



BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
WESTERN ZONE, AT PUNE

I.A. No. 235/2024

IN

APPEAL NO. 31 OF 2024 (WZ)

IN THE MATTER OF:

Robert Fernandes

Prop of Dolphin Beach Resort

... APPELLANT

VERSUS

GOA COASTAL ZONE

MANAGEMENT AUTHORITY

& OTHERS

...RESPONDENTS

**REPLY ON BEHALF OF
RESPONDENT NO. 1 GOA
COASTAL ZONE MANAGEMENT
AUTHORITY**

MAY IT PLEASE YOUR HONOUR.

I, JOHNSON BEDY FERNANDES, adult, being the Member
Secretary, Goa Coastal Zone Management Authority, having my

office at: 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I am the Member Secretary of the Respondent No. 1 Goa Coastal Zone Management Authority (hereinafter referred to as **GCZMA**) in the above-captioned Appeal. I am well-conversant with the facts and circumstances from which the present Appeal arises and am, as such, capable of affirming the present Affidavit.
2. I say that nothing in the present Affidavit may be deemed to be any admission of any content of the above-captioned Appeal filed by the Appellant, unless the same is categorically admitted herein. I further submit that nothing in the above-captioned Appeal may be deemed to have been admitted for want of specific denials.
3. The answering Respondent is filing this Affidavit-in-Reply to oppose the captioned I.A. seeking stay on the proceeding in the Appeal bearing No. 31/2024.
4. That this Applicant chose to file an appeal on the Order dated 18/01/2024 issued by the GCZMA for demolition of the structures in the property bearing Sy. No. 267/36 of Mandrem Village Pernem Goa.



A handwritten signature in blue ink, appearing to be 'J. Desai', written over the bottom right of the page.

BRIEF FACTS OF THE CASE:

5. The Respondent states that the office of the GCZMA had issued three demolition orders dated 02.05.2019, 15.07.2019 and 10.02.2020 for the structures belonging to the Applicant which was operated in the name and style of Dolphin Beach Resort, Oasis Restaurant & Bar, located at Junaswada, Mandrem Beach, Mandrem, Goa. Subsequently the Office of Respondent No.1, received compliance from the Office of the Deputy Collector stating that the Order has been complied with.

ANNEXED COPY OF THE THREE ORDERS and marked as ANNEXURE 'A Colly'

6. The Respondent No.1 stated that one Mr Umesh Jagannath Phadte had filed an Original Application No 18 of 2023 wherein he sought for direction from this Hon'ble NGT to demolish the structures of Dolphin Beach Resort, Oasis Restaurant & Bar, located at Junaswada, Mandrem Beach, Mandrem, Goa.
7. The Respondent No. 1 states that the GCZMA in its reply to the O. A. No 18 of 2023 had stated that the demolition orders were complied by Dolphin Beach Resort, Oasis Restaurant & Bar as per the report of the Deputy Collector.

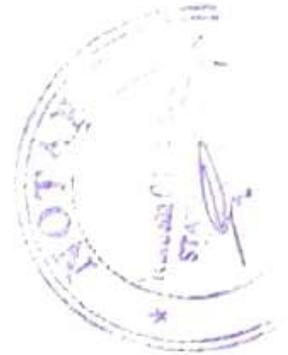


ANNEXED IS HEREIN IS THE COPY OF THE SAID REPORT OF THE DY. COLLECTOR AND MARKED AS ANNEXURE 'B'

8. The Respondent No. 1 states that this Tribunal vide order dated 06/03/2023 directed the GCZMA to check the current position on loco so as to ascertain the alleged illegal structures standing thereon, which was alleged by the Mr Umesh Jagannath Phadte in his petition before the NGT.

9. The Respondent No. 1 states that the Expert Members, along with the Field Surveyors of the GCZMA carried out Site Inspection on 15.3.2023 and observed the following structures were existing at site.

- i. Ground plus one wooden structure abutting to the beach towards the landward side. P.C.C. and tiled flooring
- ii. Bar Counter with kitchen permanent structure R.C.C.slab/Staircase
- iii. Behind the bar cottage permanent structure comprising of two rooms
- iv. Behind toilet was observed with water tank, Toilet is permanent structure
- v. Cottage of permanent nature comprising of 2 rooms
- vi. G+1 R.C.C. permanent structure villa comprising of 3 rooms on the first floor and 3 rooms on the Ground floor.



- vii. Stage was observed. It is in concrete /P.C.C.
- viii. Staircase of laterite to approach the shack from the beach
- ix. 27 Sunbeds were observed on the beach.

ANNEXED COPY OF THE SITE INSPECTION REPORT
DATED 15/3/23 and marked as ANNEXURE 'C'.

10. The Respondent No.1 states that the Authority issued yet another fresh Show Cause Notice bearing No. GCZMA/N/NGT MATTER/19-20/01/2988 dated 30/03/2023 to Dolphin Beach Resort, Oasis Restaurant & Bar through Robert Fernandes, with regards to the structures in Sy No. 267/36 of Mandrem Village, located within the distance of 0-200,ts from HTL with a direction to remain present for a personal hearing and to present his case.

11. The Respondent No.1 states that this case was heard in various GCZMA meetings wherein the present Applicant was given opportunities to present his case. The matter was taken up in the 340th, 347th, 348th, 364th, 378th GCZMA Meeting. Further the Respondent states that in the 340th meeting the counsel representing the Appellant filed his Vakalatnama and sought time to file reply, then in 347th Meeting he collected the documents based on which notice was issued, in 348th Meeting the Respondent filed his reply along with documents to the Show Cause Notice on 11/5/23, written arguments; additional reply dated 7/7/23 hence the matter was posted for Orders. The Authority based on the documents on record passed the decision



in the 378th GCZMA meeting held on 22/12/2023 and the directions were issued on 18/01/2024.

ANNEXED COPY OF THE EXTRACT OF 378th MEETING and marked as ANNEXURE 'D'.

12. The Respondent No.1 states that detail analysis corresponding to the documents have been spelt out in the Order of demolition.



13. The Respondent states that the presence of the present Applicant for the hearing was not required as it was for the Authority to peruse the documents and pass the orders. However, the GCZMA once taking a decision pastes the decision in its minutes and subsequently issues formal order. The Respondent states that the Order dated 18/01/24 came to be issued which is now in appeal.

PARAWISE COMMENTS:

14. The Respondent states that with regards to the contents in para 1 and 2 of the Appeal Memo are a matter of record and do not require any comment by the present Respondent.

15. The Respondent No 1 states that the contents of para 3 is partly admitted and partly denied. It is admitted that the Applicant has

challenged the order dated 18/1/24. The remaining contentions of the Appellant are denied. The present Respondent denies all contentions made by the Applicant against the order passed by the GCZMA with respect to the impugned order. I say and submit that after perusing the records produced before the present Applicant and following due process of law the impugned Order has been passed.



16. The Respondent No 1 states that the contents of para 4 are true that this Hon'ble Court has condoned the delay and directed to proceed with the appeal.
17. The Respondent No 1 states that the contents of para 5, the answering Respondent states that the Authority issued directions to the present Applicant subsequently if the directions in the Order is not complied within 30 days, the Deputy Collector is directed to execute the Order of demolition *[this is clearly mentioned in the last line on the last page of the Order]*. The Order dated 27/6/24 claimed by the Applicant has not been issued by the GCZMA, hence the Applicant is put to strict proof thereof.
18. The Respondent No 1 states that the contents of para 6 offers no comments.

19. The Respondent No 1 states that the contents of para 7 and para 8 the applicants are relying on the order dated 4/7/24 wherein the Deputy Collector has proposed to carry out the demolition on 24/7/24. The stay application has been filed after the date of the proposed demolition by the Deputy Collector. The Deputy Collector along with the Officials of the GCZMA went on site and noted that, " there was no access to the Site for the JCB and truck and hence the PWD officials informed that a rock breaker with diesel generator will be required to carry out the demolition" Hence the demolition could not be commenced.



20. The Respondent No 1 states that the contents of para 9, it is admitted that the Applicant has filed an appeal against the Order of demolition passed by the GCZMA. It is denied that the matter is subjudice as when the Deputy Collector has issued the direction to comply with the directions passed by the GCZMA, the Applicant did not obtain a Stay in the matter.

21. The Respondent No 1 states that the contents of para 10 the contents are denied as false. The Respondent states that on perusal of the order of demolition passed by the GCZMA it is clearly stated that the Applicant were present for the 4 hearings and the Applicant filed his reply along with the documents and even filed his written arguments in the matter and subsequently in the 378 meeting the Authority pronounced the decision after going through the documents and the replies and the written

arguments. Hence the question of not being heard does not arise or violation of principles of natural justice does not arise. The Respondent states that with regards to the entire structure being illegal the Authority in its order dated 18/1/24 [from paras 240 till 246 of the paper book of stay application file by the applicant] clearly spells out the details. The Respondent states that they have perused all the documents and the plan and the approvals and have clearly brought out the details of how the documents could not be considered by the Authority and as to how the documents does not establish that the structures were existing prior to 1991. In order to avoid repetition the Answering Respondent seeks to rely on the Order of Demolition dated 18/01/2024.

22. The Respondent No 1 states that the contents of para 11 are denied. The Respondent states that the Applicant in his reply dated 11/05/2023 has given clarification as to the violations in correspondence with the documents as under,

I. With Regards to Ground plus one wooden structure abutting to the beach towards the landward side. P.C.C. and tiled flooring.

The Respondent in its order dated 18/1/24 at page 7 of the Order has clearly explained the reasons why the approved plan cannot be considered.



II. With Regards to Bar Counter with kitchen permanent structure R.C.C.slab/Staircase

The Respondent in its order dated 18/1/24 at page 4 of the Order has clearly explained the reasons why the documents cannot be considered.

III. With Regards to Behind the bar cottage permanent structure comprising of two rooms.

The Respondent in its order dated 18/1/24 at page 5 last para and page 6 of the Order has clearly explained the reasons why the documents cannot be considered.

IV. With Regards to Behind toilet was observed with a water tank and the Toilet is permanent structure.

The Respondent in its order dated 18/1/24 at page 6 of the Order has clearly explained the reasons why the documents cannot be considered.

V. With Regards to Cottage of permanent nature comprising of 2 rooms.

The Respondent in its order dated 18/1/24 at page 6 of the Order has clearly explained the reasons why the documents cannot be considered.

VI. With Regards to G+1 R.C.C. permanent structure Villa comprising of 3 rooms on the first floor and 3 rooms on the Ground floor.



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The Respondent in its order dated 18/1/24 at page 7 of the Order has clearly explained the reasons why the documents cannot be considered.

VII. Stage

The Respondent in its order date 18/1/24 at 2nd last para on page 7 of the Order has clearly explained the reasons why the documents cannot be considered.

VIII. With Regards to Staircase of Laterite Stone to approach the shack from the beach

The Respondent in its order dated 18/1/24 at last para on page 7 and the next page 8 of the Order has clearly explained the reasons why the documents cannot be considered.

IX. With Regards to 27 Sunbeds were observed on the beach.

The Respondent in its order dated 18/1/24 at page 8 of the Order has clearly explained the reasons why the documents cannot be considered.

ANNEXED HERETO IS THE REPLY OF THE APPICANT marked as ANNEXURE "E"

ANNEXED HERETO IS THE ORDER OF THE GCZMA dated 18/1/24 marked as ANNEXURE "F"



23. The Respondent further states that the Reply dated 7/7/23 which is filed by the Applicant is a repetition of the reply dated 11/5/23 and the response has been considered in the order of demolition passed by the GCZMA.

ANNEXED HERETO IS THE REPLY OF THE APPLICANT marked as ANNEXURE 'G'



24. The Respondent No. 1 states that with regards to para 16 the contents are denied. The Applicant is relying on the order of the Deputy Collector dated 4/7/24 wherein the Deputy Collector had scheduled demolition on the 24/7/24 and this application of stay is filed on the 31/7/24. The Respondent states that as on date there is no demolition listed to be carried out. The Applicant has approached this Hon'ble tribunal with an apprehension that the Deputy Collector may issue order for demolition hence this application for stay may be dismissed.

Requirements as per Order dated 06.08.2024 of the NGT

25. The Respondent No.1 states that with regards to the queries raised by the Hon'ble NGT vide order dated 6/8/24, is that,

To the Query

"Structure "A" is shown as shack, structure "B" is shown as kitchen, structure "C" is shown as store and structures "D" to "F" are other structures, but nothing is recorded in

respect of these three structures, except being mentioned them that they are existing.

Reply

The Respondent No. 1 states that the Applicant has got no documents to substantiate the legality of the structures hence all the structures shown on the Site Inspection report which is along with the photographs have to be demolished.

To the Query

The learned counsel for the applicant/appellant, during argument, states that kitchen is house no.419, store is house no.369, structure shown by letter "D" is house no.436 and structure shown by letter "E" is house no.368, but no such particulars of the houses are shown to be there in the impugned order

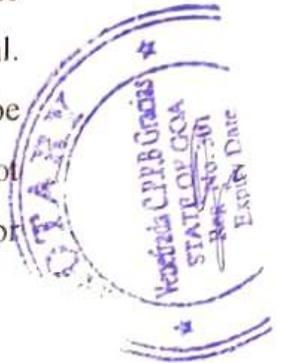
Reply

The Respondent states that the Authority in its order has already considered this issue and has dealt with the same in the it in its operative part.

The Respondent states that, "The Applicant has sought to rely on the permit no **15/88-89 dated 4/5/88** issued to **Paulu Robert Fernandes**, having house no. **419**; wherein description of the house given is a katcha house. Firstly, while perusing the description it mentions of reconstruction of the katcha house, but the survey no has been tampered with and got the Sy No. adjusted to 267/36. Secondly, the printed permission varies the typed area into another font as



if the same has been copied and pasted to suit / go well with the Case of the Respondent. Thirdly, the Plan Attached does not have the signature of the Applicant and neither is there any area statement mentioned, the layout is not as per the prescribed terms as required to present the plan for approval. The Applicant has failed to show the elevation and inscribe the dimensions on the plan. Further, the approval does not speak if the same was given for the ground floor structure or the G+1 structure.



ANNEXED HERETO IS THE permit no 15/88-89 dated 4/5/88 AND IS MARKED AS ANNEXURE "H"

TO THE QUERY OF HOUSE NO 419

The Respondent states that The Applicant has also sought to rely on the Occupancy Certificate dated 31/3/1989 and there is also a discrepancy in the House Number. Firstly, In the 1st para it says Paulu Robert Fernandes is having residential house no 419 and in the 2nd para it says the premises bearing house no 819. The occupancy certificate is not issued in terms of the approvals but just a statement saying that he is residing at that premises. Secondly, the Occupancy Certificate appears to be a computer-generated certificate issued in the year 1989; which is very strange as in those years there were no computers in Goa State and as such computers have only come to Goa in the early 90's. Hence, since there is a discrepancy noticed the documents produced cannot be taken on record.

ANNEXED HERETO IS THE OCCUPANCY CERTIFICATE marked as ANNEXURE "F"

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The Respondent states that The Village Panchayat had issued the Occupancy Certificate dated 31/03/1987 for the structure. The permit no 4/86-87 was issued by the Gram Panchayat to Smt. Jonita Almus Roji Fernandes, who is residing at house no 369. The Applicant has failed to prove the connection between himself and the person to whom the permission was given to by the Gram Panchayat. Since the document does not pertain to the Applicant, the same cannot be taken on record.

WITH REGARDS TO THE PLAN

The Respondent states that the plan on which the Applicant is relying is a plan to be read along with the approval granted for erection of a temporary shack which is made of wood and natural biodegradable material only in the property bearing sy no 267/36. The Approval bears No GCZMA/N/Shack-Hut-Tent/20-21/35/1579 dated 12/1/2021 and the same number figures on the plan produced by the Applicant. The Respondent states that at the time of Site Inspection the GCZMA has correlated the illegalities mentioned in their report with the photographs on site and have identified the illegal structures with the photographs.

The Respondent in its order dated 18/1/24 has clearly dealt with the permission thereby stating that, *{the contents are reproduced}*.

"The Authority had granted permission for the erection of temporary shack made of wood and or natural biodegradable material only in the property bearing Sy No. 267/36 of Mandrem Village. The Permission granted has to be read along with the terms and conditions of the NOC issued and the Plan in accordance with the NOC.

The Authority noted that the contentions of the Respondent is that the Shack is erected as per the Terms and conditions of the approval NOC. However, if we peruse the approval at condition 5 of the NOC states that "if there is any change in the project profile a fresh reference would have to be made to the GCZMA". The Respondent did not adhere to this condition as the plan attached to the NOC with regards to the shack does not have a first floor. The Respondent has violated the Condition 5 of the NOC moreover,

condition 10 of the NOC states that : "the said structure should be one meter above the ground on stilts of wooden poles wherever possible. However, the ground clearance should not be more than 1.5m".

condition 21 of the NOC states that "All the structures shall be of ground floor in nature" the Respondent has erected a first floor thereby violating the permission dated 12/01/2021.

condition 23 of the NOC states that "you shall not barricade the proposed site" The Authority noted that the shack has been barricaded and thereby violated the NOC dated 12/01/2021.



Further, the Authority decided to enforce the condition 7 which states that the GCZMA reserves rights to revoke this recommendation / clearance without prior intimation of non compliance of one or more condition, this gives rights to the GCZMA to revoke the permission as the Respondent has violated condition 5, 10, 21, 23 of the NOC dated 12/01/2021. Hence the Authority decided to revoke the permission / NOC dated 12/01/2021."

The Respondent states that the Plan which the Applicant is seeking to rely cannot be considered as the Applicant is trying to misguide this Hon'ble Court. The Applicant does not have any documents to prove that the structures are legal. Moreover, those structures shown on the plan at page 77 of the paperbook noted by this Hon'ble tribunal has to be read along with the approval and is valid only for placement of the shack. But the Authority when considering the violations have noted that the approval is violated hence revoked the permission as mentioned herein above and as mentioned in the order of Demolition.

26. The Respondent No.1 states the sketch produced by the Applicant dated 21/8/24 cannot be taken on record as the same is without any signature. The plan drawn in such a fashion cannot be taken on record as the same is not from any competent Authority,

27. It is therefore prayed that the application for stay and the Appeal may kindly be rejected.

Panaji

21/08/2024

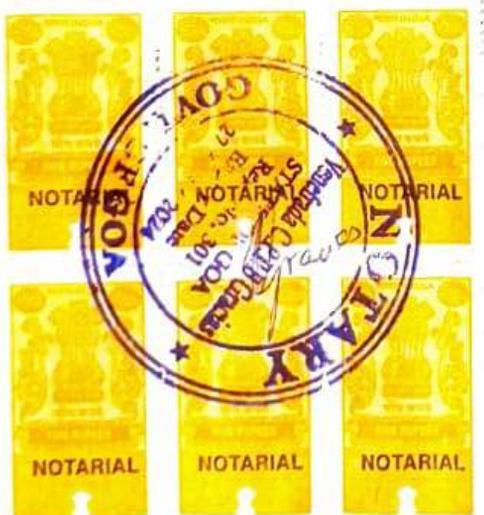
[Signature]
DEPONENT



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 21ST day of August , 2024



[Signature]
DEPONENT

Executed before me
At Panjim Tiswadi - Goa
Reg. No. 465/08/2024
Dated: 21/08/2024

[Signature]
Venefrada C.P.P.B Gracias
Advocate & Notary Goa State

GOA COASTAL ZONE MANAGEMENT AUTHORITY
 C/o Department of Science, Technology & Environment, (Govt. of Goa)
 1st Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.
 Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/NUT Matter/19-20/01/185

Date: 02/04/2019
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Demolition Order

Sub: Directions to demolish temporary Bamboo structure & Permanent G+1 structure; 12 rooms on the beach line which disturb the Turtle Nesting Sites.

Ref. : (1) Direction in the Matter Pending Before The National Green Tribunal, Principal Bench, New Delhi Execution Application Nos. 01/2019 (Wz) to 06/2019 (Wz) in Original Application No. 23/2014 (Wz); Original Application No. 25/2019 (Wz); Original Application No. 26/2019 (Wz).

WHEREAS, Goa Paryavaran Savrakshan Sangharsh Samitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

AND WHEREAS, the Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast".

AND WHEREAS, the Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Goa Paryavaran Savrakshan Sangharsh Samitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

AND WHEREAS, , the Hon'ble NGT vide order dated 25/02/2019, interalia appointed a three members Committee comprising of Deputy Conservator of Wildlife, Goa, Member Secretary, Goa State Pollution Control Board and Member Secretary, GCZMA. The nodal agency will be the Deputy Conservator of Wildlife for compliance and coordination. Accordingly a report was to be furnished to this Tribunal within one month.

AND WHEREAS, vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the three members Committee as constituted by the Hon'ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area in North Goa on the 12th March 2019 and 13th March 2019. The Said Committee carried out the site inspection for the area in South Goa on the 09th March 2019 and 11th March 2019 and 12th March 2019. The Committee submitted a report with regard to south Goa on 25/04/2019 and with regards to North Goa on 24/04/2019. The Reports were submitted on the giving details of the violations. The following alleged illegal construction resulting violation of CRZ Notification 2011 are noticed.

NAME OF THE VIOLATOR	VILLAGE	GPS READING	VIOLATION
Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes 9822163886	Mandrem	N 15° 39' 46.2" E 73° 42' 46.8"	49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms

AND WHEREAS, the said report was placed for discussion and deliberation in the 197th GCZMA meeting held on 26/04/2019 wherein the Authority decided that, "*the Authority noted the report submitted by the three members Committee constituted by the Hon'ble NGT in terms of the order dated 25/02/2019. The Authority resolved to issue directions to demolish all the resorts / establishments which are operating without the approval / NOC/ Permission of GCZMA in terms of the Order passed by the NGT dated 2/11/2017. The Authority decided to issue impose a fine of a sum of Rs One Lakh for the violations noted as per the direction on order dated 2/11/2017*".

