site inspection on 05/08/2022 at 11.00 am onwards and further directed the Respondent to allow the Inspecting team to inspect the property failing which the team will seal the property/ premises. The matter stands posted on 11/08/2022 at 3.30 pm for further hearing in the matter.

**Case No. 1.18**

**To decide on complaint from Mrs. Judith Rodrigues, with respect to illegal construction of multiple structures of Ground +2nos. 13/14 shops structures; in the property bearing survey no 135/7, at Vaddy, Candolim, Bardez Goa by Mr. Vernon Rodrigues.**

**Background:** The Office of the Goa Coastal Zone Management Authority had received a complaint letter dated 28/01/2022 from Mrs. Judith Rodrigues, r/o H.No.D-6; TRT Holiday Enclave, Near Hotel Golden Tulip, Muddo Waddo, Candolim Bardez Goa; with respect to illegal construction of multiple structures of Ground +2nos. 13/14 shops structures; in the property bearing survey no 135/7, at Vaddy, Candolim, Bardez Goa within CRZ III area carried out by Mr. Vernon Rodrigues, house no 483, Vaddy, Candolim, Bardez Goa; within the CRZ Limits .

A Show cause Notice has been issued to the party.

During 302<sup>nd</sup> GCZMA meeting held on 05/05/2022 Adv for Complainant present and files wakalatnama. Respondent absent the Complainant submitted that the officials who went to do the site inspection were denied to enter the premises. The Complainant further submitted that the said structure is illegal and has been constructed without any permission from statutory Authorities.

The Authority directed the to seal the premises with disconnection of water and electricity and posted the matter on 26.05.2022 at 3.00pm.

During 306<sup>th</sup> GCZMA meeting held on 26/05/2022 Complainant present in person and files application for time. Adv Lobo present for the Respondent. Adv for the Respondent files application for recall of the sealing order dated 9.05.2022 and copy of same is served upon the Complainant. He further submitted that the Respondent was suffering from COVID and had filed reply to the notice of site inspection and same was in warded at the office of GCZMA on 17/03/2022. Further submitted that there is Civil Suit pending before the Court. The Respondent further submitted that the Respondent did not receive any notice beside one notice for site inspection dated 11/03/2022 and also pointed out that no Complaint/documents have been received by the Respondent.

The Authority directed the Respondent to collect the copies of the complaint/documents from record file and file reply on the same. The matter is posted on 9.06.2022 at 3.00pm.

During 308<sup>th</sup> GCZMA meeting held on 09/06/2022 Complainant along with her Advocate Mandrekar present. Respondent present along with her Advocate Mr.Lobo. The Advocate for the Respondent submitted that order may be recalled and fresh inspection be conducted in the matter.

The Authority decided to desal the property and decided to hold fresh inspection on 15/06/2022 from 11.00am onwards and posted the matter on 23/06/2022 at 3.30pm for hearing.

During 313<sup>th</sup> GCZMA meeting held on 28/06/2022 Complainant along with her Advocate Mandrekar present. Respondent present along with her Adv.Lobo.

The Authority intimated the date of the inspection to the parties that is on 4/7/2022 from 11.00 am onwards and posted the matter on 28/7/2022 at 3.30 pm for hearing.

**Proceeding:** Complainant along with Advocate Atish Mandrekar remained present. Respondent present along with Advocate Lobo both the parties stated that they have not received copies of the Site Inspection Report. Copies of the Site Inspection report is furnished to both the parties during hearing.

**Decision:** The Authority directed both the parties to file their say on the inspection report and posted the matter on 25/08/2022 at 3.30pm.

### Case No 1.19

**To decide on the Complaint letter dated 29/08/2016 from MrGurunath D Gawade, against Mr Manuel D'Souza.**

**Background:** This office has received a Complaint letter dated 29/08/2016 from MrGurunath D Gawade, r/o H.No.322, Mainavaddo, Bhom, KorgaoPernem Goa regarding allegedly erected the Temporary 14 huts in the property bearing Sy No. 69/4, at Girkarwada, ArmbolPernem Goa within CRZ Limits, being carried out by Mr Manuel D'Souza R/o Girkarwada, Arambol, Pernem Goa.

Upon receipt of the Complainta Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/15-16/139/1424 dated 26/09/2016 was issued to the Respondent Mr Manuel D'Souza.

During 286<sup>th</sup> GCZMA meeting held on 25/01/2022.The son oflate Gurunath D Gawade appeared in the matter and stated that his father expired. He produced death certificate. Respondent was absent. The Authority decided to carry the site inspection through the Expert member of this Authority. That Mr Edwin D'Souza son of Manuel D'Souza appeared after the matter was adjourned and collected the date for the next hearing.

