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BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE

Appeal No. 12/2024

Ramesh L. Chowgule

.... Appellant

Vs

Goa Coastal Zone

Management Authority

..... Respondent

REPLY OF RESPONDENT NO.1

MAY IT PLEASE YOUR HONOUR:

The Respondent most respectfully states and submits as under:

I, MR. JOHNSON BEDY FERNANADES, major of age, presently working as the Member Secretary, of the Respondent No. 1 herein, having office at 4th floor, Dempo Tower, Patto Plaza Panaji Goa do hereby on solemn affirmation, state as under:

1. I say that the Appellant is trying to mislead the Hon'ble Court by stating that the structure in question was in existence prior to the year 1991 as no document has been placed by him



showing that the construction was having the stamp of approvals of various statutory Authorities.

2. I say that the Appellant himself has purchased the property bearing Sy no 126/15 of Anjuna Village, on 19/11/1993 and having done so the predecessor in title would stand to have no interest of whatsoever nature in the said property and hence the government granting any ex gratia payment for damages sustained due to vagaries of nature in the year 1994 to Smt Sumati Shambu Palyekar does not arise. The Respondent further submits that the appellant is trying to use the ex gratia payment to the offending structure which was directed to be demolished and the said ex gratia payment is not at all related to the structure which has been directed to be demolished.

3. I say that the loan obtained by the predecessor in title by mortgaging the property was on 05/06/1989 and the same was not as an off shoot for repairs of the offending structure when she was not at all the owner of the said structure in 1994 because the property was already sold to the present Appellant and hence to drive home the point that the loan was obtained for the purpose of



repairing the damaged house is a figment of imagination of the Appellant.

4. I say that the Respondent No 1 had issued a show cause notice upon the Appellant and inspite of having granted time to file reply they failed to do so by placing the written statement at the time of the meeting which was conducted by this authority and hence directions to demolish the offending structures were issued by this Authority.

5. I say that the Appellant has failed to show or convince even in the appeal by way of documentary evidence that the offending structure which has been directed to be demolished was an authorized structure by showing the approvals conveyed by the statutory authorities.

6. I say that there is no case made out by the Appellant and hence the Respondent prays to dismiss the appeal and confirm the orders passed by the Authority.



7. I say that the contents mentioned hereinabove are true and correct based on the records available.

Solemnly affirmed at Panaji on this 20th January 2025



Gracias

SHRI JOHNSON BODY FERNANDES

MEMBER SECRETARY
DEPONENT
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA

VERIFICATION

I, the abovenamed Deponent, do hereby state on solemn oath and affirmation that the facts stated hereinabove in this Counter Affidavit are true and correct to the best of knowledge, information and belief, and nothing has been concealed.

Verified at Panaji on this 20th day of January, 2025.

Gracias

SHRI JOHNSON BODY FERNANDES

DEPONENT
MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA

Solemnly affirmed before me
Johnson Bedy Fernandes
is identified before me by

At Panjim - Goa
S: No. 06/01/2025/P
Date. 20/01/2025

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