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3324 (E) dated 26/10/2016 issued by the Ministry of Environment & Forests, Government of India, and in view of the directions issued by the Hon'ble National Green Tribunal in its orders dated 2/11/2017 and 25/02/2019 hereby directs the **Collector, North Goa, to demolish the all the structures being run in the name of Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes and remove Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes and restore the land to its original state within 7 days. Further, recover the expenses incurred for the same from Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes as the arrears of land revenue. Further, Collector NORTH is required to submit a compliance report in respect of compliance of afore stated directions to the GCZMA next day after demolition. Further, Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes is directed to pay a penalty/fine of rupees one lakh towards the damages in terms of the order of the NGT dated 2/11/2017 and 25/02/2019. The said fine/penalty is required to be paid in the office of the GCZMA C/o Department of Science, Technology and Environment (Govt. of Goa), 1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto, Porvorim, Bardez- Goa-403 521 via cheque/Demand Draft in favour of "GOA COASTAL ZONE MANAGEMENT AUTHORITY".**



(Ravi Jha, IAS)

Member Secretary (GCZMA)

To,

1. **The Collector & District Magistrate (North), Office of the Collector (North), Panaji-Goa... for executing the order.**
2. **Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes, resident of Mandrem to deposit penalty fine to the Authority.**

Copy to,

1. **The Superintendent of Police, Porvorim-Bardez, Goa with a request to depute Police personal for the purpose of the smooth functioning of the execution of the above order.**
2. **Prof. Suhas Ghodse, R/o. H.No. 5/25 A, Saket, near Pandurang Tulsi Mata Temple, Vodlem Bhat, Taleigao, Tiswadi-Goa (9075374807) ...with a request to make it convenient to remain present and identify the structure at the time of execution of this order .**

3. **Mr. Audhut J. Bhosle, R/o. 790, Opp. Mapusa Urban Co-Operative Bank, St. Agostinho, Santa-Cruz, Tiswadi-Goa (9518369146)..... with a request to make it convenient to remain present and identify the structure at the time of execution of this order.**
4. The Dy. Conservator of forests (North) having office at Panaji With a request to make it convenient and remain present and identify the structure at the time of execution of this order.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)
1st Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.

Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/NGT matter/19-20/01/1084

Date: 15/07/2019

DEMOLITION ORDER.

Sub: Directions to demolish structures/shack/huts cottages of Dolphin beach Resort Oasis Bar & Restaurant Robert

- Ref. : (1) Direction in the Matter Pending Before The National Green Tribunal, Principal Bench, New Delhi Execution Application Nos. 01/2019 (Wz) to 06/2019 (Wz) in Original Application No. 23/2014 (Wz); Original Application No. 25/2019 (Wz); Original Application No. 26/2019 (Wz).
- (2) Minutes of the 197th GCZMA meeting held on 26/04/2019.
- (3) Order of demolition dated 02/05/2019 issued by GCZMA.
- (4) Minutes of 198th GCZMA meeting held on 10/05/2019.
- (5) Show cause notice dated 16/05/2019 issued by GCZMA.
- (6) Minutes of 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019.
- (7) Order dated 28/06/2019 passed by the Hon'ble High Court of Bombay at Goa.
- (8) Minutes of 207th GCZMA meeting held on 13/07/2019.

WHEREAS, Goa Paryavaran Savrakshan Sangharsh Samitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

AND WHEREAS, the Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles

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besides information sharing with staff of Forest Department which monitors the entire coast".

AND WHEREAS, the Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Goa Paryavaran Savrakshan Sangharsh Samitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

AND WHEREAS, vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Hon'ble NGT vide order dated 25/02/2019, interalia appointed a Three Members Committee comprising of Deputy Conservator of Wildlife, Goa, Member Secretary, Goa State Pollution Control Board and Member Secretary, GCZMA with Deputy Conservator of Wildlife as Nodal Agency for compliance and coordination. Accordingly a report was to be furnished to the National Green Tribunal (NGT) within one month.

AND WHEREAS, the Three Members Committee as constituted by the Hon'ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area in North Goa on 12th March 2019 and 13th March 2019. The Said Committee carried out the site inspection for the area in South Goa on the 09th March 2019, 11th March 2019 and 12th March 2019. The Committee submitted a report with regard to South Goa on 25/04/2019 and with regards to North Goa on 24/04/2019. The Reports gave details of the violations. The following alleged illegal construction resulting violation of CRZ Notification 2011 were noticed.

NAME OF THE VIOLATOR	VILLAGE	GPS READING	VIOLATION
Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes 9822163886	Mandrem	N 15° 39' 46.2" E 73° 42' 46.8"	49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms

AND WHEREAS, the said report was placed for discussion and deliberation in the 197th GCZMA meeting held on 26/04/2019 wherein the Authority observed as

follows: *“the Authority noted the report submitted by the Three Members Committee constituted by the Hon’ble NGT in terms of the order dated 25/02/2019. The Authority resolved to issue directions to demolish all the resorts / establishments which are operating without the approval / NOC/ Permission of GCZMA in terms of the Order passed by the NGT dated 2/11/2017. The Authority decided to issue impose a fine of a sum of Rs One Lakh for the violations noted as per the direction on order dated 2/11/2017”* .

AND WHEREAS, an order of demolition dated 02/05/2019 was issued against you by GCZMA.

AND WHEREAS, a Petition was filed before Hon’ble High Court of Bombay at Goa by All Goa Private Property Shack/Hut owners association, through its president., Dharmesh Prabhudas Saglani. v/s State of Goa, thr. The Chief Secretary and 4 ors. wherein the Hon’ble High Court of Bombay at Goa passed an order dated 06/05/2019 granting stay in the matter, stating as follows:-*“Pending the hearing and final disposal of this Petition, to stay the effect and operation of the Orders of Demolition dated 02/05/2019 issued by the Respondent No.2 to various persons in Morjim, Mandrem and Agonda and direct the Respondent No.2 to refrain from taking any coercive steps without following the principles of natural justice.”*

AND WHEREAS, the abovementioned orders passed by Hon’ble High Court were placed for discussion and deliberation in the 198th GCZMA meeting held on 10/05/2019 wherein the authority decided as follows : *“The authority hence resolved to issue show cause notices to all the violators calling upon them for personal hearing and thereafter decide the matter”*.

AND WHEREAS, a show cause notice cum hearing notice dated 16/05/2019 was issued to you by GCZMA directing the respondent to file reply and hearing in the matter.

AND WHEREAS, the matter was heard and decided in the 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019. The proceedings in the matter during abovementioned meetings can be seen as follows: *“Advocate Shri. S.M. Walwaikar appeared on behalf of complainant Goa Paryavaran Savrakshan Sangharsh Samitee on 17/05/2019. He made general arguments with regard to computation of fines on a per day basis of operation of structures and regard to recovery of environmental compensation. On 17/05/2019 hearing he submitted an application on behalf of*

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complainant seeking leave to dispense with the personal attendance in rest of cases scheduled for 04/06/2019 and 06/06/2019 as his arguments remain the same in all the cases. The said application filed by Complainant was allowed.

AND WHEREAS, in the 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019 it was decided as follows: *"The Authority heard the arguments raised by the respondent objecting the present hearing and also reply filed by the respondent. The authority noted that the personal hearing granted to the parties is complete. The final orders would be issued as per the directions of Hon'ble High Court of Bombay at Goa in Stamp Number Main No. 1871 of 2019 filed by All Goa Private Property Shack/Hut Owner's Association v/s State of Goa"*.

AND WHEREAS, the Hon'ble High Court of Bombay at Goa vide common order dated 28th June 2019 while disposing all the matters filed against demolition orders passed by Goa Coastal Zone Management Authority (GCZMA) against shack/huts/cottages interalia directed as follows: *"The petitions are accordingly disposed of by reserving liberty to the petitioners to make written representations to the respondent within a period of two weeks from today. Respondent No.1 shall pass final orders on the Show Cause Notices after considering such representations. It is also agreed by the respondents that, in the event, the orders to be passed on the Show Cause Notices are adverse to the petitioners; they shall not be enforced for a period of 15 days from the communication of the orders. The statements of all parties are accepted and the petitions are disposed of in the above Terms"*.

AND WHEREAS, all the representations filed by petitioners were placed for final decision in the 207th GCZMA meeting held on 13/07/2019: *The Authority was of the opinion that this is a continuous process and merely because the Member Secretary/Chairman has been changed the decision which has been already taken during past meetings on the very same subject matter would not get changed and hence fresh personal hearings are not necessitated. Further the Authority noted that the respondent has preferred not to file any representation pursuant to order dated 28/06/2019 passed by the Hon'ble High Court of Bombay at Goa. The Authority observed that respondent has mischievously and that too without the approval/NOC of the GCZMA placed **49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms**; which is in violation of the NGT Pune (WZ) Order dated 02/11/2017 and hence he should remove all illegal structures and pay a gross penalty of Rs.1,00000/- i.e he should pay penalty of Rs. 100000/-each for violation with regards to sunbeds, high intensity lights and high volume speakers respectively.*

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NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3324 (E) dated 26/10/2016 issued by the Ministry of Environment & Forests, Government of India, and in view of the directions issued by the Hon'ble National Green Tribunal in its orders dated 2/11/2017 and 25/02/2019 hereby directs the respondent to pay a penalty of Rs. 100000/- *with regards to sunbeds* and further directs respondent to demolish the illegal construction stated above within a period of 15 days failing which the **Collector, North Goa, shall remove all the structures i.e 49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms pertaining to Dolphin beach Resort Oasis Bar & Restaurant Robert, Mandrem** after expiry of 15 days interms of decision taken in 207th GCZMA meeting held on 13/07/2019. Further, recover the expenses incurred for the same from **Dolphin beach Resort Oasis Bar & Restaurant Robert, Mandrem** as the arrears of land revenue. The **Collector North Goa** is required to submit a compliance report in respect of compliance of afore stated directions to the GCZMA a day after such exercise. The penalty of **Rs. 100000/-** be paid by Cheque/D.D drawn in favour of Goa Coastal Zone Management Authority.

**For and on behalf of the
Goa Coastal Zone Management Authority**


**(Johnson Bedy Fernandes)
Member Secretary (GCZMA)**

To,

1. **The Collector & District Magistrate, (North)**, Office of the Collector (North), Panaji-Goa.... *for executing the order and ensure compliance of the order.*
2. **The Deputy Collector & S.D.O of Pernem, having office at Pernem...** *to assist the Collector for executing the order and compliance.*
3. **Dolphin beach Resort Oasis Bar & Restaurant Robert, Mandrem.....** *for complying with the direction.*
4. **The Superintendent of Police, Porvorim, Bardez-Goa** *with a request to depute Police personnel for the purpose of the smooth functioning of the execution of the above order.*

5. **The Member Secretary, Goa State Pollution Control Board, Saligao, Bardez-Goa...***to act independently against violators with regards to violations consent to operate/establish.*
6. **Mr. Prabhakar Shirodkar, Expert member GCZMA, Tiswadi-Goa(9326101601) ...***with a request to make it convenient to remain present and identify the structure at the time of execution of this order .*
7. **Mr. Audhut J. Bhosle, R/o. 790, Opp. Mapusa Urban Co-Operative Bank, St. Agostinho, Santa-Cruz, Tiswadi-Goa (9518369146).....** *with a request to make it convenient to remain present and identify the structure at the time of execution of this order .*

Copy to:

1. **Goa Paryavaran Savrakshan Sangharsh Samitee** through the President, (**Bruno Rodrigues**)office at S-1, Renuka Residency, Behind KTC Bus stand, Fatorda, Margao-Goa 403601...*for information only.*
2. **The Scientific Assistant, GCZMA...** *to upload copy of this order on GCZMA website immediately.*

75/10

GOA COASTAL ZONE MANAGEMENT AUTHORITY
 C/o Department of Science, Technology & Environment, (Govt. of Goa)
 1st Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.
 Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/NGT matter/19-20/01/2413

Date: 10/02/2020

DEMOLITION ORDER.

Sub: Directions to demolish structures/shack/huts cottages of Dolphin beach Resort Oasis Bar & Restaurant Robert

- Ref. : (1) Direction in the Matter Pending Before The National Green Tribunal, Principal Bench, New Delhi Execution Application Nos. 01/2019 (Wz) to 06/2019 (Wz) in Original Application No. 23/2014 (Wz); Original Application No. 25/2019 (Wz); Original Application No. 26/2019 (Wz).
- (2) Minutes of the 197th GCZMA meeting held on 26/04/2019.
- (3) Order of demolition dated 02/05/2019 issued by GCZMA.
- (4) Minutes of 198th GCZMA meeting held on 10/05/2019.
- (5) Show cause notice dated 16/05/2019 issued by GCZMA.
- (6) Minutes of 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019.
- (7) Order dated 28/06/2019 passed by the Hon'ble High Court of Bombay at Goa.
- (8) Minutes of 207th GCZMA meeting held on 13/07/2019.
- (9) Minutes of the 217th (GCZMA) held on 04/12/2019 and 05/12/2019

WHEREAS, Goa Paryavaran Savrakshan Sangharsh Samitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

AND WHEREAS, the Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles

besides information sharing with staff of Forest Department which monitors the entire coast".

AND WHEREAS, the Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Goa Paryavaran Savrakshan Sangharsh Samitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

AND WHEREAS, vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

AND WHEREAS, the Hon'ble NGT vide order dated 25/02/2019, interalia appointed a Three Members Committee comprising of Deputy Conservator of Wildlife, Goa, Member Secretary, Goa State Pollution Control Board and Member Secretary, GCZMA with Deputy Conservator of Wildlife as Nodal Agency for compliance and coordination. Accordingly a report was to be furnished to the National Green Tribunal (NGT) within one month.

AND WHEREAS, the Three Members Committee as constituted by the Hon'ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area in North Goa on 12th March 2019 and 13th March 2019. The Said Committee carried out the site inspection for the area in South Goa on the 09th March 2019, 11th March 2019 and 12th March 2019. The Committee submitted a report with regard to South Goa on 25/04/2019 and with regards to North Goa on 24/04/2019. The Reports gave details of the violations. The following alleged illegal construction resulting violation of CRZ Notification 2011 were noticed.

NAME OF THE VIOLATOR	VILLAGE	GPS READING	VIOLATION
Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes 9822163886	Mandrem	N 15° 39' 46.2" E 73° 42' 46.8"	49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure;12 rooms

AND WHEREAS, the said report was placed for discussion and deliberation in the 197th GCZMA meeting held on 26/04/2019 wherein the Authority observed as

follows: *"the Authority noted the report submitted by the Three Members Committee constituted by the Hon'ble NGT in terms of the order dated 25/02/2019. The Authority resolved to issue directions to demolish all the resorts / establishments which are operating without the approval / NOC/ Permission of GCZMA in terms of the Order passed by the NGT dated 2/11/2017. The Authority decided to issue impose a fine of a sum of Rs One Lakh for the violations noted as per the direction on order dated 2/11/2017"* .

AND WHEREAS, an order of demolition dated 02/05/2019 was issued against you by GCZMA.

AND WHEREAS, a Petition was filed before Hon'ble High Court of Bombay at Goa by All Goa Private Property Shack/Hut owners association, through its president., Dharmesh Prabhudas Saglani. v/s State of Goa, thr. The Chief Secretary and 4 ors. wherein the Hon'ble High Court of Bombay at Goa passed an order dated 06/05/2019 granting stay in the matter, stating as follows:- *"Pending the hearing and final disposal of this Petition, to stay the effect and operation of the Orders of Demolition dated 02/05/2019 issued by the Respondent No.2 to various persons in Morjim, Mandrem and Agonda and direct the Respondent No.2 to refrain from taking any coercive steps without following the principles of natural justice."*

AND WHEREAS, the abovementioned orders passed by Hon'ble High Court were placed for discussion and deliberation in the 198th GCZMA meeting held on 10/05/2019 wherein the authority decided as follows : *"The authority hence resolved to issue show cause notices to all the violators calling upon them for personal hearing and thereafter decide the matter"*.

AND WHEREAS, a show cause notice cum hearing notice dated 16/05/2019 was issued to you by GCZMA directing the respondent to file reply and hearing in the matter.

AND WHEREAS, the matter was heard and decided in the 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019. The proceedings in the matter during abovementioned meetings can be seen as follows: *"Advocate Shri. S.M. Walwaikar appeared on behalf of complainant Goa Paryavaran Savrakshan Sangharsh Samitee on 17/05/2019. He made general arguments with regard to computation of fines on a per day basis of operation of structures and regard to recovery of environmental compensation. On 17/05/2019 hearing he submitted an application on behalf of*

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complainant seeking leave to dispense with the personal attendance in rest of cases scheduled for 04/06/2019 and 06/06/2019 as his arguments remain the same in all the cases. The said application filed by Complainant was allowed.

AND WHEREAS, in the 203rd GCZMA meeting held on 04/06/2019 and 06/06/2019 it was decided as follows: *"The Authority heard the arguments raised by the respondent objecting the present hearing and also reply filed by the respondent. The authority noted that the personal hearing granted to the parties is complete. The final orders would be issued as per the directions of Hon'ble High Court of Bombay at Goa in Stamp Number Main No. 1871 of 2019 filed by All Goa Private Property Shack/Hut Owner's Association v/s State of Goa".*

AND WHEREAS, the Hon'ble High Court of Bombay at Goa vide common order dated 28th June 2019 while disposing all the matters filed against demolition orders passed by Goa Coastal Zone Management Authority (GCZMA) against shack/huts/cottages interalia directed as follows: *"The petitions are accordingly disposed of by reserving liberty to the petitioners to make written representations to the respondent within a period of two weeks from today. Respondent No.1 shall pass final orders on the Show Cause Notices after considering such representations. It is also agreed by the respondents that, in the event, the orders to be passed on the Show Cause Notices are adverse to the petitioners; they shall not be enforced for a period of 15 days from the communication of the orders. The statements of all parties are accepted and the petitions are disposed of in the above Terms".*

AND WHEREAS, all the representations filed by petitioners were placed for final decision in the 207th GCZMA meeting held on 13/07/2019: *The Authority was of the opinion that this is a continuous process and merely because the Member Secretary/Chairman has been changed the decision which has been already taken during past meetings on the very same subject matter would not get changed and hence fresh personal hearings are not necessitated. Further the Authority noted that the respondent has preferred not to file any representation pursuant to order dated 28/06/2019 passed by the Hon'ble High Court of Bombay at Goa. The Authority observed that respondent has mischievously and that too without the approval/NOC of the GCZMA placed **49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms;** which is in violation of the NGT Pune (WZ) Order dated 02/11/2017 and hence he should remove all illegal structures and pay a gross penalty of Rs. 1,00,000/- i.e he should pay penalty of Rs. 100,000/- each for violation with regards to sunbeds, high intensity lights and high volume speakers respectively.*

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AND WHEREAS GCZMA vide order dated 15/07/2019 directed the respondent to demolish the illegal construction stated above within a period of 15 days Further, recover the expenses incurred for the same as the arrears of Land Revenue.

AND WHEREAS, The Alleged Violator has approached the Hon'ble High Court and Hon'ble National Green Tribunal wherein the Hon'ble Courts have in some matters stayed the Order and in some matters have set aside the Orders passed by the GCZMA with directives to hear the parties and reconsider the case and pass respective orders in terms of law.

AND WHEREAS, the matter was placed in the 217th GCZMA Meeting held on 04/12/2019 and 05/12/2019 for personal hearing. *“Adv Abhijit Gosavi appeared in 16 matters and initially advanced common arguments which are applicable to all of them. He began with by relying upon the judgment passed by the Hon'ble NGT in the matter of Sesa Goa Ltd v/s State of Goa and stated that when there aren't any prescribed rules that have been laid down to decide upon any references or complaints before the authority more precisely in the CRZ notification of 1991 or 2011, the Hon'ble NGT in the case mentioned supra has lucidly laid down the procedures to be followed and adopted by the authority before taking any decision. He read out the excerpts of the said judgement and argued to convince the authority that before undertaking any inspection of an offending structure the authority has to ensure that the alleged violator has to be first served with a prior notice of inspection, the inspection has to be done in the presence of the violator, a panchanama has to be drawn with a sketch in the presence of independent witnesses, a copy of the inspection report needs to be given to the alleged violator, thereafter a notice is to be issued for hearing and upon hearing the violator a final decision has to be taken. This ratio has been laid down because the authority was not following any procedures and were at times whimsical in their approach to decide any matter. Standardization of the procedure so as to meet the ends of justice which is in consonance with the principles of natural justice is what is laid down by the NGT is what Adv Gosavi focused upon.*

He thereafter stated that in all of these cases a re-inspection has to be done as the 3 member committee has committed grave errors by stating that no CRZ approvals have been granted when inspite of the fact some of the structures do have the approvals. He question as to how GPS readings can form part of the procedure for identification of structures when each and every property of the State of Goa has been properly identified

by means of survey numbers. He stated that the entire report contains falsities because of various misnormers. He hence stated that re-inspection is the first criterion that needs to be done by this authority either on its own motion or through the District Level Committee".