The Authority decided to issue fresh notice of hearing on receipt of inspection report from the Expert members.

During 291<sup>st</sup> GCZMA meeting held on 17/02/2022 AdvMamtaParab appeared on behalf of the Complainant, AdvChirag Angle Present for the Respondent. The Adv for the Respondent informed the Authority that the Respondent Mr. Manuel Dsouza has expired leaving behind his legal heirs. The Authority directed the Respondent to produce a copy of Death Certificate and furnish the names of the legal heirs within five working days so as to enable the Authority to issue notices to them, so that the Complainant can take necessary steps in the matter.

The Authority posted the matter on 10.3.2022 at 3.pm with direction to the Complainant to take appropriate steps in the matter.

During 298<sup>th</sup> GCZMA meeting held on 07/04/2022 Respondent along with his Advocate present. Adv for the Respondent files wakalatnama on behalf of heirs of the Respondent late ManuelDsouza. Complainant absent.

The Authority directed to issue fresh hearing notice to the Complainant to remain present and posted the matter on 26.04.2022 at 3.00pm.

During 300<sup>th</sup> GCZMA meeting held on 26/04/2022 Ld. Adv for the Complainant present along with the son of late GurunathGawade ,AdvChirag present for the Respondent along with Respondent Mr. Edwin Dsouza. The Adv for the Complainant submitted that GurunathGawde has expired and he undertakes to produce name of the heirs of the deceased by the next date of hearing. Further the Adv for the Respondent requested for the copies of the Site inspection report same has been furnished to the Respondent.

The Authority posted the matter on 5/5/2022 at 3.00pm.

302<sup>nd</sup> GCZMA meeting held on 05/05/2022 Ld. Adv for the Complainant present, Ld. Adv for Respondent present. The Adv for the Respondent files reply same is served upon the Complainant. Adv for the Complainant files application bringing the LRs of the Complainant on record.

The Authority directed the Complainant to file the rejoinder to the reply filed by the Respondent with advance copy to the Respondent and posted the matter on 9/06/2022 at 3.00pm for arguments.

308<sup>th</sup> GCZMA meeting held on 09/06/2022 Adv Shahapurkar present for the Complainant, Respondent present along with his Advocate Angle. The Complainant submitted that the structures are in NDZ. And has no valid permissions to run the commercial business. The Complainant seeks time to file rejoinder on the reply filed by the Respondent.

The Advocate for the Respondent submitted that the said structures are prior to 1991 and has valid permissions which forms part of the record.

The Authority directed the Complainant to give copy of the rejoinder in advance to the Respondent and posted the matter on 23/06/2022 at 3.30pm for arguments.

During 313<sup>th</sup> GCZMA meeting held on 28/06/2022 Complainant present along with his Advocate. Respondents Son Mr. Edwin Dsouza present along with his Adv.S.Sarmalkar and explained the gist of the Complaint. Complainant seeks time to file rejoinder to the reply filed by the Respondent.

Further the Respondent submitted that he has produced relevant documents attached to his reply. While perusing the documents the Respondent highlighted the proposed construction plan issued by the Village Panchayat Arambol.

The Authority granted time to the Respondent with direction to file application for time and further directed the Respondent to produced the original copy of the plan relied upon him in support of his case and the matter is posted on 28/7/2022 at 3.30pm.

**Proceeding:** Adv appeared on behalf of the Complainant, Adv for the Respondent Present. Adv for the Complainant states that the Respondent was directed to produce the Original copy of the plan on which he seeks reliance. The Adv for the Complainant also seeks time to file rejoinder to the reply of the Respondent. Adv for the Respondent states that he has not produced the original documents for the verification as he is waiting for the rejoinder to be filed. Adv states that he can only produce the original for verification.

**Decision:** The Authority granted time to the Complainant to file her rejoinder and to serve a copy of the same in advance to the Respondent. The Respondent is also directed to produce the original copy of the plan which he has relied on in his reply for verification. Matter is posted on 25/08/2022 at 3.30 pm for final arguments.

**Case No. 1.20**

**To decide on complaint filed by Mr. Reagan Rodrigues, against Mr. Antonio Joe Prassanha, for carrying illegal construction within CRZ area in the property surveyed under survey No.50/1 and 50/3 of village Cavelossim of Salcete Taluka.**

**Background:**

Mr. Reagan Rodrigues, R/o H.No.132, Gomeswaddo, Cavelossim, Salcete Goa, vide letter dated 29/10/2020 filed a complaint against Mr. Antonio Joe Prassanha, R/o H.No.260, Kalwaddo, Cavelossim Goa, for carrying illegal construction within CRZ area in the property surveyed under survey No.50/1 and 50/3 of village Cavelossim of Salcete Taluka.

On receipt of complaint Authority forwarded same to Chairman of District Level committee to inspect the site and to submit the report, DLC now submitted report before Authority after conducting site inspection.

During 306<sup>th</sup> GCZMA meeting held on 26/05/2022 Complainant absent, Respondent present in person and files reply. The Respondent submitted that he has all relevant documents in support of his case such as NOC from Panchayat, Food and Drugs etc.

The Authority decided to issue fresh notice to the Complainant and posted the matter on 9/06/2022 at 3.00pm.

During 308<sup>th</sup> GCZMA meeting held on 09/06/2022 POA for Complainant present. Respondent present in person. Copy of the reply has been served upon the Complainant.

The Authority directed the Complainant to file copy of POA on record and further directed to file rejoinder with advance copy to the Respondent and posted the matter on 23.06.2022 at 3.30pm.

During 313<sup>th</sup> GCZMA meeting held on 28/06/2022 POA for Complainant present. Respondent present in person. Complainant files rejoinder to the reply filed the Respondent. The Complainant submitted that alleged structure is purely illegal in violation of CRZ Rules and same falls under NDZ. Further submitted that the Respondent has produced a plan before the Excise Department in which the property bearing survey No. 50 is shown abutting the river Sal. The Complainant further

submitted that the entire property bearing survey No.50/1 is a water body. Further the Respondent has to produce the relevant documents in support of his case.

The Respondent submitted that the alleged structure is ancestral and legal and has all relevant permissions from the statutory Authorities.

The Authority adjourned the posted the matter on 28/7/2022 at 3.30pm for further arguments.

**Proceeding:** Complainant present in person. Adv Sardesai present for Respondent. Adv Sardesai undertakes to file his Vakalatnama and seeks time to file reply along with documents.

**Decision:** The Authority considered the request and granted time in the matter and posted the same on 11/08/2022 at 3.30p.m.

#### **Case No.1.22**

**To decide on complaint from Mr.Oswald Fernandes, CurtormSalcete Goa against Mrs. Sevana Z. Jacques for carrying Destruction of Salt pans and paddy fields in Khazan Land by dumping mud, Constructing rock wall and illegal structures in Survey no 150/12,3,4,4-A,5,6,7,8,9 and Survey No. 3/1,1-A,2 &3 of village Cavelossim of village Salcete.**

**Background:**Mr.Oswald Fernandes, H.No. 1141, Muxivaddo, CurtormSalcete Goa vide letter dated 23/01/2020 filed a complaint against Mrs. Sevana Z. Jacques for carrying Destruction of Salt pans and paddy fields in Khazan Land by dumping mud, Constructing rock wall and illegal structures in Survey no 150/12,3,4,4-A,5,6,7,8,9 and Survey No. 3/1,1-A,2 &3 of village Cavelossim of village Salcete.

On receipt of complaint Authority forwarded same to Chairman of District Level committee to inspect the site and to submit the report, DLC now submitted report before Authority after conducting site inspection.

This Authority has issued show cause notice cum personal hearing to the party on 22/02/2022.

During 294<sup>th</sup> GCZMA meeting held on 03/03/2022 AdvGauresh Malik present for the Complainant, Junior Advocate from the office AdvGaurish Agni present for the Respondent and sought time to file reply.

The Authority granted the time to the Respondent with the directions to serve the copy of the reply in advance to the Complainant and posted the matter on 31.03.2022 at 3.00pm.

During 297<sup>th</sup> GCZMA meeting held on 31/03/2022. The advocate for respondent filed vakalatnama and sought time. Matter posted on 07/04/2022

298<sup>th</sup>GCZMA meeting held on 07/04/2022 LD. Adv for the Complainant present. AdvShivan Desai appeared for the Respondent and sought time to file reply.

The Authority granted time and directed the Respondent to give advance copy of the reply to the Complainant and posted the matter on 19/04/2022 at 3.00p.m.

299<sup>th</sup>GCZMA meeting held on 19/04/2022 Adv Pacheco for the Complainant, AdvVarunBhandarkar for the Respondent present. Adv for the Respondent files preliminary reply with the leave to file additional reply. Copy of the reply has been served upon the Complainant.

The Authority taken the reply on record and directed the Complainant to file rejoinder if he wishes to file with advance copy to the Respondent and posted the matter on 28/04/2022 at 3.00pm.