AND WHEREAS, in the 217th GCZMA Meeting held on 04/12/2019 and 05/12/2019 for personal hearing, the Authority decided that, "In so far as the arguments of the Ld Counsel for the above common respondent is concerned, the authority decided to give its decision upon deliberating on the fact as to whether there is any need to undertake any re-inspection in the matter as has been strenuously argued by their counsel. In the first place they stated that by going through the backdrop of the proceedings, it first commenced on the fact that upon declaration of Turtle nesting sites for the endangered olive ridley breed that were happening in the various parts of Goa the beaches of Agonda, Galgibag, Mandrem and Anjuna were notified and on these beaches no such activity should be permitted which would disturb the endangered Olive Ridley Turtles. The activity of placing sun-beds, bright lights and high volume speakers including erection of unauthorized shacks and huts pose a hindrance for the turtles. It is because of this that the Hon'ble NGT took cognizance of the large scale violations to protect the endangered species because of the petition filed by Goa Parvyavaran Savrakshan Manch. The Hon'ble NGT itself thereafter constituted a 3 member committee to personally visit the beaches and identify the violators along with the violation done by them and hence to cast aspersions on this committee by the authority would tantamount to mean that the authority was hand in gloves with the violators. Secondly, the question of issuing any prior notice upon the violator without knowing as to who the violator is doesn't arise but nevertheless after the report was prepared by the 3 member committee a show cause notice was definitely served upon the violators indicating the nature of violation and hence on this count the principles of natural justice gets fulfilled. The authority was thus of the opinion that the need to have a re-inspection in all of the cases may not arise and hence the general proposition of the respondent counsel for the above violators was not accepted".

AND WHEREAS, in the 217th GCZMA Meeting held on 04/12/2019 and 05/12/2019 for personal hearing in this current case, the proceedings are as follows, "Adv. Gosavi appeared on behalf of respondent and submitted that offending structures pointed out in the SCN are prior to 1991 for which purpose he has his possession the occupancy certificate issued on 31/3/1988. The offending structures are located in survey no. 267/36 which bears H. No. 436. He produced the permission for reconstruction of residential house bearing no. 436 and he also produced the plan which comprises of ground + one storeyed structure. He also stated that the suit structure is also mentioned on promulgated survey plan that was initially prepared in 1974-75 which once again indicates that the structure does not attract provisions of CRZ Notification 1991. The house tax receipts and survey plan have also been placed on record by him. Apart from

this he has also produced another occupancy certificate of structure bearing No. 419 located in the very same property comprising of ground plus one storeyed structure comprising of hall and room. Based on the documents produced he stated that the alleged offending structure does not attract any of the provisions of CRZ Notification 1991. Besides this, he has placed on record the registration if establishment certificate issued by labour Inspector Pernem dated 14/02/2001 in the name and style of Oasis Restaurant and the NOC issued by village Panchayat Mandrem to start a bar & restaurant dated 3/11/2004. He hence prayed that the Show cause notice be dropped and no action be initiated against him".

AND WHEREAS, in the 217th GCZMA Meeting held on 04/12/2019 and 05/12/2019 for personal hearing in this current case. The Authority decided that, *"The authority perused the documents and objections raised by respondent examined the same in context of the violations reported by the 3 members committee constituted by the Honble NGT. Nowhere in the permissions are produced which are granted by statutory Authorities has given him the authorisation to establish a temporary bamboo structures and to place sunbeds and sheds on the beach. In so far as G+ 1 structure with 12 rooms the plans annexed to the permissions /occupancy certificates do not synchronise with the violations recorded and existing on loco because 12 rooms structure is not figuring in these permissions. The violations that have been done by the respondent is much after 1991 which are against the permission so granted by the statutory authorities. The authority thus deemed it fit to confirm the SCN by issuing directions to demolish the illegal structure and also impose penalty of Rs. 100000/-".*

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, and in view of the directions issued by the Hon'ble National Green Tribunal in its orders dated 2/11/2017 and 25/02/2019 hereby directs the respondent to pay a penalty of Rs. 100000/- **with regards to sunbeds** and further directs respondent to demolish the illegal construction stated above within a period of 15 days failing which the Collector, North Goa, shall **remove all the structures i.e 49 Sun beds & sheds on beach Temporary Bamboo structure & Permanent G+1 structure; 12 rooms** pertaining to Dolphin beach Resort Oasis Bar & Restaurant Robert, Mandrem after expiry of 15 days interms of decision taken in 217th GCZMA meeting held on 04/12/2019 and 05/12/2019. Further, recover the expenses incurred for the same from Dolphin beach Resort Oasis Bar & Restaurant

Robert, Mandrem as the arrears of land revenue. The Collector North Goa is required to submit a compliance report in respect of compliance of afore stated directions to the GCZMA a day after such exercise. The penalty of Rs. 100000/- be paid by Cheque/D.D drawn in favour of Goa Coastal Zone Management Authority.

For and on behalf of the
Goa Coastal Zone Management Authority

Johnson Bedy Fernandes
10/12/2020
(Johnson Bedy Fernandes)
Member Secretary (GCZMA)
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To,

1. The Collector & District Magistrate. (North), Office of the Collector (North), Panaji-Goa.... *for executing the order and ensure compliance of the order.*
2. The Deputy Collector & S.D.O of Pernem, having office at Pernem... *to assist the Collector for executing the order and compliance.*
3. Dolphin beach Resort Oasis Bar & Restaurant Robert, Mandrem..... *for complying with the direction.*
4. The Superintendent of Police, Poryorim, Bardez-Goa *with a request to depute Police personnel for the purpose of the smooth functioning of the execution of the above order.*
5. The Member Secretary, Goa State Pollution Control Board, Saligao, Bardez-Goa...*to act independently against violators with regards to violations consent to operate/establish.*

Copy to:

1. Goa Paryavaran Savrakshan Sangharsh Samitee through the President, (Bruno Rodrigues)office at S-1, Remika Residency, Behind KTC Bus stand, Fatorda, Margao-Goa 403601... *for information only.*
2. The Scientific Assistant, GCZMA... *to upload copy of this order on GCZMA website immediately.*

29/9/2020



OFFICE OF THE MAMLATDAR AND EXECUTIVE
MAGISTRATE OF PERNEM TALUKA, PERNEM-GOA.

Government Office Complex, Pernem-Goa.

Ph. No.:- 2201223/2201411 Fax No. 2201223 Email :- mam-pernem.goa@nic.in

No: -MAM/PER/A.K/GCZMA/2020/1403

Dated:- 25/09/2020

To,
The Deputy Collector & SDO
Pernem Sub Division
Pernem Goa.

Sub:- Compliance to order of demolition passed by GCZMA
Ref.:- No. DCP/GCZMA/2020/1904 dated 15/09/2020

Sir,

With reference to above cited subject, it is to inform that report has been called from the Talathi of Morjim & Mandrem Saza. The said Talathis reported that the below mentioned person has demolished the structure at Morjim and Mandrem village. (Copy of Talathis report alongwith Photographs and Receipts enclosed for ready reference)

Sr No.	Name of the applicant	Village	Remark
1	Sea Green Beach shack through its owner Sanjay Korgaonkar	Morjim	Demolished and penalty paid
2	Dolphin beach Resort Oasis Bar 7 Restaurant Robert Fernandes	Mandrem	Demolished and penalty paid
3	I.a-Plage Restaurant and Shiva Cottage through Girija Shiva Shetgaonkar/Sandes	Mandrem	Demolished and penalty paid

Yours faithfully,


(Anant R. Malik)
Mamlatdar of Pernem Taluka
Pernem-Goa

Encl: As above

Handwritten notes:
Hc
Pernem
2-2-18

304

NGT MATTER
MOST URGENT

No. DCP/CRZ/Demolition Matter/2020
Office of the Dy. Collector & SDO,
Pernem Taluka
Pernem - Goa.

Date:- 30.09.2020

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
1st floor, Pt. Deendayal Upadhyay Bhavan,
Pundalik Nagar,
Alto Porvorim-Goa.

Handwritten: Add Utnepa Slud Jue

Sub: Compliance of order of demolition passed by GCZMA.

Sir,

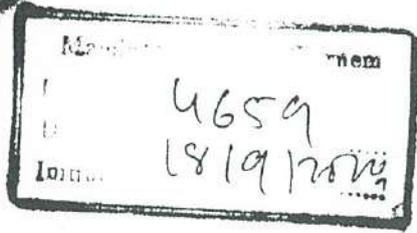
With reference to the above cited subject, as per the direction issued by your good office, find enclosed herewith the report alongwith enclosures as listed below:-

Sr. No.	Name of the violator	Village	Status
1	Sea Green Beach Shack through its owner Sanjay Korgaonkar	Morjim	Demolished and penalty paid
2	Dolphin beach Resort Oasis Bar & Restaurant Robert Fernandes	Mandrem	Demolished and penalty paid
3	La-Plage Restaurant and Shiva Cottage through Girija Shiva Shetgaonkar/ Sandes	Mandrem	Demolished and penalty paid

Yours faithfully,

(Ravishankar Nipanikar)
Deputy Collector & SDM,
Pernem-Sub Division,
Pernem-Goa.

Encl: as above.



No. TAL/MAN/GCZMA/2020,
Office of the Talathi of
Mandrem, Pernem, Goa.
Date :- 02/09/2020.
18

To,
The Mamlatdar of Pernem,
Pernem, Goa.

Sub. :- Compliance to order of demolition passed by GCZMA

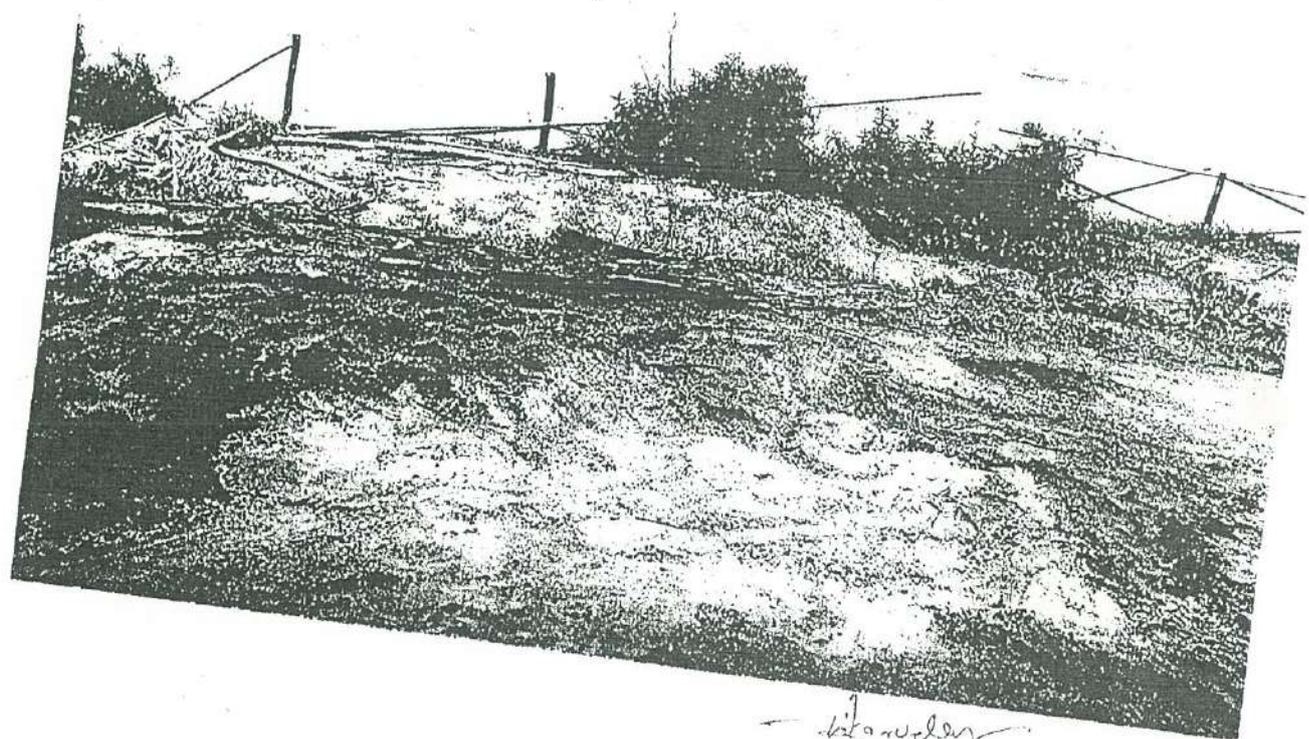
Ref. no. 1) GCZMA/N/NGT-Matter/19-20/01/489 dated :- 20/08/2020.
2) DCP/GCZMA/2020/1904 dt 15/9/2020

Sir,

With reference to the above mention subject, as per my site inspection on 18/09/2020, it is seen that as per the demolition order passed by the GCZMA in 28/08/2020, it is seen that as per the demolition order passed by the Hon'ble NGT, I am submitting my report as below for the Mandrem village :-

1. Dolphin Beach Resort Oasis Bar & Restaurant Robert Fernandes- Has complied with the above order and has demolished the structure.
 2. La-Plage Restaurant and Shiva Cottage through Girija Shetgaonkat/Sandesh- Has complied with the above order and has demolished the structure. *and above health etc papers has paid*
at the year 2019 (CP) was closed)
- This is for your kind information.

[Signature]
TALATHI OF MANDREM



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GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment, (Govt. of Goa)
4th Floor, Dempo Tower, Pato Plaza,
Panaji-Goa 403001

PROCEEDINGS OF SITE INSPECTION

FILE NO:- GCZMA/N/NGT Matter/19-20/01/2796 13/03/23

DATE: 15/03/2023

SUB: Notice Pertaining to cases before the Hon. National Green Tribunal
i Original Application No. 18/2023 (WZ)
ii Order dated 6/03/2023

REF: GCZMA/N/NGT Matter/19-20/01/2796

Village: Mandrem Taluka: Pernem Survey: 267/36 Sub.Div.No. _____

Parties/Officers Present:-

1. Mrs. Radha B. Rao. expert Mumbai. (15/3/23) 4:30 p.m.
2. Mr. Satish Kumar F.S.O/GCZMA (15/3/23) 4:32 p.m.
3. Mr. Devedra Gaonkar. F.S.O/GCZMA. (15/03/2023)
4. Mr. Robert Fernandes, owner of Dolphin Beach Resort - Oasis Restaurant & Bar. refused to sign

Brief description of proceedings:-

- Site inspection commenced at 3:15 pm on 15/03/2023. In the presence of the above parties. It has been observed by us that the exists.
1. Ground +1 wooden structure abutting to the beach towards the landward side. P.C.C & tiled flooring.
 2. Bar Counter with kitchen permanent structure R.C.C slab/staircase.
 3. Behind the bar cottage permanent structure comprising of 2 rooms.
 4. Behind toilet was observed with wall tank, toilet permanent structure.
 5. Cottage of permanent nature comprising of 2 rooms.
 6. G+1 R.C.C permanent structure villa. comprising of 3 rooms on the 1st floor & 2 rooms on the Gz. floor.
 7. stage was observed. it is on concrete/P.C.C. to approach the shack for the beach.

.1.





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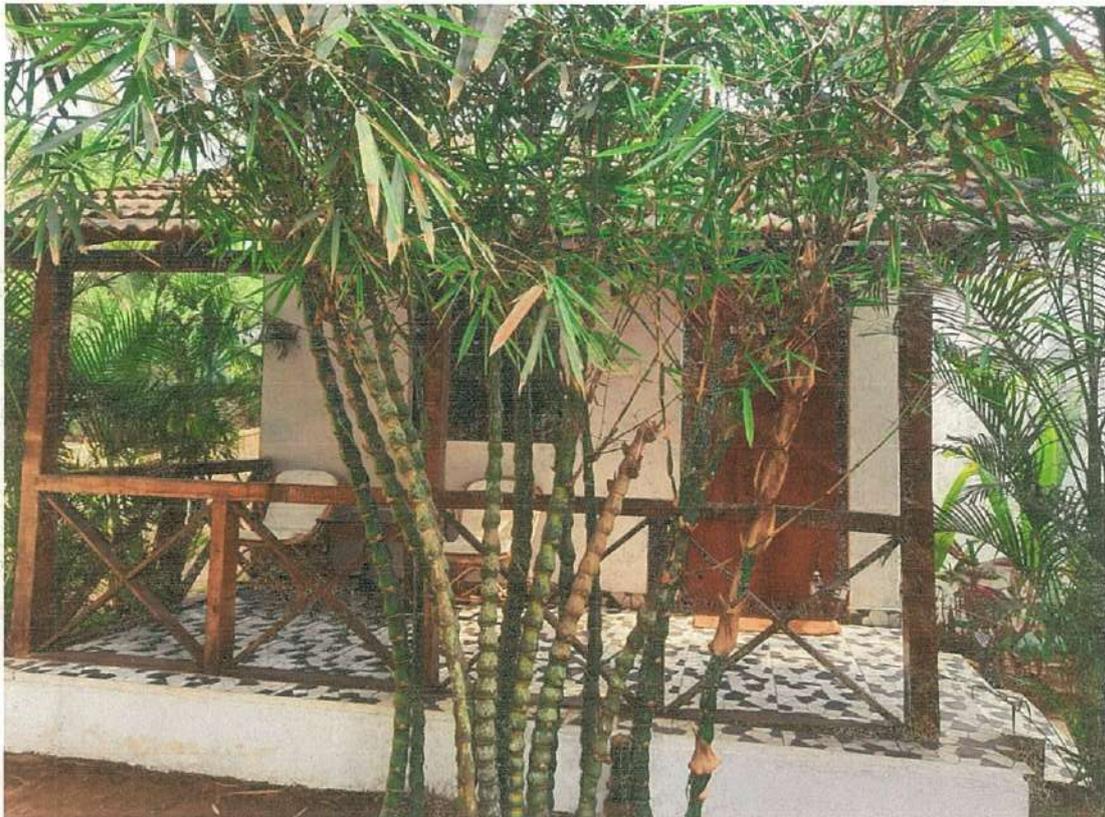
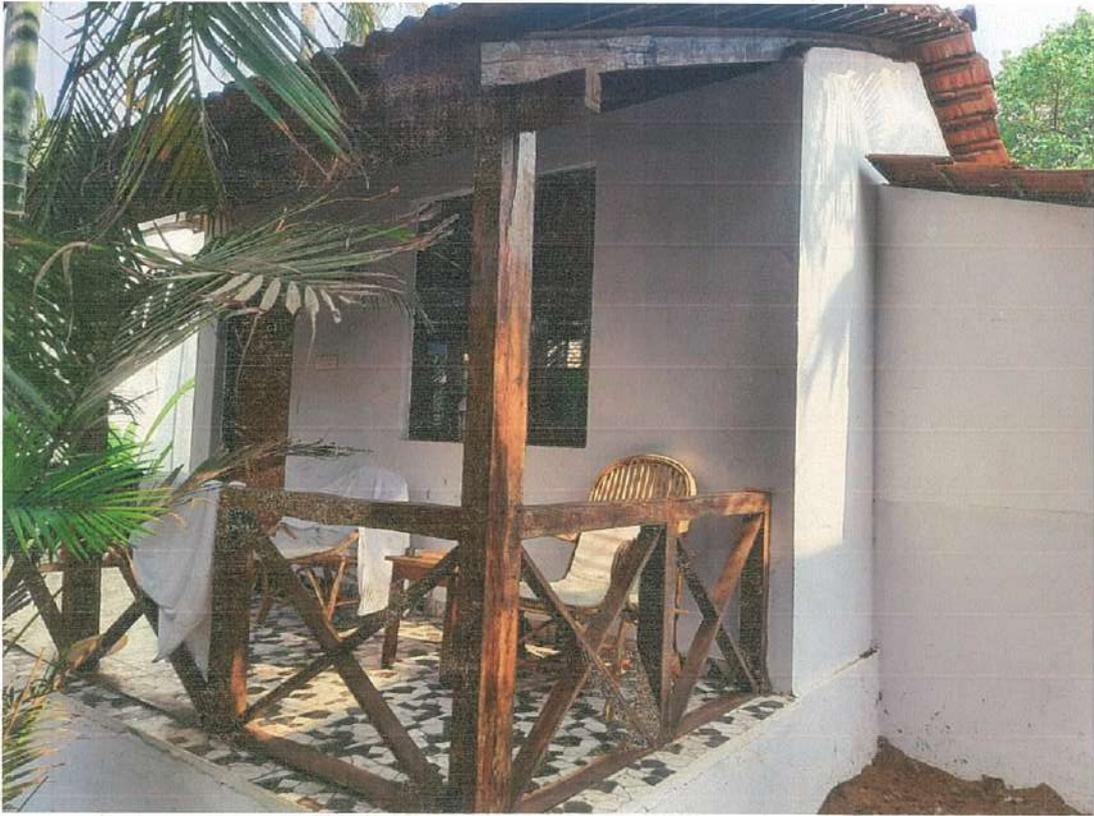


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The GCZMA directed the DSLR to plot down the structures which are beyond the approved plan and submit a plan. The DSLR submitted a plan dated 17/11/2022 wherein it has shown that the structure is G+1 structure with swimming pool, staircase, temporary shed and two structures, plinth, compound wall.

The Authority perused the approved plan of the GSCCE and noted that the permission dated 28/9/1995 was granted by the GSCCE for construction of Residential building only. The Respondent has also failed to produce any other permission granted for the construction of additional structures existing in Sy No 205/1 of Calangute Village, Occupancy certificate issued by Village Panchayat of Calangute is also for one residential building in sy no 205/1 of Calangute Village.