During 301<sup>th</sup> Meeting held on 28/04/2022 the proceedings and decision as follows: Adv Pacheco for the Complainant present. Ld. Adv for the Respondent present. The Advocate for the Complainant submitted that the reply copy served upon him along with the documents , one of the document annexed is not legible therefore requested for the legible copies of the documents. The Adv for the Respondent undertakes to give the legible copies of the documents to the Complainant. The Authority directed the Respondent to give the legible copies of documents to the Complainant and posted the matter on 09 /6/2022 at 3.00pm.

During 308<sup>th</sup> GCZMA meeting held on 09/06/2022Adv Pacheco for the Complainant present. Respondent absent.

The Authority noted that the Respondent is absent and hence granted opportunity to the Respondent and posted the matter 23/06/2022 at 3.30pm.

During 313<sup>th</sup> GCZMA meeting held on 28/06/2022 Adv Pacheco for the Complainant present. AdvAnirudh present forthe Respondent. As requested by the Adv for the Complainant the legible copies has been given to the Complainant by the Respondent.

The Authority adjourned the matter and posted on 28/7/2022 at 3.30pm for reply.

**Proceeding:** Adv Pacheco for the Complainant present. Adv. Anirudh Sardessai present forthe Respondent. Adv Pacheco sought time in the matter.

**Decision:** The Authority decided to grant time in the matter and posted the matter for hearing on the 25/08/2022 at 3.30 p.m.

**Case No. 1.22**

**To decide on complaints, dated 16/05/2022 from Shri Gambino Drago and others with regards to illegal construction of permanent G+1 structure and retaining wall in NDZ carried out by one Mr. Amrik Singh Survey No. 603/1 of Village Anjuna, Bardez Goa.**

**Background:** This office is in receipt of three complaints, one dated 16/05/2022 from Shri Gambino Drago, H.No 1634, Anjuna Bardez Goa, second dated 18/05/2022 from Shri Ravi Harmalkar, R/o H.No 1747, SorantoWaddo, Anjuna Goa and other complaint dated 10/06/2022 filed by Mr. Surendra S. Govekar, R/o H.No 678/5 SorantoWaddo, Anjuna Goa, with regards to illegal construction of permanent G+1 structure and retaining wall in NDZ carried out by one Mr. Amrik Singh, R/o St. Michael Waddo, Anjuna Bardez Goa in the property bearing Survey No. 603/1 of Village Anjuna, Bardez Goa.

On receipt of complaints, the Engineers and Expert Member attached to the office did the site inspection. Show cause notice is issued by GCZMA to the violator.

During 313<sup>th</sup> GCZMA meeting held on 28/06/2022 Complainants present in person. Respondent absent. The Complainant submitted that inspite of the stop work order the work on the site is still going on.

The Authority decided to issue sealing order and posted the matter on 28/7/2022 at 3.30 pm.

**Proceeding:** Complainants absent. Adv for the Respondent present. The Respondent states that he was not aware of the proceedings and the Show Cause notice as he was never served with the copies of the documents. Adv stated that it came to his knowledge only when the Authority sealed the structure in the property in question. Adv requests for the copies of the complaint and all the relevant documents in the file so as to file his say in the matter. Adv for respondent stated during the sealing the sealing team had also sealed the residential house.

**Decision:** The Authority granted time and directed the Respondent to inspect the file and obtain all the requisite documents. The Authority also decided that the property will remain sealed till further notice. The matter stands posted on 04/08/2022 at 3.30 p.m for reply of the Respondent.

**Case No.1.23**

**To decide on complaint from Mr. Rajesh Dabholkar and Mr. Advino Fernandes, pertaining to the illegal construction of swimming pool and Bungalow built by Mr. Ajay Agrawal and Mr. Rajesh Jain, in CRZ area in the property bearing Sy. No. 97/1-G of Village Reis Magos.**

**Background:** A complaint letter dated 18/06/2021 from Mr. Rajesh Dabholkar and Mr. Advino Fernandes, was inwards in the Office of the GCZMA on 18/06/2021; pertaining to the illegal construction of swimming pool and Bungalow built by Mr. Ajay Agrawal and Mr. Rajesh Jain, in CRZ area in the property bearing Sy. No. 97/1-G of Village Reis Magos.

Upon receipt of the Complaint the Authority directed for a Site Inspection. Notices were issued to both the parties for a Site Inspection to be held on 10/12/2021.

The inspecting team stated in their proceeding that the Security Guard of the property did not allow the inspecting team to access the property and complete the ground truthing.

During 313<sup>th</sup> GCZMA meeting held on 28/06/2022 Complainant Mr. Rajesh Dabholkar present along with his Adv. Hanumant Naik. Adv. Anirudh Sardesai present for the Respondent and seeks time to file reply.