Considering the approval produced on record it confirms that the Respondent has obtained permission for only residential building of G+1 structure hence decided that the structure standing on site in sy no 205/1 of Calangute Village as per Approval granted by the Town and Country Planning and the GSCCE on 28/09/1995 bearing no GSCCE/BAR/59/TCP/95/3661 should stand and all the other structures swimming pool, staircase, temporary shed and two structures, plinth, compound wall, setbacks, extension on the approved structure beyond the permissible limits should be demolished as shown on the plan dated 17/11/2022 drawn by the DSLR.

Case 1.52

378th Minutes of the Meeting Held on 22/12/2023

To decide on the illegal construction carried out by the Robert Fernandes in the property bearing Sy No. 267/36 Mandrem.

Background:

The Hon'ble National Green tribunal vide order dated 06/03/2023 directed the GCZMA to check the current position of the spot as to whether there are illegal structure standing thereon, which is being stated by the Mr Umesh Jagannath Phadte in his petition before the NGT.

The Expert Members, along with the Field Surveyors of the GCZMA carried out Site Inspection on 15.3.2023 and observed the following structures are existing at the site.

- i. Ground plus one wooden structure abetting to the beach towards the landward side. P.C.C. and tiled flooring
- ii. Bar Counter with kitchen permanent structure R.C.C. slab/Staircase
- iii. Behind the bar cottage permanent structure comprising of two rooms
- iv. Behind toilet was observed with water tank, Toilet is permanent structure
- v. Cottage of permanent nature comprising of 2 rooms
- vi. G+1 R.C.C. permanent structure villa comprising of 3 rooms on the first floor and 3 rooms on the Ground floor.
- vii. Stage was observed. It is in concrete /P.C.C.

- viii. Staircase of laterite to approach the shack from the beach
- ix. 27 Sunbeds were observed on the beach.

That Show Cause Notice was issued to the parties pointing out the illegalities the alleged Violator were present before the Authority for personal hearing the Respondents filed replies and documents to substantiate their claims. The said matter was placed in the 340th Meeting held on 13/04/2023 Adv G. Naik for the Respondent present and seeks time to file reply. Adv undertakes to file vakalatnama The Authority considered the request and posted the matter on 11/05/2023.

During 347th meeting held on 22/06/2023. Complainant absent. Adv Abhijit Gosavi present for the Respondent. The Authority directed the Respondent to collect the inspection report and posted the matter 06/07/2023 at 3.00pm.

The said matter was deliberated in 348th on 06/07/2023 the proceedings to be read as under: Complainant Umesh Phadte absent. Advocate D. Gosavi for the Respondent present and Sought time in filing written arguments. The Authority has noted that this is a Court direction matter and that this matter was given a direction to dispose within the time frame imposed by the Hon'ble NGT. Hence directed the Respondent to file the written Arguments before 15/07/2023 and posted the matter for orders.

Decision

The Authority perused the documents and objections raised by respondent perused the documents and decided as under:

The Authority noted that the GCZMA had earlier passed orders in the same matter on two separate occasions, once in the year 2019 and again in the year 2020. That in the year 2020, the Authority had considered the same documents and had decided the matter. That the Authority was also in receipt of the Compliance Report from the Deputy Collector and the SDM of Pernem had submitted a status of the Demolition Order; stating via letter dated 30/09/2020 that the Respondent had demolished the structures and paid the penalty.

That one Mr Umesh J Phadte had approached the Hon'ble NGT in O.A. 18/2023 wherein; it was challenged that the illegal structure was still standing and the same was not demolished. The Hon'ble NGT directed the GCZMA via its order dated 6/3/23 directed as under, "*In view of above facts, we direct respondent No.1 togive the current position of the spot as to whether there is illegal structure standing thereon, which is being stated by the applicant*". The Authority conducted a site inspection and various violations were noted for which Fresh Show Cause notice dated 30/03/2023 was issued. The Respondent filed his reply and relied on the same documents he had relied upon when the Authority passed the Order dated 10/02/2020.

The present Authority heard the parties perused the documents and raised two issues:

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(i) Whether the Respondent has valid permissions from the Competent Authorities to erect structures shown on the Photographs of the Site Inspection Report dated 15/03/2023 and were constructed prior to 1991.

(ii) Whether the Respondent had NOC / permission for Shack in the property bearing Sy No. 267/36 of Mandrem Village and is constructed as per approval.

The Authority clarifies that even if the Complainant had withdrawn his Complaint, the Authority takes Suo Moto Cognizance of the Complaint as this is a damage caused to the environments and Further, Since the GCZMA is an enforcing Authority and its main purpose is to control, minimize and protect environmental damage. Hence the Authority is proceeding with the matter in bringing it to its logical end. The Authority proceeded with the issues

ISSUE - I

With Regards to Bar Counter with kitchen permanent structure R.C.C.slab/Staircase.

The Respondent has sought to rely on the permit no 15/88-89 dated 4/5/88 issued to Paulu Robert Fernandes, having house no. 419; wherein description of the house given is a katcha house. Firstly, while perusing the description it mentions of reconstruction of the katcha house, but the survey no has been tampered with and got the Sy No. adjusted to 267/36. Secondly, the printed permission varies the typed area into another font as if the same has been copied and pasted to suit / go well with the Case of the Respondent. Thirdly, the Plan Attached does not have the signature of the Applicant and neither is there any area statement mentioned, the layout is not as per the prescribed terms as required to present the plan for approval. The Respondent has failed to show the elevation and inscribe the dimensions on the plan. Further, the approval does not speak if the same was given for the ground floor structure or the G+1 structure.

From the structure present on site and from the photos annexed, it is evident and further also proves that the structure has been recently constructed. It is also seen that the approvals produced were granted for the structure existing at that point of time. That the structure existing as of today is not in the same position as it existed in the year 1988. The Respondent has failed to produce the Completion Certificate and other supporting documents to prove the existence of the structure prior to 1991 and hence in view of the above such major discrepancies have been noticed and as such cannot be taken on record. Further, the structure is not in the same status and location as shown on the plan and furthermore, has change the nature of the structure warrants the structure to be illegal and erected without any approvals. The Respondent seeks to rely on the house tax receipts. That in all probability the House Tax Receipt could have been issued for the katcha house

Date: 11.05.2023

From,
MR. ROBERT FERNANDES,
Proprietor of Dolphin Beach Resort,
Oasis Restaurant Bar,
Junaswaddo, Mandrem, Goa.

To,
THE MEMBER SECRETARY,
Goa Coastal Zone Management Authority,
4th Floor, Dempo Towers,
Patto, Panaji- Goa.

REF.: Show cause notice issued under section 5 of the Environment (Protection) Act, 1986, Read with Rule 4 of the Environment (Protection) Rules, 1986 bearing reference no. GCZMA/N/NGT matter/19-20/01/2988 dated 30.03.2023.

SUB.: Reply to the above referred show cause notice dated 30.03.2023

Respected Madam,

The undersigned is in receipt of above referred show cause notice wherein, you had sought explanation in respect of structures mentioned therein falling in survey no. 267/36 of Mandrem Village, belonging to the undersigned/family members, in respect of which it is stated as follows:-

1. Firstly, it is most respectfully stated that presently all the structures belonging to the undersigned/ family members in survey no.

267/36 of Mandrem village are legal structures inasmuch as the same are put up either with accordance with the permission granted by the Goa Coastal Zone Management Authority (GCZMA) and/or structures which are in existence much prior to coming into force of CRZ notification, 1991. The structure wise details are given in detail hereinafter in the reply.

2. Secondly, as regards the complaint filed by Mr. Umesh Phadte, who interalia had filed the Original Application before the Hon'ble National Green Tribunal, West Zone (NGT), it is stated that the said Mr. Umesh Phadte has apparently withdrawn the complaint against the undersigned and consequently the very basis of the present show cause notice does not subsists anymore and consequently the show cause notice is liable to be discharged on this ground alone. The undersigned upon inquiry with your good office was given to understand that Mr. Umesh Phadte vide communication dated 21.03.2023 had withdrawn his complaint against the undersigned.

3. Now dealing with the individual structures which are mentioned in the show cause notice, which are interm premised on the site

inspection report of inspection dated 15.03.2023, it is stated as under:-

I. Ground plus one wooden structure abetting to the beach towards the landward side. P.C.C and tiled floor in survey no. 267/36 of Mandrem Village.

In respect of the structure, it is stated that the structure in question is put up strictly in accordance with the permissions bearing no. GCZMA/N/Shack-Hutt-Cott-Tent/20-21/35/1579 granted by GCZMA dated 12.01.2021. The structures in question is strictly in accordance with the plan approved interms of the permissions dated 12.01.2021. It is relevant to note that the plan approved along with the permission also acknowledges the existing permanent structures in the subject matter survey number. Consequently the structure in question is a legal structure put up in accordance with the permission granted by GCZMA.

The copy of the permission dated 12.01.2021 along with the approved plan is annexed hereto and marked as Annexure A Colly.

II. Bar Counter with Kitchen permanent structure R.C.C. slab/staircase in survey no. 267/36 of Mandrem Village.

The structure in question is an existing structure which is in existence much prior to the year 1991. The Subject matter structure has been allotted house no. 419 by the Village Panchayat of Mandrem. In this context it may be relevant to note that the subject matter structure was reconstructed in the year 1988 after duly obtaining reconstruction permission from the Village Panchayat of Mandrem dated 04.05.1988. The reconstruction permission also had plan which was duly approved by Village Panchayat. Subsequently, the Village Panchayat had issued an Occupancy certificate to the subject matter structure on 31.03.1989. In respect of the reconstruction permission the reconstruction fees was paid to the village Panchayat on 04.05.1988 and a receipt in Form IV was issued in respect of the same. In respect of the subject matter structure there are records to show that the light and house tax was paid to the Village Panchayat on 04.05.1988, which related to period from year 1984 to year 1989, the Village Panchayat has duly issued receipt in Form IV in respect of such payment towards the subject matter structure. The House tax and professional tax in respect of subject matter structure is duly paid from time to time to the village Panchayat. It would also be relevant to note that the approved plan granted by GCZMA, the authority has acknowledged the existence of the said structure. In the above circumstances it is clear that the subject matter structure is in existence

prior to the year 1991 and consequently there is no violation of CRZ notification.

The copies of the permission granted for reconstruction by the village Panchayat Mandrem dated 04.05.1988 along with the approved plan; Occupancy certificate dated 31.03.1989; receipt of payment in respect of reconstruction fees, house tax and light tax are marked hereto and annexed as Annexures B Colly.

III. Behind the bar cottage permanent structure comprising of two rooms in survey no. 267/36 of Mandrem Village.

This structure also is in existence prior to 1991 and the same has been allotted House no. 369 by the Village Panchayat Mandrem. The subject matter structure was reconstructed in the year 1986 after duly obtaining permission for reconstruction dated 10.05.1986 from the village Panchayat of Mandrem. The Reconstruction permission was granted with approved plan which clearly shows that the structure comprises of two rooms . The Village Panchayat had issued Occupancy certificate for the said structure to the said structure on 31.03.1987 also requisite reconstruction fees was paid on 10.05.1986 subsequently, In respect of the subject matter structure there are records to show that the house tax was also paid which related from the year 1982 to the year 1987. The House tax and professional tax in respect of subject matter structure is duly paid from time to time to the village Panchayat.

The copies of the permission granted for reconstruction by the village Panchayat Mandrem dated 10.05.1986 along with the approved plan; Occupancy certificate dated 31.03.1987; receipts of payment in respect of reconstruction fees, house tax dated 10.05.1986 are marked hereto and annexed as Annexures C Colly.

IV. Behind toilet was observed with water tank, Toilet is permanent structure in survey no. 267/36 of Mandrem Village.

The structure is in existence prior to 1991.

V. Cottage of permanent nature comprising of 2 rooms in survey no. 267/36 of Mandrem Village.

As regards this structure which comprises of two room, the said structure is in existence prior to 1982, which has been allotted House no. 368 by the Village Panchayat of Mandrem. The structure was reconstructed in 1986 after duly obtaining reconstruction permission along with the approved plan. The reconstruction permission was granted on 14.04.1986 and the structure was reconstructed in accordance with the approved plan. There are receipts issued by the Village Panchayat which demonstrate the fact that the house tax and reconstruction fees dated 14.04.1986 been paid by the undersigned. The

also not belong to Robert

approved 4 rooms

House tax and professional tax in respect of subject matter structure is duly paid from time to time to the village Panchayat. Considering the aforesaid factual position, it is clear that the structure in question is in existence prior to coming into force of CRZ notification and consequently there is no violation of CRZ notification.

The copies of the permission granted for reconstruction by the village Panchayat Mandrem dated 14.04.1986 along with the approved plan; Occupancy certificate dated 31.03.1987; receipts of payment in respect of reconstruction fees, house tax dated 14.04.1986 are marked hereto and annexed as Annexures D Colly.

VI. G +1 R.C.C. Permanent structure villa comprising of 3 rooms on the first floor and 3 rooms on the ground floor in survey no. 267/36 of Mandrem Village in survey no. 267/36 of Mandrem Village.

This structure is in existence prior to year 1984 and presently has been allotted House no. 436 by the Village Panchayat of Mandrem. The subject matter structure was reconstructed after duly obtaining reconstruction permission from the Village Panchayat Mandrem on 31.12.1987. The Approved plan attached with the reconstruction permission clearly shows that the subject matter structure is a ground + 1 structure consisting of 3 rooms on the ground floor and 3 rooms on the first floor. It is stated that the subject matter structure presently at sight is

No approved plan

strictly in accordance with the approved plan as per the reconstruction permission granted by the Village Panchayat of Mandrem. After the reconstruction of the structures, Occupancy certificate came to be issued by the Village Panchayat in the year 1988 to the subject matter structure. There are receipts of payment of house tax and light tax which relates back to the year 1984. The House tax and professional tax in respect of subject matter structure is duly paid from time to time to the village Panchayat. From the aforesaid documents it is clear that the subject matter structures are in existence prior to 1991 are therefore arises any question qua the CRZ violation.

The copies of the permission granted for reconstruction by the village Panchayat Mandrem dated 31.12.1987 along with the approved plan; Occupancy certificate dated 31.03.1988; receipts of payment in respect of reconstruction fees, house tax dated 31.12.1987 are marked hereto and annexed as Annexures E Colly.

VII. Stage was observed. It is in concrete/P.C.C. in survey no. 267/36 of Mandrem Village.

The structure is in existence prior to 1991 and infact the village Panchayat had issued/allotted house no. 436/1 to the said structure. What

is present at the sight is the plinth of the said structure. The structure was initially used as a store room for fishing net and related activities.

VIII. Staircase of laterite to approach the shack from the beach in survey no. 267/36 of Mandrem Village.

This is a traditional approach to the beach which has been used by the locals and fishermen for decades. There is no concrete construction involved and it is purely a traditional access made up of laterite.

IX. 27 sunbeds were observed on the beach in survey no. 267/36 of Mandrem Village.

Sunbeds in question does not belong to the undersigned.

4. The summary of explanation structure wise is tabulated in the following table:

Sr. No.	Structure	Remark
I.	Ground plus one wooden structure abetting to the beach towards the landward side. P.C.C and tiled floor in survey no. 267/36 of Mandrem Village.	The structure in question is in terms of permission granted by GCZMA dated 12.01.2021. The structure is strictly in accordance with the approved plan attached to the said permission. (Refer Annexure A Colly.)
II.	Bar Counter with Kitchen permanent structure R.C.C. slab/staircase in survey no. 267/36 of Mandrem Village.	The structure is in existence prior to the 1984 and presently allotted House no. 419 by Village Panchayat Mandrem. The said structure was reconstructed in the year 1988 in accordance with the reconstructed permission dated 04.05.1988 and plan attached thereto. The existence of the structure is also duly acknowledged by GCZMA in the plan attached with permission dated 12.01.2021 (refer Annexure B Colly)
III.	Behind the bar cottage permanent structure comprising of two rooms in survey no. 267/36 of Mandrem Village.	Structure in question is in existence at least since the 1982 and has been allotted house no 369 by the Village Panchayat. The structure presently at sight is in accordance with the reconstruction permission dated 10.05.1986 and plan attached thereto. The existence of the structure is also duly acknowledged by GCZMA in the plan attached with permission dated 12.01.2021 (refer Annexure C Colly)
IV.	Behind toilet was observed with water tank, Toilet is permanent structure in survey no. 267/36 of Mandrem Village	The structure is in existence prior to 1991.
V.	Cottage of permanent nature comprising of 2 rooms in survey no. 267/36 of Mandrem	The structure consisting of 2 rooms is in existence since the year 1982 at least the structure was reconstructed in terms of reconstruction permission dated

	Village.	14.04.1986 and presently as per the approved plan attached to the reconstruction permission dated 14.04.1986. The existence of the structure is also duly acknowledged by GCZMA in the plan attached with permission dated 12.01.2021 (refer Annexure D Colly)
VI.	G+1 R.C.C. Permanent structure villa comprising of 3 rooms on the first floor and 3 rooms on the ground floor in survey no. 267/36 of Mandrem Village in survey no. 267/36 of Mandrem Village.	The structure is an old and existing structure bearing house no. 436, records of which are available with the village Panchayat since the year 1984 and the same has been allotted house no. 436. The structure was reconstructed vide reconstruction permission dated 31.12.1987. The plan attached to clearly shows that the structure is a ground + 1 structure and has 3 rooms on ground floor and 3 rooms on first floor. The structure at the site is strictly in accordance with the said plan. The existence of the structure is also duly acknowledged by GCZMA in the plan attached with permission dated 12.01.2021 (refer Annexure E Colly)
VII.	Stage was observed. It is in concrete/P.C.C. in survey no. 267/36 of Mandrem Village.	The structure is in existence prior to the year 1991 and infact the village Panchayat had issued/allotted house no. 436/1 to the said structure. What is present at the sight is the plinth of the said structure. The structure was initially used as a store room for fishing net and related activities.
VIII.	Staircase of laterite to approach the shack from the beach in survey no. 267/36 of Mandrem Village.	This is a traditional approach to the beach which has been used by the locals/fishermen for decades. There is no concrete involved and it is purely a traditional access made up of laterite.
IX.	27 sunbeds were observed on the beach in survey no. 267/36 of Mandrem Village.	Sunbeds in question does not belong to the undersigned.

In the above conceptus, it is most respectfully states that the structures belonging to the undersigned/family member of the undersigned in survey no. 267/36 of Mandrem Village, as enumerated in the site inspection report of 15.03.2023, are legal structures and there is no violation of CRZ notification of whatsoever nature, Consequently, the show cause notice be withdrawn/discharged.

Yours faithfully,



Mr. Robert Fernandes

Annexure A' dly/3

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)
1st Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.
Email: dir-ste.goa@nic.in, goacoastal zone @ gmail.com.

Ref. No. GCZMA/N/Shack-Hut-Cott-Tent/20-21/35/1579

Dated: 12/01/2021

To,
✓ Mr. Paulu Robert Fernandes,
Junaswada – Mandrem,
Pernem – Goa.

Sub: Permission/Approval for erection of temporary Shack in the property bearing Survey No. 267/36 of Mandrem Village, Pernem Taluka in terms of CRZ Notification, 2011 as amended.

Ref: 1. Your application no. nil dated 05/08/2020.
2. CRZ Notification, 2011 as amended from time to time.

With reference to your application on the above mentioned subject, it is hereby conveyed that the Goa Coastal Zone Management Authority (herein after referred to as 'the GCZMA', in short) has examined your proposal in its 239th GCZMA Meeting held on 10/12/2020 in accordance with the provisions of the Para 8 (v) (3).CRZ (iii) of Goa of CRZ Notification 2011 as amended issued by the Ministry of Environment, Forests & Climate Change, Government of India. Accordingly, after detailed deliberation and discussion, the authority decided to grant approval for erection of temporary shack made of wood and /or natural/biodegradable material only in the property bearing Sy. No. 267/36 of Mandrem Village, Pernem Taluka, Goa. A shack & huts having an total area of 166.00 sq.mtrs is approved (as per enclosed plan) subject to the conditions as specified in the Beach Carrying Capacity Report and further compliance of following conditions:-

1. The provisions of the CRZ Notification 2011, (as amended), should be strictly adhered to by you. No activity in contravention to the provisions of the CRZ Notifications shall be carried out.
2. The applicant shall take all requisite environmental safeguard to ensure that there would not be any environmental degradation in this area.
3. The traditional access, right of way, easement shall not be blocked by the applicant.
4. The proposed temporary seasonal structure should be made of wooden material and as per the recommendation of Beach Carrying Capacity report. No cement / concrete should be used for flooring. No structure of permanent nature shall be erected/constructed.
5. In the event of any change in the project profile, a fresh reference shall be made to the GCZMA.
6. The GCZMA may stipulate any additional conditions subsequently if deemed necessary, for environmental protection which shall be complied with.
7. The office of the GCZMA reserves the right to revoke this recommendation / clearance without prior intimation of non compliance of any one or more of the aforesaid conditions.