The Authority granted time to the Respondent and posted on 28/7/2022 at 3.30pm.

**Proceeding:** Complainant Mr. Rajesh Dabholkar present along with his Adv. Hanumant Naik. Adv. Anirudh Sardesai present for the Respondent. The Adv for Complainant states that the site is not inspected as the staff of the Respondent has denied entry. The Adv for the Respondent stated that he has not received any communication about the Site Inspection. The Authority insisted on conducting a site inspection in order to verify the authenticity of the Complaint and to plot down the structures standing in the property or to seal the property. The Advocate for the Respondent objected stating that he has no instructions.

**Decision** The Authority decided to carry out the Site inspection on 05/08/2022 at 11.00 a.m onwards and further directed the Respondent to allow the Inspecting team to inspect the property failing which the team will seal the property/ premises. The matter stands posted on 11/08/2022 at 3.30 pm for further hearing in the matter.

**Case 1.24**

**To decide on the complaint filed by Dema C Sawant, with regards to illegal constructions of cottages and RCC Building; in Sy. No. 72/6 at Arambol Village, Pernem, Goa carried out by “Arambol Plaza Beach Resort”**

**BACKGROUND:** This Office is in receipt of the Complaint dated 04/02/2019; from Dema C Sawant, r/o 6A/S4, Model Legacy, Taligaon, Panaji stating therein that “Arambol Plaza Beach Resort” has carried out constructions of cottages and RCC Building; in Sy. No. 72/6 at Arambol Village, Pernem, Goa.

Upon receipt of the Complaint this Authority forwarded the Complaint to the District Level Committee on the 11/02/2019. The Authority issued a Show Cause Notice with a direction to file reply and remain present for personal hearing today.

During the 280<sup>th</sup> GCZMA Meeting, the Authority heard the parties and granted time to the Respondent to file reply and posted the matter on 20.1.2022 at 300p.m. However meeting postponed to 25/01/2022.

During 286<sup>th</sup> GCZMA meeting held on 25/01/2022 Advocate Verenker for Complainant and Adv. Rohit Bras for Respondent were present. Advocate for Respondent sought time.

The Authority after hearing the parties decided to keep the matter on 17/02/2022 at 3.00 pm with a direction to the Respondent to file reply and serve advance copy of reply on the complaint.

During 291<sup>st</sup> GCZMA meeting held on 17/02/2022 Adv Pankaj Vernekar for the Complainant, Adv Rohit D’sa for the Respondent. The Adv for the Respondent stated that he has filed reply and the same has been served upon the Complainant Adv for the Complainant submitted that he wish to file rejoinder on the reply filed.

The Authority heard the parties and posted the matter on 10.3.2022 at 3.00pm.

On 10.03.2022 Adv Pankaj Vernekar for the Complainant present, Junior Advocate from Adv. Rohit D’sa present for the Respondent and submitted that she wants to file sur rejoinder on the rejoinder filed by the Complainant. The Adv for the Complainant objected for the same and submitted that the Respondent do not have any permissions, wherein the Respondent has themselves in their reply at Para 6 made a statement that subject matter structure is unauthorized.

The Authority rejected the request made by the Adv for the Respondent and posted the matter for orders. Authority decided to hear the both parties before issuing any order.

During 302<sup>nd</sup> GCZMA meeting held on 05/05/2022 Adv Pankaj Vernekar for the Complainant present, Adv Akhil Parrikar appeared on behalf of the Respondent and files wakalatnama along with the NOC Of the previous Advocate and seeks time in the matter.

The Authority taken the wakalatnama and NOC on record and directed the Adv for Respondent to file application for time.

The Authority after hearing the Respondent granted time with condition to file application for time and posted the matter on 26/05/2022 at 3.00pm for final arguments. During 306<sup>th</sup> GCZMA meeting held on 26/05/2022 Adv Pankaj Vernekar for the Complainant present. Adv Rao present for the Respondent. The Advocate for Respondent brought to the notice of the Authority that present Member Secretary of GCZMA was the presiding officer at North Collector and on the DLC report there bears a signature of the present Member Secretary of this Authority hence requested that the present Member Secretary of GCZMA cannot handle the said case and in absence of Member Secretary the matter cannot be proceeded further. Further he submitted that the Complainant has withdrawn the complaint before the Deputy Collector and filed application along with application of withdrawal to withdraw the show cause notice. The Advocate for the Complainant sought time to file reply on the application filed by the Respondent. The Member Secretary Mr. Dasharath Redkar informed the Authority and Advocate for parties that he is recussing himself from the present matter.