-2-

8. You are required to obtain all the requisite permissions / licences / NOC etc from the competent Authorities before actual operation of the said temporary structure/ enabling activities. This NOC is issued without prejudice to any other permission as required under the law including that of ownership of the property, property dispute, easement rights, court case etc. As such, prior to the erection and operation of the aforementioned 'temporary seasonal structures, it will be incumbent upon the applicant to obtain all the requisite permission / NOC / licences etc from the Authorities / Departments for any other authority as required under the law including from the local authority, Goa State Pollution Control Board, Revenue Authority, Department of Tourism, etc.
9. Regular site inspections shall be carried by the team comprises of the Expert Members of the GCZMA and or other Authorities / Departments to ensure compliance of aforesated condition. In case of any non compliance of the terms and conditions stipulated above, the action as deemed fit including that of demolition of structure, disconnection of Power / Water supply will be taken.
10. The said structures should be one meter above the ground on stilts of wooden poles wherever possible. However the ground clearance should not be more than 1.5 m.
11. The applicant will not transfer by any mode his premises to any other person.
12. This permission stands automatically revoked in case of any illegal/unlawful/immoral acts done by the applicant/proponent and or agent, lawful power of attorney holder , authorized person, any person acting for on behalf of the applicant/proponent in the said structures.
13. Further this approval also shall stand automatically revoked in case of any standing order of court of law/tribunal, arbitrator, quasi-Judicial authority etc. in force and suppressed by the applicant/proponent or otherwise.
14. All temporary structures shall maintain a standard buffer of a minimum of 3 m from adjacent huts/tents/cottages.
15. Appropriate use of renewable energy such as solar and wind energy to be used wherever possible.
16. Potable water requirement for domestic and tourist population has to be made available. The quality of water to be supplied should meet the national standard. Measures like rain water harvesting should also be encouraged to have access to clean and potable water.

-3-

17. Separate bins for different types of solid wastes(source segregation of solid wastes biodegradable and non bio-degradable) shall be provided by the operator. It will be the responsibility of the plot owner to dispose the waste generated from their plots to the respective bins. The Municipality/Village Panchayat or the contractor appointed by the Department of Tourism, as the case may be, shall collect waste from time to time and hand over the non- biodegradable waste to the Goa Waste Management Corporation. Solid waste to be transported to the solid Waste Management Facility at Calangute by the Village Panchayats in North Goa whereas in South Goa it will be responsibility of the owner/authorized representative to dispose the same by composting/biogas plant or to transport to the piggeries for the biodegradable waste.'
18. In case the property on which these structures are permitted to be erected has several title holders any dispute/objection to this permission by any such title holder/holders, this permission shall stand revoked. This permission would be withdrawn in case an objection from owners regarding lease is filed before GCZMA. No hearing in the matter shall be allowed.
19. The validity of this permission is for 5 years from the date of issue or period of lease whichever is earlier. This permission should abide by the Notification dated 3rd May 2017 S.O 1393(E) issued by Ministry of Environment, Forests and Climate Change.
20. The applicant has to pay annual fee of Rs. 10000/- for shack and Rs. 10000/- for huts to GCZMA at the beginning of the tourist season month of October every year during the validity of this NOC. The fee may be revised by GCZMA.
21. All the structures shall be of ground floor in nature.
22. For private plots abutting the beach, a minimum set back of 3 mts from the survey boundary shall be kept by the applicant.
23. You should not barricade the proposed site.
24. In case of lease, the permission is conditional on the period of lease only and on the consent of the land owner.
25. All the other conditions as mentioned in Beach Carrying Capacity report w.r.t. FAR, construction material, spacing between huts, consent to establish from SPCB etc. shall have to be followed by the applicant.
26. This permission is liable to be revoked, if it is found, at any stage, that the application contained false information / wrong plans / calculations / documents / misleading or false information, etc. or documents not submitted as called for in this application.
27. The applicant shall submit a revised plan for an area not exceeding 166.00 Sq.mtrs. within three weeks from date of receipt of this permission to the Authority.

-4-

28. Any appeal against this provisional permission shall lie with the Hon'ble National Green Tribunal, if preferred within 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

Yours faithfully,

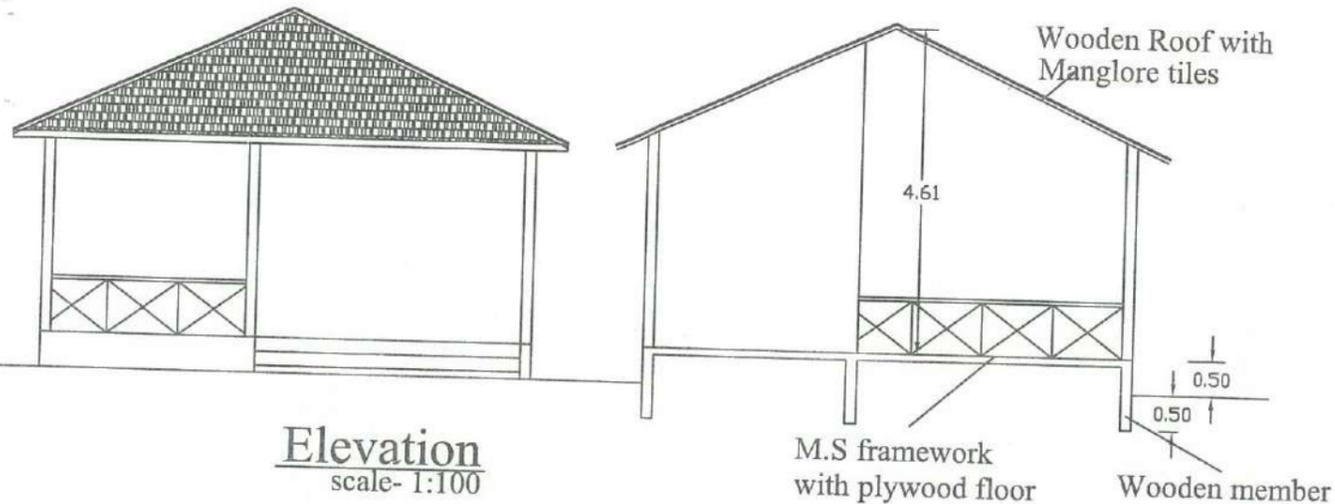


(Dasharath M. Redkar)
Member Secretary (GCZMA)

Encl: As above

Copy to:

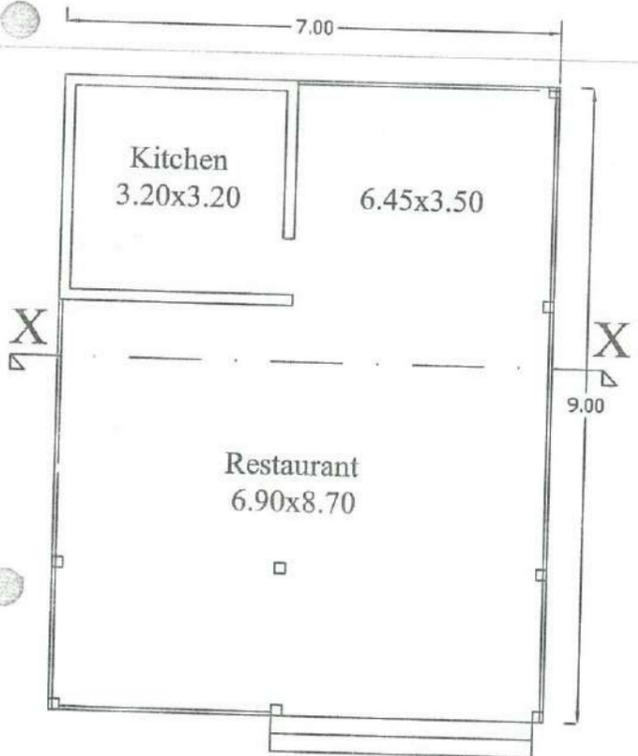
1. **P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information.**
2. **The Chairman, District Level Committee, Collectorate building, Panaji-Goa for kind information.**
3. **The Director, Department of Tourism, Government of Goa, Patto Panaji Goa.... for information and necessary action.**
4. **The Member Secretary, Goa State Pollution Control Board, Saligao-Goa..... for information and necessary action.**
5. **The Commissioner of Commercial Taxes, Vikrikar Bldg. M.G. Road, Panaji-Goa.... for information and necessary action.**
6. **The Dy. Collector & SDO, (Pernem), Pernem Goa.... for information**
7. **The Secretary, Village Panchayat of Mandrem, Pernem Talukafor information and necessary action.**



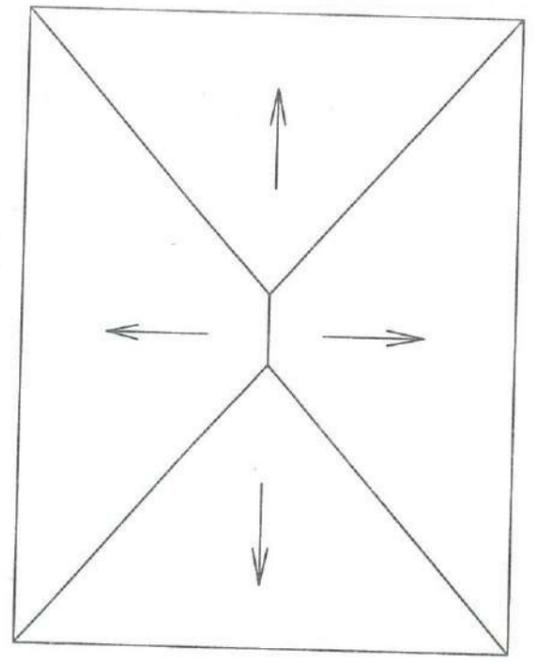
Elevation
scale- 1:100

Section - X X
scale- 1:100

Area Statement		
Area of Plot		2589.00 sq.m
Area of Proposed Huts	A	63.00 sq.m
	B Kitchen	42.00 sq.m
	C Store	61.60 sq.m
	D	198.30 sq.m
	E	69.09 sq.m
	F	2.25 sq.m
Area of Existing structure as per sur. plan	G	103.00 sq.m
Total Area		539.24 sq.m
F.A.R Consumed		20.82



Plan of Shack
scale- 1:100

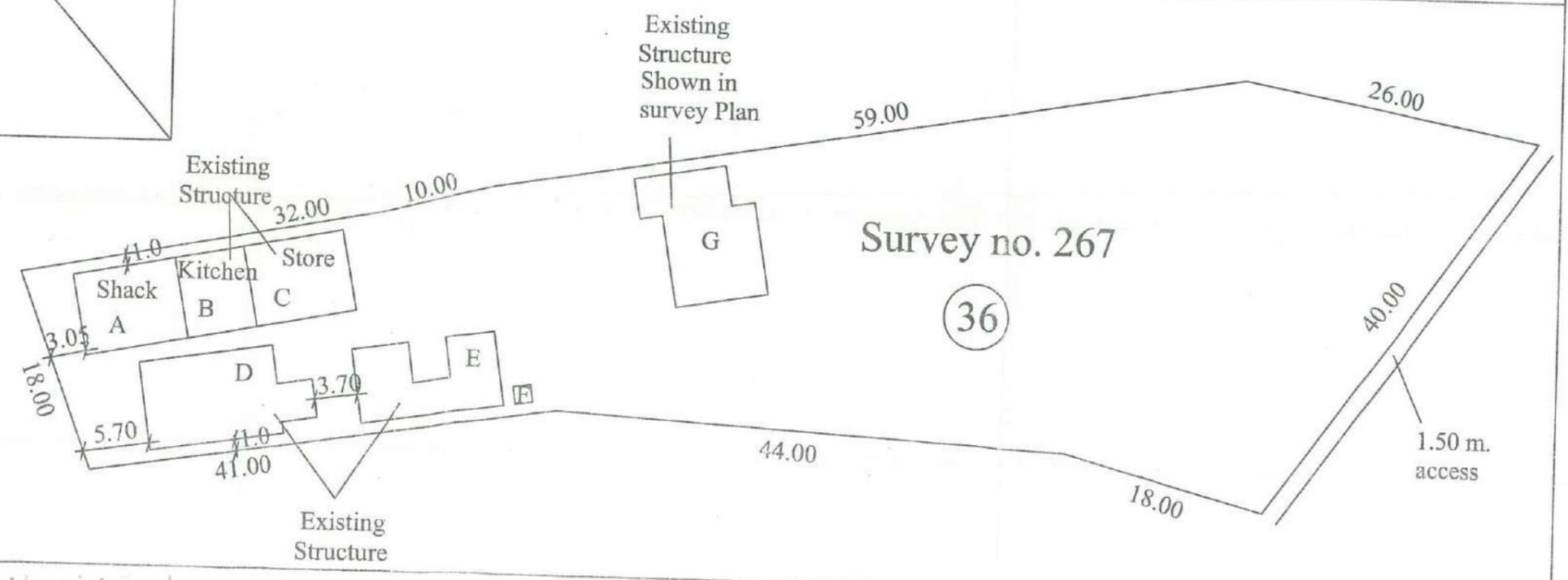


Roof Plan
scale- 1:100

Owner
[Signature]

Engineer. *[Signature]*
S.K. Shahapurkar
Civil Engineer
PWD Reg - 350/96
ER/COS/2016
Siolim Goa

Plan Showing Proposed Beach Shack For Tourist Season Situated At Mandrem Pernem Goa In Sur. no. 267/36



No. GICZMA/N/Shack-Hul-Cott-Tent/20-21/35/1579
dt. 12/01/2021



Arabian Sea

N-15° 46' 00"
E-70° 42' 00"

Annexure 'B' Colly 18
Form - 112

GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मन्दि, ता. पेडणे - गोवा

Ref. No. VPM/PRF/419/88-89.

Date 4.5.1988

PERMIT NO. 15/88-89.

The permission is granted to Shri BAUZI ROBERT FERNANDES resident of Junaaswada, Mandrem, Goa under sec. 2 Amendment of Rule 3 clause (1)(b) (ii) of the notification No. 1/15/10/84 LAND Date 19 Nov. 1985, issued by the under Secretary (F and A) secretariat Panjim for the reconstruction of Katcha houses as described below in the locality ATOD CHORACHO MORVO in the Junaaswada Mandrem, Pernem re-construction of building per for the specification shown in the attached plan with following conditions.

Description of Katcha House.

Reconstruction of existing house bearing No.419, situated at Junaaswada, Mandrem in the property known as ATOD CHORACHO MORVO KADIL, surveyed under No. 267/36, at the estimated cost of Rs.25,000/-

Conditions

- 1) To limit himself to the plan approval and statement therein.
- 2) The reconstruction shall be as per plan approved by the Village Panchayat and condition imposed on it.
- 3) To inform the Panchayat as soon as the reconstruction is completed.
- 4) The reconstruction permission shall be revoked :
 - a) If the construction work is not as per the plan approval and statement therein.

If there is any false statement or any mis representation of any material passed, approved, or shown in the application on which the permission was based.

This permission is granted vide Goa Government grant of loans for houses under the paying guest scheme and small Hotel establishment Rules 1978. to obtain loan for reconstruction.

This permission shall be valid for ever till the construction work started and completed thereon from the date of issue of this permission. He has paid the respective fee to the tune of Rs. 500/- (Rs. Five hundred only) by receipt No. 001, dtd. 4.5.1988

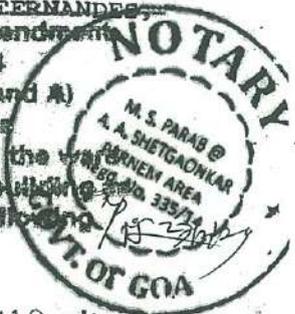
This carries the embossed seal of this Panchayat office of the Village Panchayat of Mandrem, on 4.5.1988.

S. J. M.

Sarpanch
Village Panchayat Mandrem
Pernem - Goa



V. P. Mandre
Secretary
V. P. Mandre
Secretary
Pernem - Goa.
Village Panchayat Mandrem
Pernem - Goa

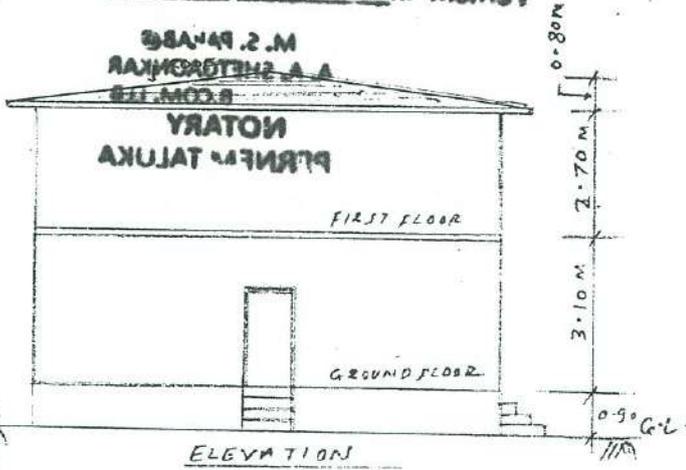




Certified that this is a True Copy
Permem no

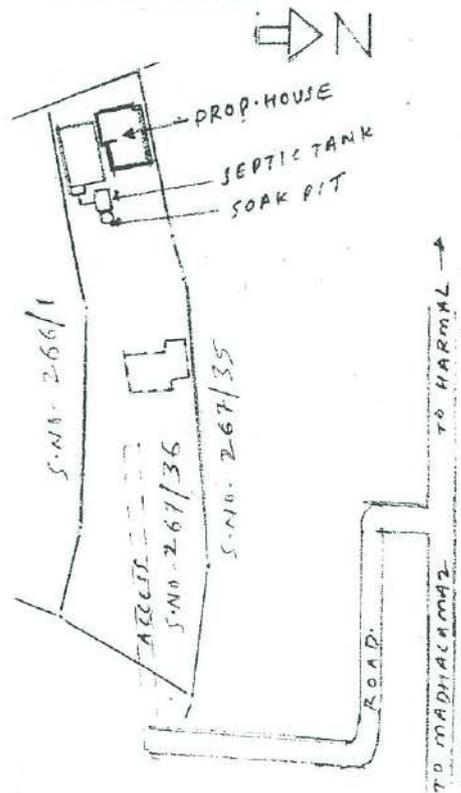
M. S. PAVAN
A. A. SETHUPATHI
R. COM. U.S.

NOTARY
P. N. TAJUKA

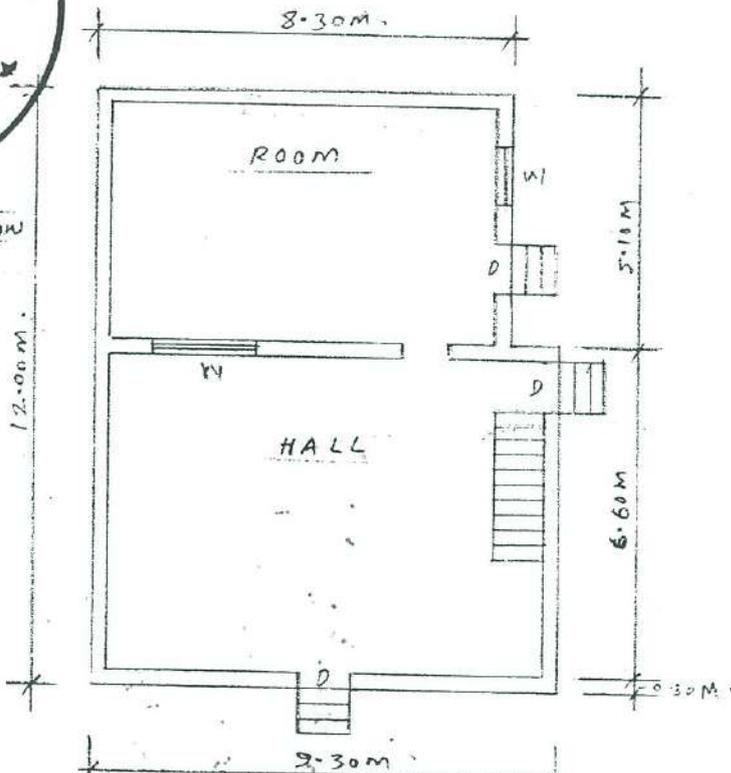


ELEVATION

SITE PLAN



D - DOOR
W - WINDOW

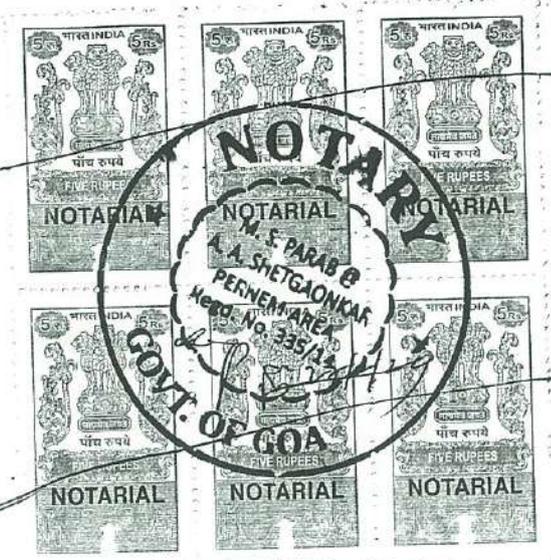


TYPICAL GROUND & FIRST FLOOR PLAN



Plan showing existing premises No. 419 is approved and passed for reconstruction by the Panchayat on 4-5-1988

[Signature]
Secretary
V. P. Mandre



Certified that this is a True Copy
 Pernem on 11/06/2019

(Signature)
 M. S. PARAB
 A. A. SHETGAONKAR
 B.COM. LLB
 NOTARY
 PERNEM TALUKA

Reg. No. 1254/2019



338

F. 2004 - 122



GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

सत्यमेव जयते

ग्राम पंचायत मंदि, ता. पेडणे - गोवा

20

Ref. No. VPM/PRE/ 419/88-89.

Date 31.3.1989.

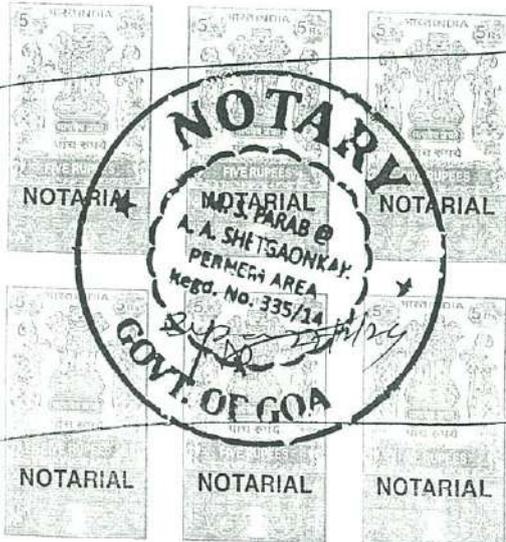
OCCUPANCY CERTIFICATE

This is to certify that Shri / ~~Shrimati~~ PAULU ROBERT FERNANDES
 resident of Junaswada, Mandrem, is having a Residential House
 bearing No. 419, situated at Junaswada, Mandrem
 in Pernem Taluka Goa, in property known as ATOD CHORACHO MORVO KADIL
 surveyed under No 267/36, in our Panchayat Jurisdiction.

Further Certifying that Shri PAULU ROBERT FERNANDES is
 Occupying the said premises bearing No. 419 situated at Junaswada,
Mandrem, Pernem from month of March, 1989.



Mandrem
 31-3-1989
 Secretary V. P. Mandre
 Village Panchayat Pernem-Goa.
 Pernem Goa



Certified that this is a True Copy
 Pernem on 11/06/2019
Parab
 M. S. PARAB@
 A. A. SHETGAONKAR
 B.COM. LLB
 NOTARY
 PERNEM TALUKA

Reg. No. 1247/2019.

FORM No. 4

RECEIPT

17 N 419

21

Receipt Book No. 3

Receipt No. 1

To Village Panchayat Mandrem

Received with thanks from Paulo Robert Fernandes

Rupees Five hundred only Rs 500/-

on account of reconstruction fee

Date 17-5-1988

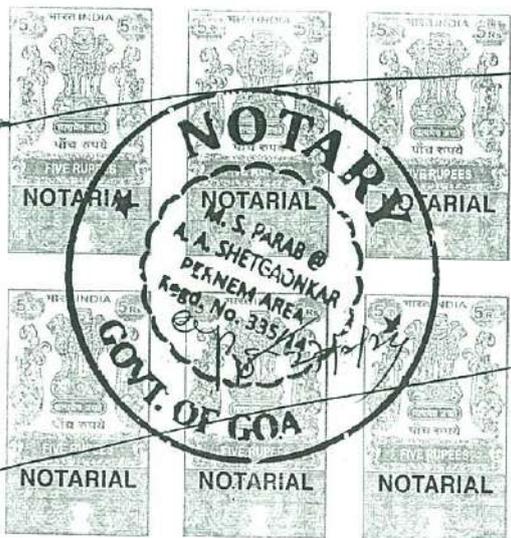
Reference to

Page No.



(Signature)
Secretary
V. P. Mandre
Panch. Goa

Name and Designation of issuing Officer



Certified that this is a True Copy
Pernem 17/06/2019

M. S. Parab
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1248/2019

FORM No. 4

RECEIPT

H.N. 469

22

Receipt Book No. 3

Receipt No. 103

The Village Panchayat Mandrem

Received with thanks from Reverend Robert Fernandes

Rupees Twenty only Rs. 20/-

on account of Light Tax 1987-88 to

Date 7-8-1988 1988-89

Reference to

Book

Page No.



[Handwritten Signature]

Secretary
V. P. Mandre
Pernem-Goa.

Name and Designation of Issuing Officer

FORM No. 4

RECEIPT

H.N. 3/19

Receipt Book No. 3

Receipt No.

Place Village Panchant Mandrem

Received with thanks from Parents Robert
Fernandes

Rupees Fifty only Rs. 50/-

on account of House Tax 1984-85 to

Date 4-5-1988 1988-89

Reference to

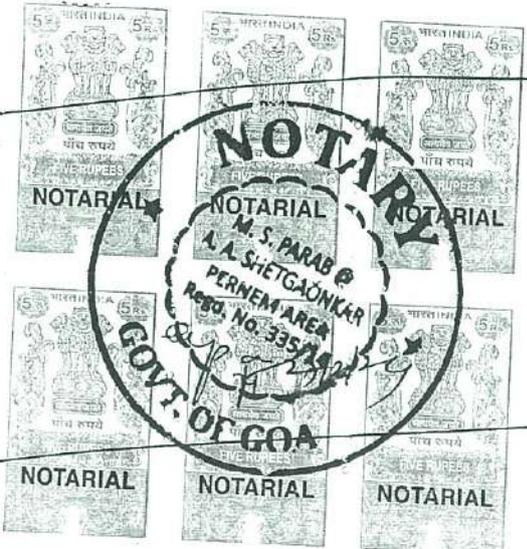
Book

Page No.



[Signature]
Secretary
V. P. Mandre
Pernem-Goa.

Signature and Designation of Issuing Officer



Certified that this is a True Copy
Pernem on 11/06/2019

[Signature]
M. S. PARAB
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1249/2019

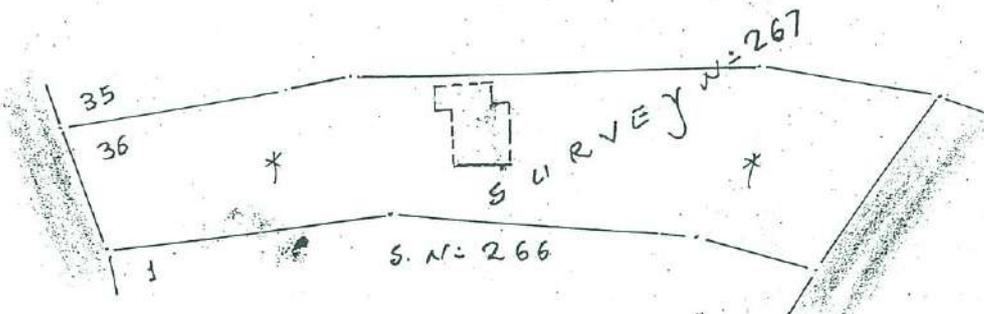
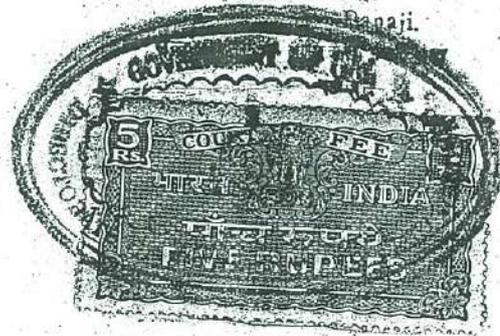
GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT &
LAND RECORDS

24

PLAN
SHOWING THE PLOTS SITUATED
AT MANDREM VILLAGE
OF PERNEM TALUKA
S. NO./SUB DIV. NO. 267/36
SCALE-1: 1000



Wajir
14/8/2003
Inspector of Surveys &
Land Records
Panaji.



CHECKED BY

AMS
D. Manoj
14-08-03

TRACED FROM P.T. SHEET NOS. Cat book.
OF Mandrem VILLAGE ON 14.8.2003.
BY: C. A. Wadaj
Umanoj II

No. 1/15/(10)/84-LAWD. 25
 Govt. of Goa, Daman and Diu
 Forest & Agriculture Deptt.,
 Secretariat-Panaji.
 Dated: 19th November, 1985.

NOTIFICATION

In exercise of the powers conferred by section 65 read with section 83 of the Goa, Daman and Diu Village Panchayats Regulations, 1962 (Regulation No. 9 of 1962) and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following Rules, so as to further amend the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) Rules, 1971, namely:-

1. Short title and commencement:- (1) These rules may be called the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) (Amendment) Rules, 1985.

(2) They shall come into force at once.

2. Amendment of Rule 3. - In rule 3 of the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) Rules, 1971,

(i) for clause (b) of sub-rule (2) the following clause shall be substituted, namely :-

(b) After enquiry and verification of title of the property as may be necessary, the Panchayat may grant permission for the construction of kacha house in Panchayat areas without the approval of the Technical Officer subject to the following conditions:-

(ii) in sub-clause (ii) of clause (b) of sub-rule (2) for letters and figures " Rs. 10,000/- ", the letters and figures " Rs. 25,000/- " shall be substituted;

(iii) after clause (a) of sub-rule (3) the following new clause shall be inserted, namely :-

" (aa)- In cases of Villages which came under the jurisdiction of the Planning and Development Authority, the applicant shall submit the application for building permission directly to the said Authority "

(iv) for sub-rule (b), the following sub-rule shall be substituted, namely :-

"(b) The Senior Town Planner or the Planning and Development Authority, as the case may be, shall whenever the applications are referred or made to them, communicate their decision to the Village Panchayat or to the applicant concerned, as the case may be, within one



सत्यमेव जयते

GRAM PANCHAYAT MANDREM 27

Tal. PERNEM - GOA 403 517 Annexure 'C'

ग्राम पंचायत मद्रि, ता. पेडणे - मोरवा Colly

Ref. No. VPM/JARF/4/369/86-87

Date 10-05-1986

PERMIT NO. 4/86-87

The permission is granted to Shrimati Jonita Aimus Roji Fernandes resident of Junas wada Mandrem - Goa under sec. 2 Amendment of Rule 3 clause (1)b (ii) of the notification No. 1/15/(10) 84 LAND Date 19 Nov. 1985, issued by the under Secretary (F and A) secretariat Panjim for the reconstruction of Katcha house as described below in the locality Atod Choracho Morao Kadil in the ward Junas Wada Mandrem, Pernem re-construction of building as per for the specification shown in the attached plan with following conditions,

Description of Katcha House.

Reconstruction of existing residential house bearing No. 369 at Junas wada Mandrem in the property known as Atod Choracho Morao Kadil s.no. 267/36 for residential purpose, at the estimated cost of Rs. 25,000/- (Rs. Twenty five thousand only).

Conditions

- 1) To limit himself to the plan approval and statement therein.
- 2) The reconstruction shall be as per plan approved by the Village Panchayat and condition imposed on it.
- 3) To inform the Panchayat as soon as the reconstruction is completed.
- 4) The reconstruction permission shall be revoked :
 - a) If the construction work is not as per the plan approval and statement therein.

If there is any false statement or any mis representation of any material passed, approved, or shown in the application on which the permission was based.

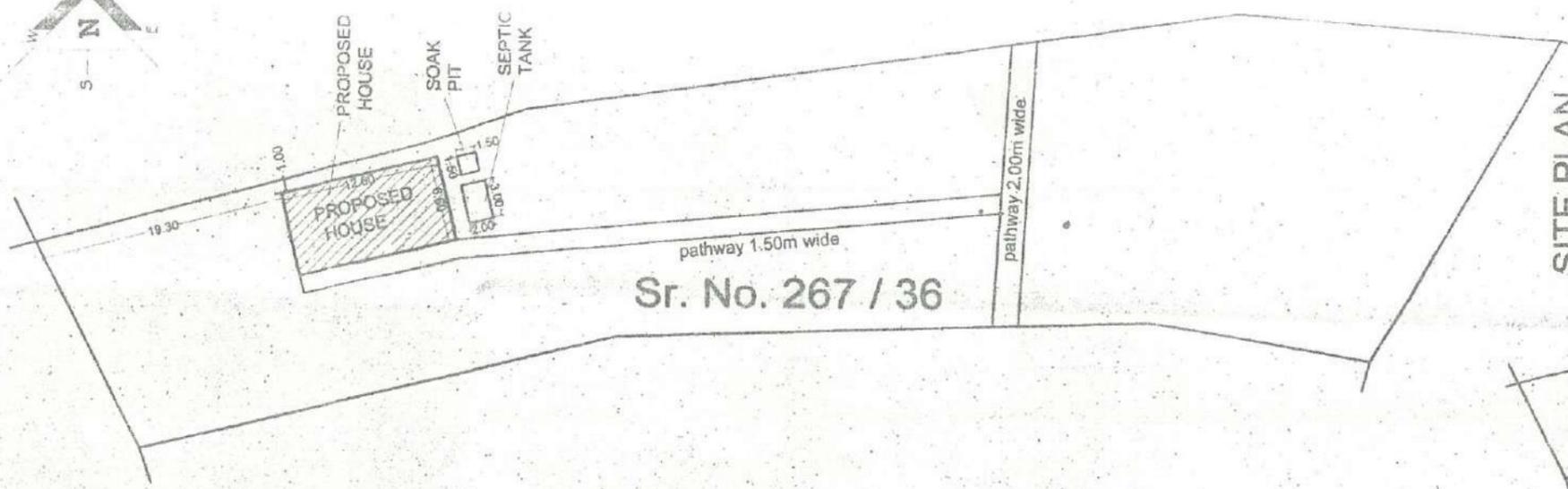
This permission shall be valid for ever till the construction work started and completed thereon from the date of issue of this permission. He has paid the respective fees to the tune of Rs. 500/- Rupees Five Hundred only) by receipt No. 062 dtd. 10-05-1986

This carries the embossed seal of this Panchayat office of the Village Panchayat of Mandrem, on 10-05-1986

Secretary
Village Panchayat Mandrem
Pernem - Goa



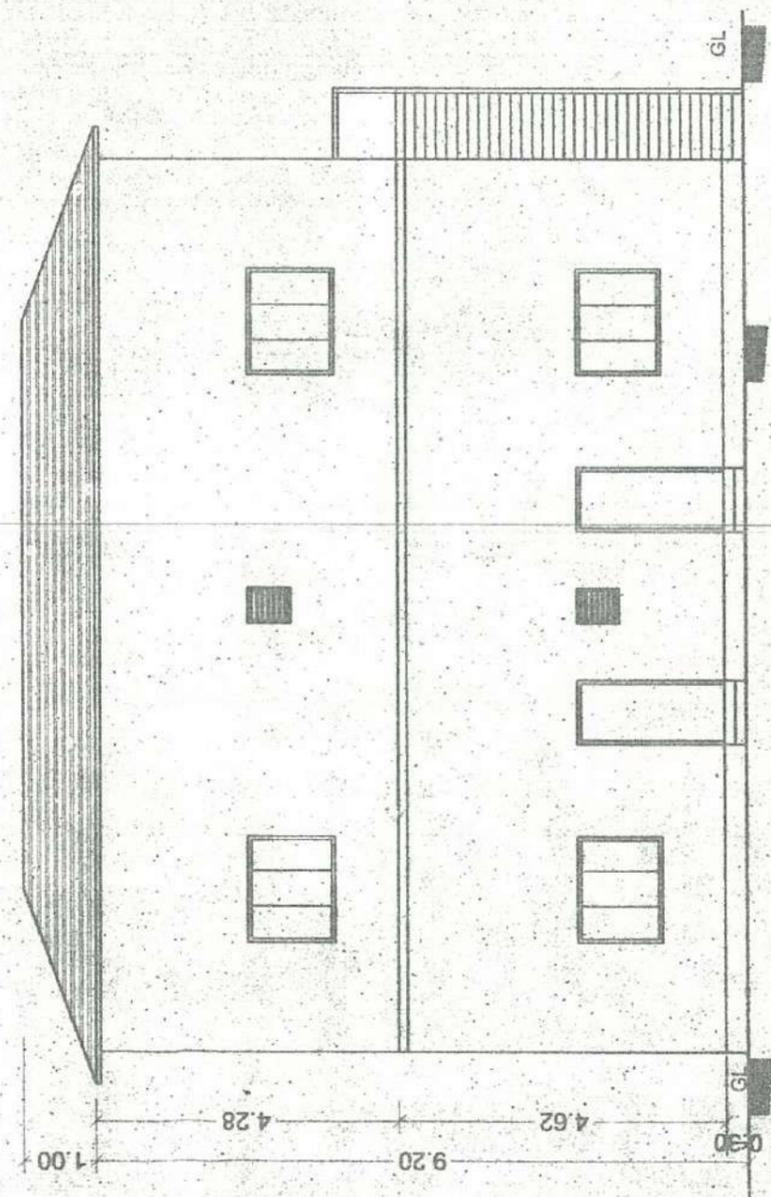
Sarpanch
Village Panchayat Mandrem
Pernem - Goa.



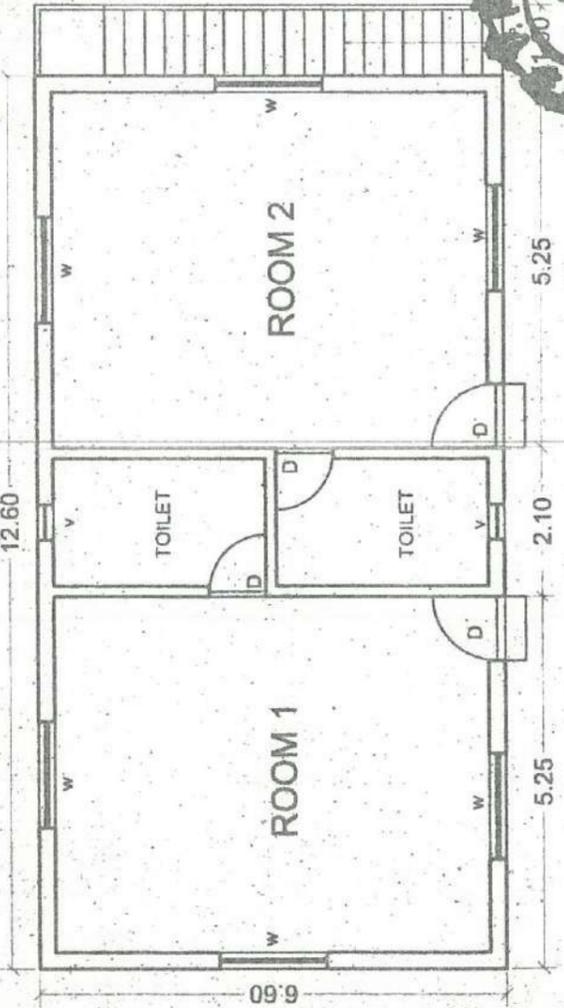
SITE PLAN
scale 1:500



TYPICAL GROUND &
FIRST FLOOR PLAN
scale 1:100



FRONT ELEVATION
scale 1:100



*Plan showing existing premises bearing
No. 369 is approved and passed for
reconstruction by the Panchayat on 10-5-86.*

Mandol
Secretary
V.P. Mandre
Mandrem-Goa.



LOCATION PLAN
not to scale



346

Phone - 222

29



GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मन्दिरे, ता. पेडणे - मोरवा

Ref. No. VPM/JARF/4/86-87

Date 31-03-1987

OCCUPANCY CERTIFICATE

This is to certify that Shri / Shrimati Jonita Almus Roji Fernandes
 resident of Junas wada Mandrem is having a Residential House
 bearing No. 369, situated at Junas wada Mandrem
 in Pernem Taluka Goa, in property known as Atod Choracho Morao Kadil
 surveyed under No 267/ 36 in our Panchayat Jurisdiction.

Further Certifying that Shrimati Jonita Almus Roji Fernandes is
 Occupying the said premises bearing No. 369 situated at
Junas wada Mandrem Pernem from month of March 1987



[Signature]
 Secretary
 V. P. Mandre
 Pernem Goa
 Village Panchayat Mandrem
 Pernem Goa

FORM No. 4

RECEIPT

H.N. 369

Receipt Book No. 4

Receipt No. 082

The Village Panchayat Mandrem

Received with thanks from Janita Almas

Raji Fernandes

Rupees Five hundred only Rs. 500/-

on account of Reconstruction fee

Date 10-5-1986

Reference to entry

Book

Page No.



[Handwritten Signature]
Secretary
V. P. Mandre
Pernem-Goa.

Signature and Designation of issuing Officer

FORM No. 4

H.N. 303

RECEIPT

Receipt Book No. 4

Receipt No.

Received with thanks from Janita Almas Roji
Fernandes

Rupees Fifty only Rs. 50/-

on account of House Tax 1987-88 to

Date 10-5-1986 1986-87

Reference to cash entry

Book

Page No.



[Handwritten Signature]

Secretary
V. P. Mangre
Pernem-Goa.

Signature and Designation of Issuing Officer

GRAM PANCHAYAT MANDREM

TAL. PERNEM - GOA 403 527

ग्राम पंचायत मंड्रे, ता. पेडणे - मोवा

Annexure 'D'
Colly

32

Date 14-04-1986

Ref. No. VPM/JARF/2/368/86-87

PERMIT NO. 2/86-87

The permission is granted to Shrimati Jonita Almus Roji Fernandes resident of Junas wada Mandrem - Goa. under sec. 2 Amendment of Rule 3 clause (1)b (ii) of the notification No. 1/15/(10) 84 LAND Date 19 Nov. 1985, issued by the under Secretary (F and A) secretariat Panjim for the reconstruction of Katcha house as described below in the locality Atod Choracho Morao Kadil in the ward Junas Wada Mandrem, Pernem re-construction of building as per for the specification shown in the attached plan with following conditions.

Description of Katcha House.

Reconstruction of existing residential house bearing No. 368 at Junas wada Mandrem in the property known as Atod Choracho Morao Kadil s.no. 267/36 for residential purpose, at the estimated cost of Rs. 25,000/- (Rs. Twenty five thousand only).

Conditions

- 1) To limit himself to the plan approval and statement therein.
- 2) The reconstruction shall be as per plan approved by the Village Panchayat and condition imposed on it.
- 3) To inform the Panchayat as soon as the reconstruction is completed.
- 4) The reconstruction permission shall be revoked :
 - a) If the construction work is not as per the plan approval and statement therein.

If there is any false statement or any mis representation of any material passed, approved, or shown in the application on which the permission was based.