The Authority adjourned the matter and posted on 16/6/2022 at 3.00pm for reply on the application filed by the Respondent for withdrawal of complaint and for further arguments.

During 310<sup>th</sup> Meeting held on 16/06/2022 Adv Pankaj Vernekar for the Complainant present. Adv Meghna Naik holding for Adv. Parag Rao present for the Respondent and files application for time. Advocate for the Complainant objected for time and submitted that the reply has been filed by the Complainant clarifying regarding the submissions made by the Respondent with regards to withdrawal of complaint. Further submitted that the Respondent in his affidavit itself has stated that the alleged structure is unauthorized and now filed for regularization. The Member Secretary Mr. Dasharath Redkar informed the Authority and Advocate for parties that he is recussing himself from the present matter.

The Authority considered the request made by the Advocate for the Respondent and granted time and posted the matter on 23/06/2022 at 3.30pm for hearing.

The Proceeding at the 313<sup>rd</sup> meeting held on 28/06/22 : The Member Secretary Mr. Dasharath Redkar informed the Authority and Advocate for parties that he is recussing himself from the present matter.

Adv Pankaj Vernekar for the Complainant present. Adv Rao present for the Respondent. The Respondent submitted that the Complainant had filed complaint before this Authority on 4/2/2019 and same was withdrawn on 30/9/2019 but inspite

of the same this Authority issued me show cause notice which is misconceived in law and same show cause needs to be dropped. Further submitted that he would submit HC Judgment in support of his case.

The Complainant rebutted to the same and submitted that in the present case the complaint was filed by the Complainant on 4/2/2019 and same was forwarded to the DLC by this Authority and the Complainant being the layman and not a legal trained the Complainant was under impression that the DLC will be the final Committee to decide the matter and hence he moved an application before the Authority that as nothing survives in the complaint hence he was withdrawing the same.

The Decision at the 313rd meeting held on 28/06/22; The Authority decided to pass order on Application filed by the Respondent stating the fact that the Complainant had withdrawn the complaint and posted on 19/7/2022 at 3.30pm.

*Decision: The Authority had perused the replies of the Complainant and the Respondent and noted the preliminary objections raised by the Adv for the Respondent with regards to*

- (i) *That since the Complainant had withdrawn the Complaint based on which the Show Cause Notice is issued; the Authority cannot proceed with the Show Cause Notice.*
- (ii) *That the Member Secretary was the Chairman of the District Level Committee who had ordered for removal of the structure in his decision of the DLC Report and by hearing this matter as a Member Secretary of the GCZMA it would influence the decision earlier taken and the Respondent would not get proper justice.*

***The Authority with regards to the 1<sup>st</sup> issue,*** *had perused the records present in the file and observed that the Complainant had filed a Complaint before the Authority, based on which a Show Cause Notice was issued.*

*The Authority noted that in the initial reply filed by the Respondent, the Respondent had neither produced a copy of this letter nor taken a stand with reference of this letter and on the other hand the Respondent had sought for regularization, as the structure on site is a construction where legality is under question and the structure is used for commercial purpose.*

*Nevertheless, the Authority has the powers to take suo moto cognisance of the illegalities carried out in its jurisdiction and conduct inquiries as it pertains to environmental issues which further concerns the destruction of the Environment at large. The Authority noted that the assistance was sought from the Complainants as far as identification of the illegalities were concerned and then subsequently, proceed based on the documentary evidence produced by the violators so as to come to a logical conclusion in deciding the legality of the Structure.*

*Further inquiry was conducted by the DLC North through TLC Pernem who had conducted inspection and submitted the report of violation and hence on this count also the Authority has power to act and decode the case of violation.*

***The Authority with regards to the 2<sup>nd</sup> issue** states that the Member Secretary has recused himself in this matter when the same was taken up for hearing. The Authority decided that the Member Secretary would not be connected in the conclusion and decision making in the matter, but would only communicate the decision taken up by the Authority.*

*In view of the above and since this matter is at a preliminary stage, the Authority noted that since it a matter is strictly pertaining to 'The Blatant Destruction Of The Environment' the question of the Complainant withdrawing his complaint and the same in-warded in the Office of the GCZMA is immaterial at this stage, as on perusal of the contents in the file*

*There was sufficient documentary material on record to proceed in the matter even without the intervention of the Complainant or the withdrawal of the Complaint. Now, as the matter stringently concerns the gross environmental violations conducted against the Respondent, as a result of which the Authority took suo moto cognisance with respect to this issue and decided to proceed against the Respondent thereby putting the Respondent to Notice to prove that the illegalities as mentioned in the Show Cause Notice dated 29/11/21 and file the appropriate reply so as to proceed with regards to the blatant violations in this matter.*

## **Item 2**

### **Case 2.1**

**To decide on the application received from Goa Waste Management Corporation dated 22/07/2022 requesting NOC for the proposed waste to Art Park at Bhagwan Mahavir Bal Vihar , Campal Panaji to be developed as part of the celebration of Goa state 60<sup>th</sup> year of Liberation.**

**Background:** This office is in receipt of an application from Goa Waste Management Corporation dated 22/07/2022 requesting NOC for the proposed waste to Art Park at Bhagwan Mahavir Bal Vihar , Campal Panaji to be developed as part of the celebration of Goa state 60<sup>th</sup> year of Liberation.