This permission shall be valid for ever till the construction work started and completed thereon from the date of issue of this permission. He has paid the respective fees to the tune of Rs. 500/- Rupees Five Hundred only) by receipt No. 056

dtd. 14-04-1986

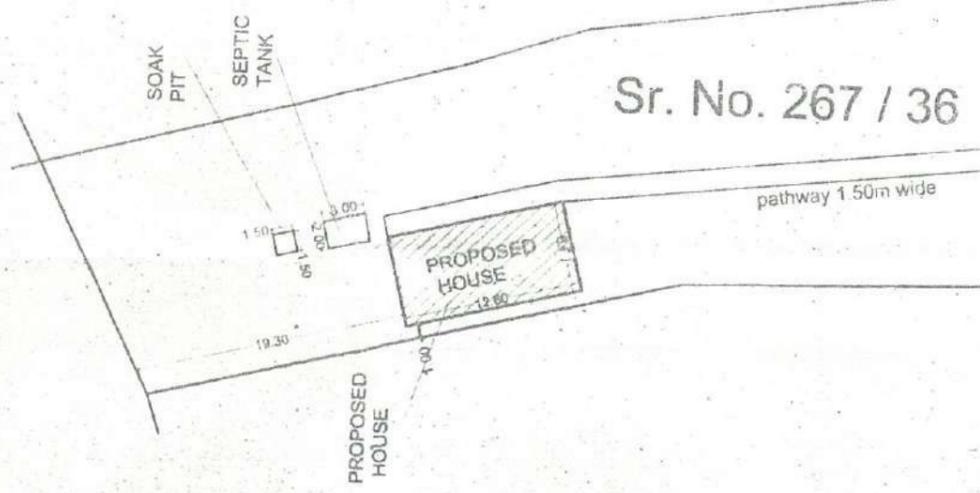
This carries the embossed seal of this Panchayat office of the Village Panchayat of Mandrem, on 14-04-1986

Secretary
Village Panchayat Mandrem
Pernem - Goa

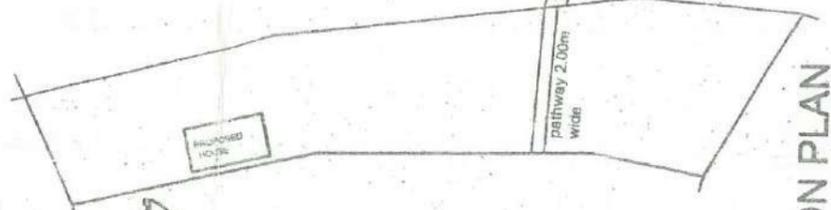


Sarpanch
Village Panchayat Mandrem
Pernem - Goa.

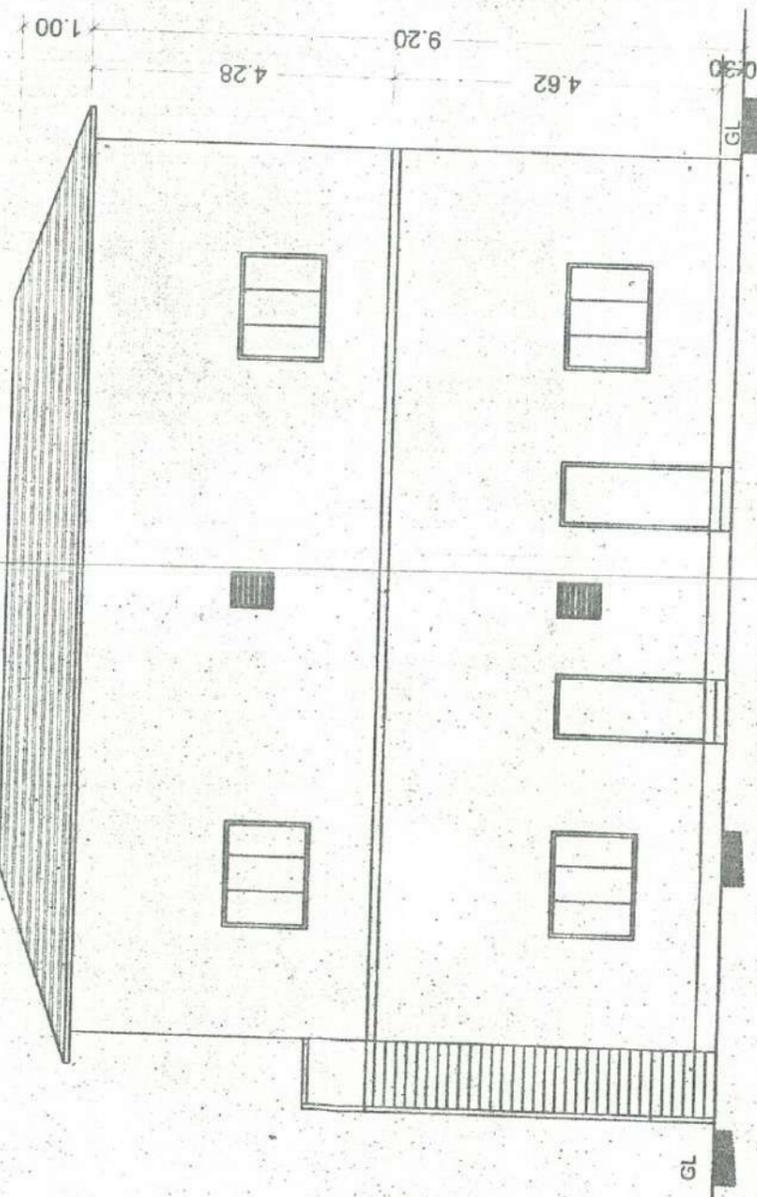
32
33



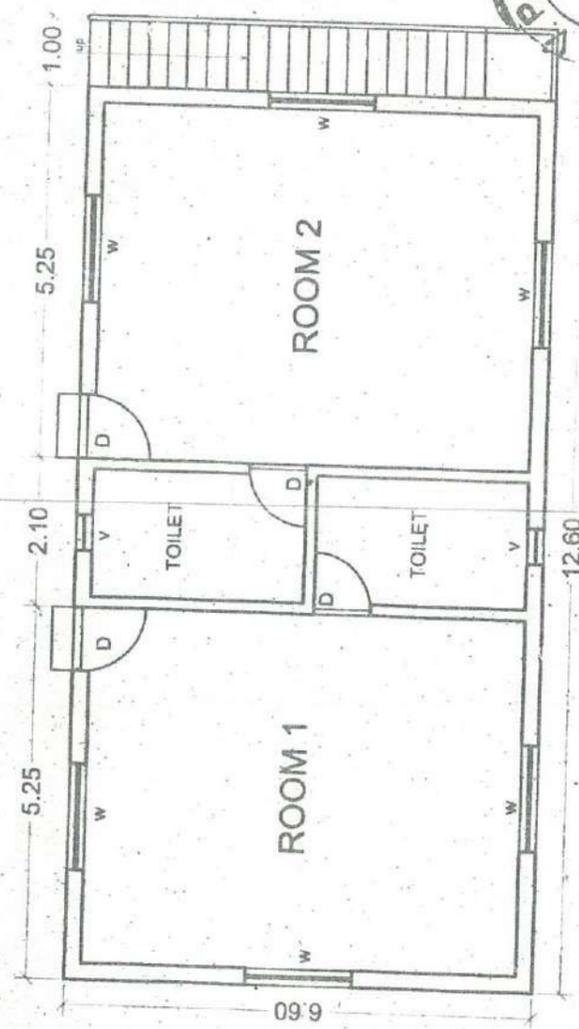
SITE PLAN
scale 1:500



LOCATION PLAN
not to scale



FRONT ELEVATION
scale 1:100



TYPICAL GROUND &
FIRST FLOOR PLAN
scale 1:100



Plan showing existing premises bearing No. 368, is approved and passed for reconstruction by the Panchayat on 14-4-1986.

V. P. Mandre
Secretary
V. P. Mandre
Pernem-Goa.





सत्यमेव जयते

GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मंदि, ता. पेडणे - मोघा

Phone - 322

34

Ref. No. VPM/JARF/2/86-87

Date 31-03-1987

OCCUPANCY CERTIFICATE

This is to certify that Shri / Shrimati Jonita Almus Roji Fernandes
 resident of Junas wada Mandrem is having a Residential House
 bearing No. 368, situated at Junas wada Mandrem
 in Pernem Taluka Goa, in property known as Atod Choracho Morao Kadil
 surveyed under No 267/36 in our Panchayat Jurisdiction.

Further Certifying that Shrimati Jonita Almus Roji Fernandes is
 Occupying the said premises bearing No. 368 situated at
Junas wada Mandrem Pernem from month of March 1987



[Signature]
 Secretary
 Secretary P. Mandre
 Pernem - Goa.
 Village Panchayat Mandrem
 Pernem Goa

FORM No. 4

RECEIPT

16/11/88

Receipt Book No. 2

Receipt No. 56

Village Panchayat Mandrem

Received with thanks from Janita Almes Roji
Fernandes

Rupees Five hundred only Rs. 500/-

on account of Reconstruction fee

Date 14-4-1988

Reference to

By

Page No.



[Handwritten Signature]
Secretary
V. P. Mandre
Pernem-Goa.

Signature and Designation of issuing Officer

FORM No. 4

HN 368

RECEIPT

Receipt Book No. 2

Receipt No. 057

Village Panchayat Mandrem

Received with thanks from Jonita Almeida Raji
Fernandes

Rupees Fifty only Rs 50/-

on account of House Tax 1982-83 to

Date 14-4-1986 1986-87

Reference to

Bank

Page No.



[Handwritten Signature]

Secretary
V. P. Mandre
Pernem-Goa.

Signature and Designation of issuing Officer



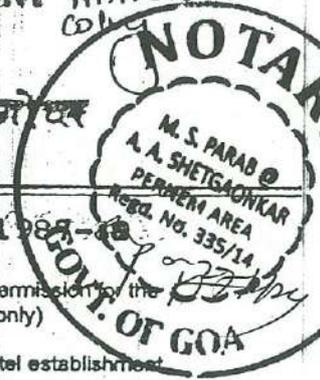
सत्यमेव जयते

GRAM PANCHAYAT MANDREM

Tel. PERNEM - GOA 403 527

ग्राम पंचायत मद्रि, ता. पेडणे - गोंय

Annexure



Regd. No. VPM/RPF/436 Permit No. 17/87-88. Year 1988-89

- 1) The Goa Daman And Diu Village Panchayat (regulation of building) rule 1871. Rule 3(2)b, permission for the construction of Kaccha House at the Estimated cost of Rs. 10,000/- (Rupees Ten Thousand only)
- 2) The Goa Government grant of loan for houses under the paying guest scheme and small hotel establishment rule 1978.

PERMISSION FOR THE ERECTION/RE-ERECTION OF BUILDING

Permission under Sec. 83 of the Goa, Daman and Diu, Village Panchayats Regulation (Amendment) Act, 1969 is hereby granted to Shri/Smt. ROBERT PAULU

FERNANDES, resident of Junaswada, Mandrem,

for the ~~erection~~/re-erection of building, as described below in the locality of ATOD CHORACHO MORVO KADIL in ward Junaswada, of Mandrem, as per specification shown, in the attached plan, with following conditions.

DESCRIPTION OF ERECTION/RE-ERECTION

~~Reconstruction of existing residential house bearing No. 436, situated at Junaswada, Mandrem in the property known as "ATOD CHORACHO MORVO KADIL" surveyed under No. 267/36,~~

CONDITIONS

1. Repair should be within Plinth level without changing original structures
2. Proper set back as shown in the plan are to be maintained
3. Traditional Access should be maintained.
4. There is excess road to the party concerned
6. This Gram Panchayat reserve the right to revoke any permit issued by this Gram Panchayat if any irregularities are found, such as false statement mis-representation of any material passed, approved or shown in the application on which the permit was based.

This permission shall be valid for ever till the construction work started and completed thereon from the date of issue of this permission. He has paid the respective fees to the tune of Rs. 500/- (Five hundred Only) by receipt No. 007, dtd. 31.12.1987.

This carries the embossed seal of this Panchayat office of the village Panchayat of Mandrem on 31.12.1987.

Date: 32.12.1987.

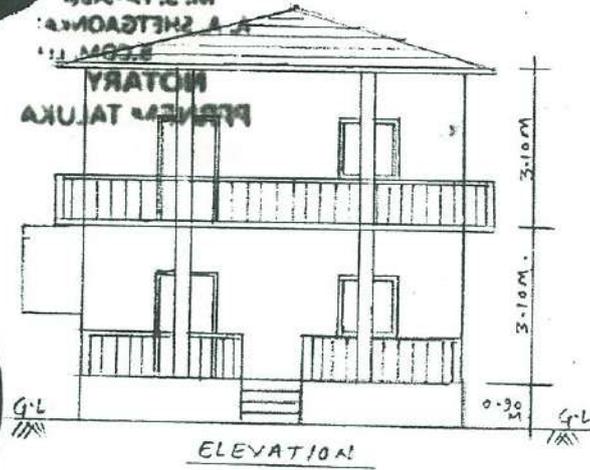
V. P. Mandre
Secretary
V. P. Mandre
Pernem-Goa

S. P. Mandre
Sarpanch
Village Panchayat Mandrem
Village Panchayat Mandrem
Pernem - Goa

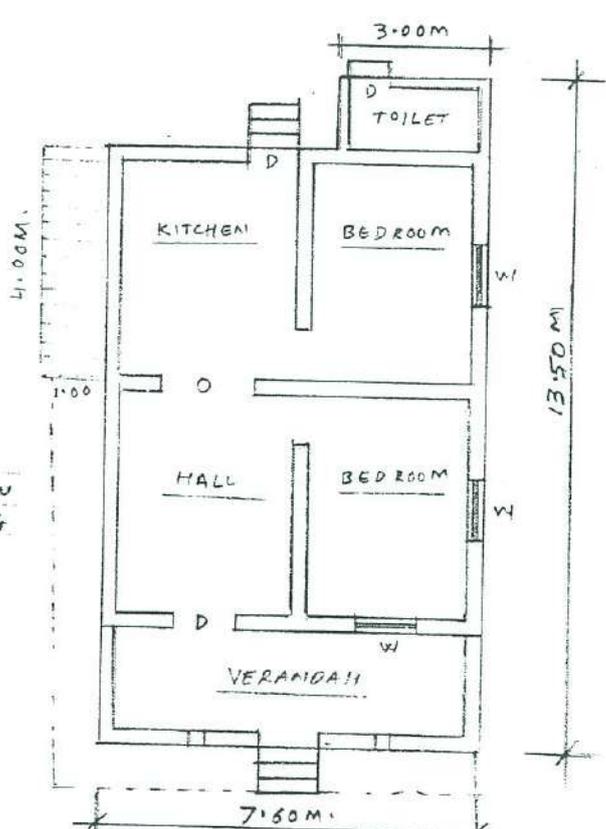




Permem no. Certified that this is a true copy
M. S. PARABH
A. SETHANARAYAN
NOTARY
PERNEM TALUKA

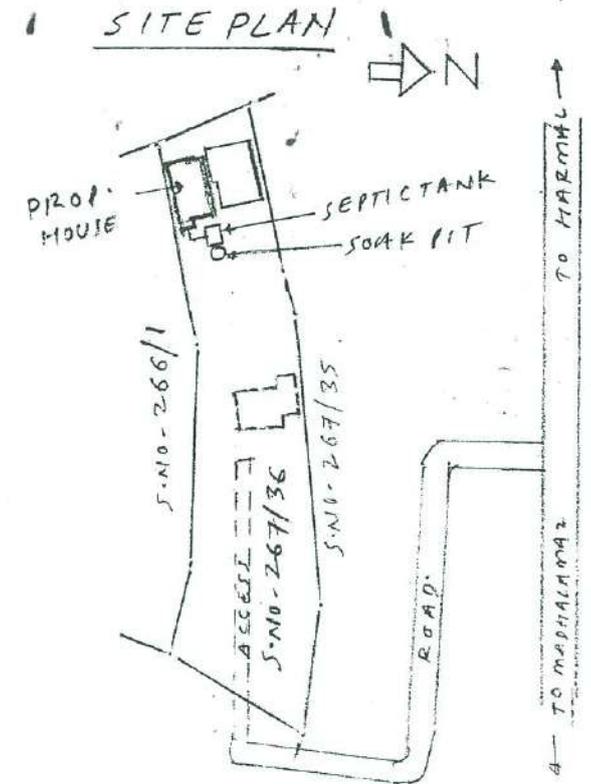


ELEVATION



TYPICAL GROUND'S FIRST FLOOR PLAN

D - DOOR
W - WINDOW
O - OPENING



Plan showing existing premises No.436 is approved and passed for reconstruction by the Panchayat on 31-12-87

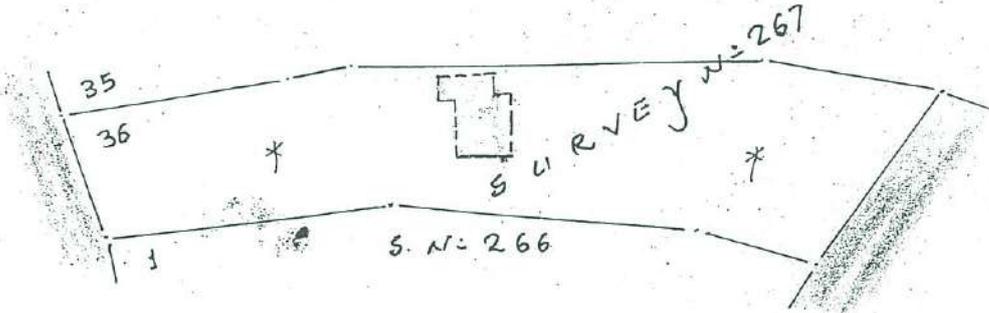
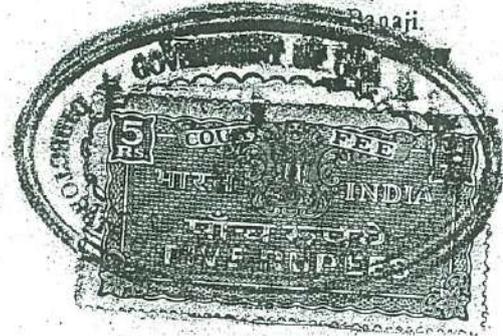
V.P. Mandrem
Secretary
V. P. Mandrem

GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT &
LAND RECORDS

PLAN
SHOWING THE PLOTS SITUATED
AT MANDREM VILLAGE
OF PERNEM TALUKA
S. NO./SUB DIV. NO. 267/36
SCALE-1: 1000



Waji
14/8/2003
Inspector of Surveys &
Land Records
Panaji.



CHECKED BY

[Signature]
D. Manoj
D. Manoj
14-08-03

TRACED FROM P.T. SHEET NOS. Gat book.
OF Mandrem VILLAGE ON 14.8.2003.
BY: C. Anwaraj
[Signature]



GRAM PANCHAYAT MANDREM

Tal. PERMEM - GOA 403 527

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ग्राम पंचायत मंदि, ता. पेडणे - गोवा

Ref. No. VPM/RFF/436/ 83-89.

Date 31.3.1983.

OCCUPANCY CERTIFICATE

This is to certify that Shri / Shrimati ROBERT PAULU FERNANDES,
resident of JUNASWADA, Mandrem is having a Residential House
bearing No. 436, situated at JUNASWADA, Mandrem
in Pernem Taluka Goa, in property known as AT ODCHRACHO MORVO KADIL
surveyed under No 267/36 in our Panchayat Jurisdiction.

Further Certifying that Shri ROBERT PAULU FERNANDES is
Occupying the said premises bearing No. 436 situated at JUNASWADA,
Mandrem, Pernem from month of March, 1983.

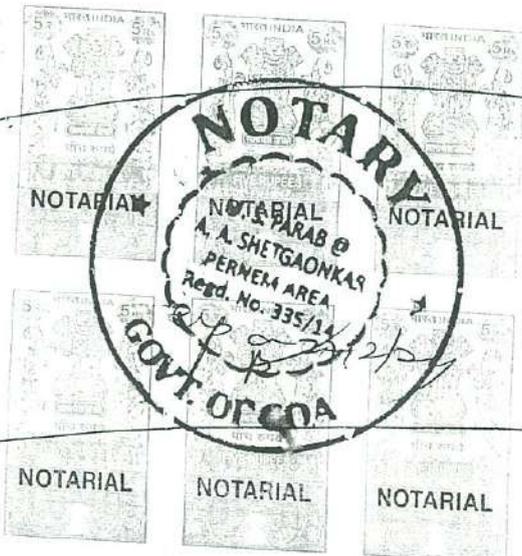


M. S. Parab
Secretary
Village Panchayat, Pernem-Goa
Pernem Goa

Certified that this is a True Copy
Pernem on 11/06/2019

M. S. Parab
M. S. PARAB@
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1259/2019



FORM No. 4

RECEIPT

H.N. 436

Receipt Book No. 7

Receipt No.

The Village Panchayat Mandap

Received with thanks from Robert Pereira

Fernandes

Rupees Seventy five only Rs 75/-

on account of Mandap Tax 1987-88 to 1988-89

Date 31-12-1987

Reference to

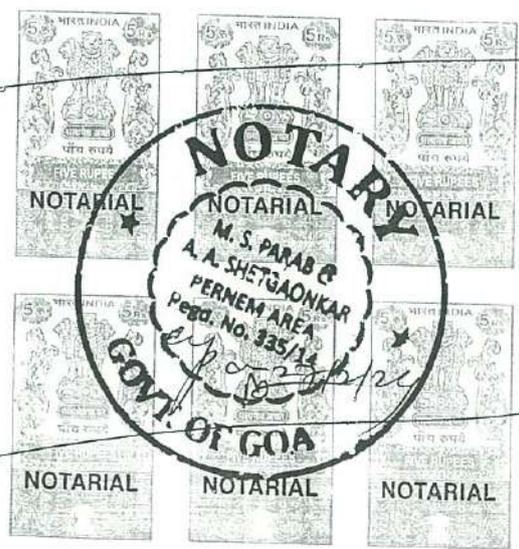
Book

Page No.