**Decision:** The Authority perused the application and after detailed discussion decided to grant NOC for proposed waste to Art Park at Bhagwan Mahavir Bal Vihar , Campal Panaji.

### **Case 2.2**

**To decide on the report submitted by Expert Members (GCZMA) showing the calculation and working of the Environmental Compensation to be recovered from the violators with respect of the 25 cases as per the directions issued by Hon'ble NGT(Western Zone).**

**Background:** The member secretary Placed the report submitted by Expert Member (GCZMA) showing the calculation and working of the environmental compensation to be recovered from the violators for causing damage to the environment and ecological system in respect of 25 cases as per the directions issued by Hon'ble NGT the Member Secretary also brought to the notice of the Authority that the matter is pending before the NGT and compliance report need to be filed from time to time.

**Decision:** The Authority after detailed discussion and deliberations accepted the report in 25 cases and decided to issue notices to all the violators for recovery of Environmental Compensation in all 25 cases.

*Meeting ended with thanks to the chair.*

*Sd/-*  
**Member Secretary**  
**(GCZMA)**

*Sd/-*  
**Chairman**  
**(GCZMA)**

ASW  
No. MI/WDI/WRD/~~ADM~~/F. 56/2022-23/164  
Government of Goa  
Office of the Executive Engineer  
Works Division I  
Water Resources Department  
Porvorim- Goa.

Dated : 27/07/2022

To,  
The Member Secretary  
Goa Coastal Zone Management Authority  
4<sup>th</sup> Floor, Dempo Towers  
Patto, Panaji- Goa

**Member Secretary**  
**G. C. Z. M. A.**  
Inward No. 1515  
Date: 27/07/2022

*Dashmi*  
*line the*  
*file*

**Sub:** Show Cause Notice issued under section 5 of the Environment (Protection) Act, 1986, read with Rule 4 of the Environment (Protection) Rules, 1986.

**Ref:** GCZMA/N/ILLE-COMPL/21-22/39/820 dated 19/07/2022

Sir,

This office is in receipt of Show Cause Notice dated 19/07/2022, issued under section 5 of the Environment (Protection) Act, 1986, read with Rule 4 of the Environment (Protection) Rules, 1986, and this is to state that:

This office had taken up the proposal of Flood control measures/ Ganapati Visarjan platform in Sy. No. 385/9 at Bandir waddo in V.P. Anjuna in Siolim Constituency. The work was tendered and awarded to Prasad V, Nanoda- Assonora vide work order No. 7-5/WDI/WRD/ACCTS/20-21/276 dated 31/03/2021 copy placed at Page C/1.

On Grant of NOC/permission GCZMA Copy placed at C/2 to C/4, the agency has commenced the work. The Scope of the work involved construction of Ganapati Visarjan Platform of size 20.00 mtrs x 10.00 mtrs and steps of 3.00 mtrs facing the River and beautification by providing 60 mm thick interlocking pavers and S.S. railing along the sides the work of Ganesh Visarjan platform of size 20.00 mtr X 10.00 mtrs is constructed as per the GCZMA NOC and drawing and the work is nearing completion.

As per the Show cause notice there is a complaint letter from the Chairman of Shri Sakhaleshwar and Vithoba Rukmini, Bandirwaddo Trust Shri Sagardeep A. Sirsaikar dated 26/04/2022 stating that there is illegal

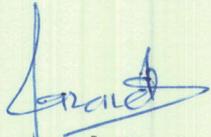
construction of wall and concrete structure on the bank of River Chapora ward No. 3 Bandir waddo Chapora Bardez Goa carried out by Mr. Siddhesh Salgaonkar and Mr. Shailesh Chodankar R/o Bandirwaddo Chapora and Some unknown person in Sy. No. 385/9 and Bandirwaddo Chapora.

In reply to the show cause notice issued it is reiterated that this office has constructed through its agency Prasad V, the Ganesh Visarjan platform of size 20.00 mtr X 10.00 mtr, as per the GCZMA NOC/permission and drawing.

This office denies that alleged illegal additional work of 4.5 mtrs width of the platform obstructing the pathway is carried out by this department.

This office and its contractor is in no way connected to the additional construction of 4.50 mtrs width, and the same is confirmed by the complaint letter dt 26/04/2022 of Shree Sakhleshwar & Vithoba Rukmai, Bandirwaddo Trust.

**The Show Cause Notice may therefore be recalled and withdrawn.**

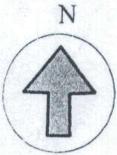
  
(Nazareth Vaz)  
**Executive Engineer**

## Annexure 4



GOVERNMENT OF GOA  
 Directorate of Settlement and Land Records  
 PANAJI-GOA

## SITE PLAN



as per the notice of site inspection of Member Secretary, Goa Coastal Zone Management Authority vide their letter No.GCZMA/N/ILLE-COMPL/21-22/39/518 dated 12/07/2021 in respect of S.No./ Sub Div. No.385/6,9 of Village Anjuna of Bardez Taluka.

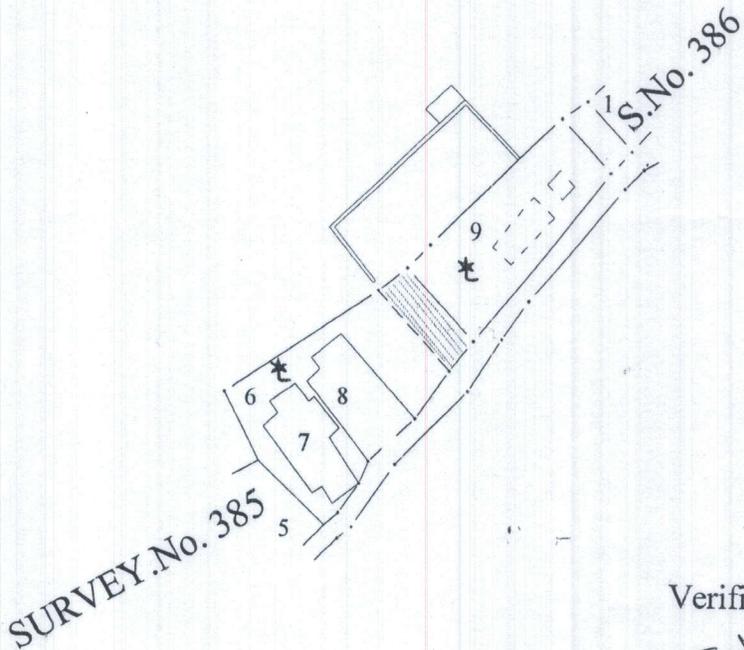
Scale : 1:1000

## NOTE:-

THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES, PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE USED FOR REFERENCE PURPOSE ONLY.

## LEGEND:-

	Concrete Retaining Wall
	Concrete Platform



Surveyed &amp; Prepared by

Rajesh Harmalkar (F.S.)

Verified by

Yeshwant Bicholkar  
(H.S.)

Surveyed on :- 29-07-2021.

FILE NO.19/DSLRL/Re- Cell/CRZ-Mapping/21/14



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**Service of Reply affidavit on behalf of Respondent  
No. 1 GCZMA| Appeal No. 45 of 2022 titled as Siddesh  
Salgaonkar v GCZMA & Ors.**

1 message

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**Anand Rao** <anand@ssdas.in>

30 November 2023 at 22:39

To: pankajpvernekar@yahoo.co.in, ngt-pune@gov.in,  
shivshankar.swaminathan@yutilaw.com, Surjendu Sankar Das  
<surjendu@ssdas.in>, advnigeloffice@gmail.com, gaureshmali6@gmail.com  
Cc: Chambers of Surjendu Sankar Das <office@ssdas.in>, gcзма gcзма  
<goacoastalzone@gmail.com>

Dear sir/Ma'am,

Please find attached the copy of Reply affidavit on behalf of Respondent  
No. 1 in the above captioned matter.

Regards,

**Anand Murthi Rao**

*Advocate*

**Chambers of Surjendu Sankar Das & Annie Mittal**

*Advocate-on-Record*, Supreme Court of India

Advocates, High Court of Delhi

**Office:** N-7, Block N, C.R. Park

New Delhi, Delhi- 110019

**Mo:** +91-9582948954

**Ph:** 011-47087980

[www.ssdas.in](http://www.ssdas.in)

**Location:** <https://maps.app.goo.gl/Gm8MQzRL4Y9aj53NA>



**Appeal No. 45 of 2022 - Reply Affidavit by Respondent No. 1**

**GCZMA.pdf**

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