Secretary
V. P. Mandre
Pernem-Goa.

Signature and Designation of issuing Officer



Certified that this is a True Copy
Permem in 11/06/2019

M. S. PARAB &
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1261/2019

FORM No. 4

RECEIPT

44436

Receipt Book No. 2

Receipt No.

The Village Panchayat, Mandre

Received with thanks from Reshma Fernandes

Reshma Fernandes

Rupees Thirty only Rs. 30/-

on account of Light Fee 1987-88 to 1988-89

Date 31-12-1987

Reference to Account

Book

Page No.



[Handwritten Signature]
Secretary
V. P. Mandre
Panchayat

Signature and Designation of issuing Officer

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)
4st floor, Dempo Towers, Patto, Panaji

www.czma.goa.gov.in

Ref. No. GCZMA/N/NGT Matter / 19-20 / 01 / 3324

Date: 18/07/2024

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE OF THE ENVIRONMENT (PROTECTION) RULES, 1986.

Ref.: (1) Order of the Hon'ble National Green Tribunal dated 23/3/2023 passed in Original Application No. 18 of 2023 (WZ).

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

AND WHEREAS, Mr Umesh Jagannath Phadte had filed an Original Application No 18 of 2023 wherein he sought for direction to be issued to GCZMA to demolish the structures of Dolphin Beach Resort, Oasis Restaurant & Bar, located at Junaswada, Mandrem Beach, Mandrem, Goa.

AND WHEREAS, Mr Umesh Jagannath Phadte in the petition had stated that the GCZMA had earlier passed three orders dated 02.05.2019, 11.06.2019 and 10.02.2020 regarding demolition of the structures belonging to Dolphin Beach Resort, Oasis Restaurant & Bar, located at Junaswada, Mandrem Beach, Mandrem, Goa.

AND WHEREAS, the GCZMA in its reply to the Hon'ble National Green Tribunal has stated that the demolition orders were complied by Dolphin Beach Resort, Oasis Restaurant & Bar as per the report of the Deputy Collector. Further, the GCZMA sought time before the NGT to place the documents on record.

AND WHEREAS, the Hon'ble National Green Tribunal vide order dated 06/03/2023 directed the GCZMA to check the current position of the spot as to whether there are illegal structure standing thereon, which is being stated by ~~the~~ Mr Umesh Jagannath Phadte in his petition before the NGT.

AND WHEREAS, the Expert Members, along with the Field Surveyors of the GCZMA carried out Site Inspection on 15.3.2023 and observed the following structures are existing at the site.

- i. Ground plus one wooden structure abetting to the beach towards the landward side. P.C.C. and tiled flooring
- ii. Bar Counter with kitchen permanent structure R.C.C.slab/Staircase
- iii. Behind the bar cottage permanent structure comprising of two rooms
- iv. Behind toilet was observed with water tank, Toilet is permanent structure
- v. Cottage of permanent nature comprising of 2 rooms
- vi. G+1 R.C.C. permanent structure villa comprising of 3 rooms on the first floor and 3 rooms on the Ground floor.
- vii. Stage was observed. It is in concrete /P.C.C.
- viii. Staircase of laterite to approach the shack from the beach
- ix. 27 Sunbeds were observed on the beach.

AND WEREAS, based on the Petition filed before the Hon'ble NGT, the Site Inspection report and the directions of the Hon'ble NGT the Authority issued Show Cause Notice bearing No. GCZMA/N/NGT MATTER/19-20/01/2988 dated 30/03/2023 to Dolphin Beach Resort, Oasis Restaurant & Bar through Robert Fernandes, with regards to the structures in Sy No. 267/36 of Mandrem Village, located within the distance of 0-200,ts from HTL with a direction to remain present for a personal hearing on the **13/04/2023 at 3.30 p.m .**

AND WHEREAS, the matter was placed in the 340th GCZMA Meeting held on 13/04/2023.The proceeding at the hearing is that, "Proceeding: Adv G. Naik for the Respondent present and seeks time to file reply. Adv undertakes to file vakalatnama"

AND WHEREAS, the matter was placed in the 340th GCZMA Meeting held on 13/04/2023.The Authority decided that, "The Authority considered the request and posted the matter on 11/05/2023".

AND WHEREAS, the matter was placed in the 347th GCZMA Meeting held on 22/06/2023.The proceeding at the hearing is that, "Complainant absent. Adv Abhijit Gosavi present for the Respondent"

AND WHEREAS, the matter was placed in the 347th GCZMA Meeting held on 22/06/2023.The Authority decided that, "The Authority directed the Respondent to collect the inspection report and posted the matter 06/07/2023 at 3.00pm"

AND WHEREAS, the matter was placed in the 348th GCZMA Meeting held on 06/07/2023.The proceeding at the hearing is that, "Complainant Umesh Phadte absent.



Advocate D. Gosavi for the Respondent present and Sought time in filing written arguments”

AND WHEREAS, the matter was placed in the 348th GCZMA Meeting held on 06/07/2023. The Authority decided that, “The Authority has noted that this is a Court direction matter and that this matter was given a direction to dispose within the time frame imposed by the Hon’ble NGT. Hence directed the Respondent to file the written Arguments before 15/07/2023 and posted the matter for orders”.

AND WHEREAS, the matter was placed in the 364th GCZMA Meeting held on 23/10/2023. The proceeding at the hearing is that, “Complainant absent Respondent absent”

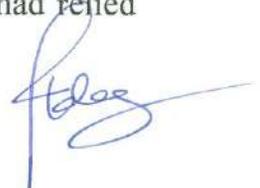
AND WHEREAS, the matter was placed in the 364th GCZMA Meeting held on 23/10/2023. The Authority decided that, “The Authority decided to adjourn the pronouncement of order as both the parties were absent for the hearing. Notice to be issued to the parties to remain present for pronouncement of order on 16/11/2023.

368 on 16/11/2023

AND WHEREAS, the matter was placed in the 378th GCZMA Meeting held on 22/12/2023. The Authority decided that, “The Authority perused the documents and objections raised by respondent perused the documents and decided as under:

The Authority noted that the GCZMA had earlier passed orders in the same matter on two separate occasions, once in the year 2019 and again in the year 2020. That in the year 2020, the Authority had considered the same documents and had decided the matter. That the Authority was also in receipt of the Compliance Report from the Deputy Collector and the SDM of Pernem had submitted a status of the Demolition Order; stating via letter dated 30/09/2020 that the Respondent had demolished the structures and paid the penalty.

That one Mr Umesh J Phadte had approached the Hon’ble NGT in O.A. 18/2023 wherein; it was challenged that the illegal structure was still standing and the same was not demolished. The Hon’ble NGT directed the GCZMA via its order dated 6/3/23 directed as under, “*In view of above facts, we direct respondent No.1 togive the current position of the spot as to whether there is illegal structure standing thereon, which is being stated by the applicant*”. The Authority conducted a site inspection and various violations were noted for which Fresh Show Cause notice dated 30/03/2023 was issued. The Respondent filed his reply and relied on the same documents he had relied upon when the Authority passed the Order dated 10/02/2020.



The present Authority heard the parties perused the documents and raised two issues:

(i) Whether the Respondent has valid permissions from the Competent Authorities to erect structures shown on the Photographs of the Site Inspection Report dated 15/03/2023 and were constructed prior to 1991.

(ii) Whether the Respondent had NOC / permission for Shack in the property bearing Sy No. 267/36 of Mandrem Village and is constructed as per approval.

The Authority clarifies that even if the Complainant had withdrawn his Complaint, the Authority takes Suo Moto Cognizance of the Complaint as this is a damage caused to the environments and Further, Since the GCZMA is an enforcing Authority and its main purpose is to control, minimize and protect environmental damage. Hence the Authority is proceeding with the matter in bringing it to its logical end. The Authority proceeded with the issues

ISSUE – I

With Regards to Bar Counter with kitchen permanent structure R.C.C.slab/Staircase.

The Respondent has sought to rely on the permit no 15/88-89 dated 4/5/88 issued to Paulu Robert Fernandes, having house no. 419; wherein description of the house given is a katcha house. Firstly, while perusing the description it mentions of reconstruction of the katcha house, but the survey no has been tampered with and got the Sy No. adjusted to 267/36. Secondly, the printed permission varies the typed area into another font as if the same has been copied and pasted to suit / go well with the Case of the Respondent. Thirdly, the Plan Attached does not have the signature of the Applicant and neither is there any area statement mentioned, the layout is not as per the prescribed terms as required to present the plan for approval. The Respondent has failed to show the elevation and inscribe the dimensions on the plan. Further, the approval does not speak if the same was given for the ground floor structure or the G+1 structure.

From the structure present on site and from the photos annexed, it is evident and further also proves that the structure has been recently constructed. It is also seen that the approvals produced were granted for the structure existing at that point of time. That the structure existing as of today is not in the same position as it existed in the year 1988. The Respondent has failed to produce the Completion Certificate and other supporting documents to prove the existence of the structure prior to 1991 and hence in view of the above such major discrepancies have been noticed and as such cannot be taken on record. Further, the structure is not in the same status and location as shown on the plan and



furthermore, has change the nature of the structure warrants the structure to be illegal and erected without any approvals. The Respondent seeks to rely on the house tax receipts. That in all probability the House Tax Receipt could have been issued for the katcha house and now since the house is not in the same position as it was standing earlier this house has been reconstructed without any approvals and hence illegal.

The Respondent has not produced any documents of Ownership or Title to the Property but only these letters with manipulations and discrepancies and hence the Respondent has not come clear on the issue of his connection with the ownership or Title to the property and the validity of the permissions/plan as the plan does not bear and signature/stamp of the Technical officer (PWD). The Panchayat is not a technical approval body and hence is not well conversant with the measurements and needs to get technical approval before issuing any approved plan. In this case the Plan produced by the Respondent is only signed by the Secretary of V.P. Mandrem, Pernem and is crossed his jurisdiction in issuing this plan in view of the discrepancy the plan and the permission cannot be relied upon to prove that permission was issued as the Secretary was in accordance with the procedure and law.

The Respondent has also sought to rely on the Occupancy Certificate dated 31/3/1989 and there is also a discrepancy in the House Number. Firstly, In the 1st para it says Paulu Robert Fernandes is having residential house no 419 and in the 2nd para it says the premises bearing house no 819. The occupancy certificate is not issued in terms of the approvals but just a statement saying that he is residing at that premises. Secondly, the Occupancy Certificate appears to be a computer-generated certificate issued in the year 1989; which is very strange as in those years there were no computers in Goa State and as such computers have only come to Goa in the early 90's. Hence, since there is a discrepancy noticed the documents produced cannot be taken on record.

The Respondent sought to rely on the Survey Plan which depicts only one structure standing in the property bearing Survey No 267/36. The very fact only one structure is figuring on the plan submitted and other structures which also incidentally belong to the Respondent but not figuring on the plan, creates a doubt in the minds of the Authority and since the Respondent has failed to prove the status of his structures, it goes beyond doubt confirming all the discrepancies and as such the same cannot be considered to be legal and existing prior to 1991.

With Regards to Behind the bar cottage permanent structure comprising of two rooms

The Respondent states that he has the requisite permission dated 10/05/1986 issued by the Village Panchayat of Mandrem for reconstruction of two rooms. The Village Panchayat had issued the Occupancy Certificate dated 31/03/1987 for the structure. The

permit no 4/86-87 was issued by the Gram Panchayat to Smt. Jonita Almus Roji Fernandes, who is residing at house no 369. The Respondent has failed to prove the connection between himself and the person to whom the permission was given to by the Gram Panchayat. Since the Document does not pertain to the Respondent, the same cannot be taken on record. It has been noticed that the Plan attached to the permit has the North Indicator pointed in two different directions. The Layout of the structure was not produced. The Front elevation shows G+1 and the layout of only two rooms is shown. The Plan does not bear the signature of the person applying for approvals nor is the plan complete in terms of the building laws. Further the plans cannot be released by the Panchayat without Technical approval, the Secretary has crossed his powers and issued the Plan. The Plan drawn again does not have the signature of the Applicant. The plan does not have the specifications without which this plan cannot be executed on site. The plan shows the front elevation as G+1 and the layout of only ground floor. In view of these discrepancy the plan and the permission cannot be relied upon as is it not approved in terms of law

The Occupancy Certificate does not state if the construction on site is as per approvals or not. It only states that Jonita Almus Roji Fernandes is residing in the house. There is no connection shown of ownership produced to prove the legality and hence this document cannot be taken on record.

Incidentally, both the Occupancy Certificates were issued at the end of the financial year one in 31/03/1987 and the other 31/3/1989 of which again creates doubts in its veracity. Hence the permanent structure comprising of two rooms Behind the bar cottage has to be demolished

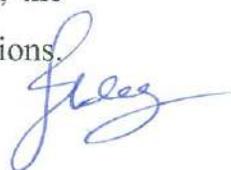
With Regards to Behind toilet was observed with a water tank and the Toilet is permanent structure.

With Regards to this violation the Respondent has not defended the toilet and the water tank hence the same has to be demolished as it stands without approval.

With Regards to Cottage of permanent nature comprising of 2 rooms

The Respondent states that the two rooms were constructed prior to 1982 and that the Gram Panchayat had allotted the house no 368 for the structure. That the reconstruction permission was granted on 14/4/1986 and has permit no. 2/86-87 issued to Smt. Jonita Almus Roji Fernandes who was residing at house no 368.

The Respondent has failed to prove the connection between himself and the person to whom the respective permission is given by the Gram Panchayat. Since this Document does not pertain to the Respondent, the same cannot be taken on record. However, the Plan attached to the permit has the North Indicator pointing in two different directions.



The Layout of the structure has not been produced. The Front elevation shows G+1 and the layout of only two rooms is shown. The Plan does not bear the signature of the person applying for such permissions nor does the plan have the signature/approval from the Technical Section Officer as the Secretary is not the technical officer such plan cannot be sanctioned by him hence the plan is incomplete and bad in terms of the building laws.

The Occupancy Certificate does not state if the construction on site is as per approvals or not. It only states that Jonita Almus Roji Fernandes is residing in the house. There is no connection of ownership produced to prove the legality of the structures and hence this document cannot be taken on record and has to be demolished.

With Regards to G+1 R.C.C. permanent structure Villa comprising of 3 rooms on the first floor and 3 rooms on the Ground floor.

The Respondent has produced another approval from the Gram Panchayat of Mandrem bearing no VPM/RPF/436 dated 31/12/1987 having **permit no 7/87-88** issued for erection of building.

The Approved Plan is not to scale and does not have any specifications as required for the sanctioning of the plan. This approval creates a doubt in the minds of the Authority, as the plan sanctioned does not have the required and compulsory area statement nor does the Plan have any signature of the person applying for such construction permissions nor are there any details of the first floor showing dimensions on the Plan submitted nor does it have Technical Section approval on the plan. Since the Secretary is not a technical officer the Technicality of the Plan and the layout has to be approved by the Technical Section Officer from the PWD and that's the Procedure as per law and the Secretary has crossed his powers and jurisdiction hence the same is not binding in law.

It seems from the face of such documents that the Respondent has indeed created these documents to benefit his case. These produced permissions were an afterthought created to save the structures from demolition.

The Respondent has not produced any documents of the stage but goes one step ahead and states that the stage has a house no 436/1. From the face of this, it is to be noted that a house number is only issued for a standing house and not a stage or a platform cause this stage of a Platform is not a house in any form or imagination. Then he takes the defense that the plinth is of an old house which is again a creation of records to protect the structures from being demolished.

With Regrds to Staircase of Laterite Stone to approach the shack from the beach

The Respondent states that the same has to be removed as it has been laid / erected with laterite stones right on the beach and is in gross violation of the CRZ Notification 2011. The access created is right into the Restaurant of the Respondent and the same has been

illegally laid / erected to facilitate the guests of the Respondent. Since the Respondent does not have any valid permissions or approvals the staircase has to be demolished.

The Respondent has destroyed the natural vegetation but cutting the same and made a pathway for easy access to the beach for his guests.

With Regards to 27 Sunbeds were observed on the beach.

The Respondent has paid the penalty for illegally laying the Sun-beds on the beach without permission. Hence the same has to be removed.

In view of the above the issue I is answered in the negative and has to be demolished as it is erected in violation of the CRZ Notification 2011.

ISSUE II

With Regards to Ground plus one wooden structure abetting to the beach towards the landward side. P.C.C. and tiled flooring

The Contention of the Respondent is that he has constructed the structure as per the permission issued by the GCZMA dated 12/01/2021.

The Authority had granted permission for the erection of temporary shack made of wood and or natural biodegradable material only in the property bearing Sy No. 267/36 of Mandrem Village. The Permission granted has to be read along with the terms and conditions of the NOC issued and the Plan in accordance with the NOC.

The Authority noted that the contentions of the Respondent is that the Shack is erected as per the Terms and conditions of the approval NOC. However, if we peruse the approval at condition 5 of the NOC states that "*if there is any change in the project profile a fresh reference would have to be made to the GCZMA*". The Respondent did not adhere to this condition as the plan attached to the NOC with regards to the shack does not have a first floor. The Respondent has violated the Condition 5 of the NOC moreover,

condition 10 of the NOC states that : "*the said structure should be one meter above the ground on stilts of wooden poles wherever possible. However, the ground clearance should not be more than 1.5m*".

condition 21 of the NOC states that "*All the structures shall be of ground floor in nature*" the Respondent has erected a first floor thereby violating the permission dated 12/01/2021.

condition 23 of the NOC states that "*you shall not barricade the proposed site*" The Authority noted that the shack has been barricaded and thereby violated the NOC dated 12/01/2021.

8

Further, the Authority decided to enforce the condition 7 which states that the GCZMA reserves rights to revoke this recommendation / clearance without prior intimation of non compliance of one or more condition, this gives rights to the GCZMA to revoke the permission as the Respondent has violated condition 5, 10, 21, 23 of the NOC dated 12/01/2021. Hence the Authority decided to revoke the permission / NOC dated 12/01/2021.

The Authority concluded that the permissions /occupancy certificates do not synchronise with the violations recorded and existing on loco for the reason mentioned herein above. The violations that have been done by the respondent is much after 1991 which are against the permission so granted by the statutory authorities. The Authority noted that the subject matter of violations is the same as decided by the Authority in its 217th GCZMA Meeting. The Authority also noted that the permission produced are an after thought documents created to save the violations.

The permit produced have flaws in itself, the Respondent should have first sought permission from the Technical Section Officer of the PWD / Town Planning department after which Panchayat approval could have granted approval. The Authority noted that the approved plan does not have approval from Town Planning Department although it existed since 1974, further since the permission is for reconstruction the plans do not show the existing and the proposed structure, the measurements details are not shown, the area statement is not shown and moreover, as per the Town Planning Act 1974 showing the staircase as a single flight is against the law and is not approved. However, the plan produced by the Respondent has only a single flight stair. In order to get the plan approved double flight stairs have to be shown with a land in between the first flight and the second flight. Hence the so-called approved plan is bad in law and cannot be considered as an approved plan.

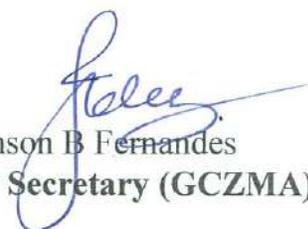
That the same structures were the subject matter of the demolition order dated 02/04/2019 and 15/07/2019 and 10/02/2020 and since the Deputy Collector & SDM Pernem has given a statement that the Respondent Dolphin Beach Resort Oasis Bar & Restaurant through Robert Coutinho has carried out the demolition and paid the penalty is accepted. It clearly indicates that the structures were demolished and now the Respondent has re-erected the structures without any approval. Since the structures are illegal as mentioned above the same calls for demolition. And further as the Respondent has violated the permission bearing Ref no GCZMA/N/Shack-Hut-Cott-Tent/20-21/35/1579 dated 12/01/2021 stands revoked. The authority thus deemed it fit to confirm the SCN by issuing directions to demolish the illegal structure mentioned in the show cause notice i.e (i) Ground plus one wooden structure abutting to the beach towards the landward side. P.C.C. and tiled flooring, (ii) Bar Counter with kitchen permanent structure R.C.C.slab/Staircase, (iii) Behind the bar cottage permanent structure comprising of two rooms, (iv) Behind toilet was observed with water tank, Toilet is permanent structure, (v) Cottage of permanent nature comprising of 2 rooms, (vi) G+1 R.C.C. permanent structure villa comprising of 3 rooms on the first floor and 3 rooms on the Ground floor, (vii) Stage was observed. It is in concrete /P.C.C., (viii) Staircase of laterite to approach the shack from the beach, (ix) 27 Sunbeds were observed on the beach and revoking the permission Ref no GCZMA/N/Shack-Hut-Cott-Tent/20-21/35/1579 dated 12/01/2021 .

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 6071 (E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, hereby directs **Robert Fernandes, Proprietor of Dolphin Beach Resort, Oasis Restaurant Bar**, to demolish the illegal structure mentioned in the show cause notice i.e (i) Ground plus one wooden structure abetting to the beach towards the landward side. P.C.C. and tiled flooring, (ii) Bar Counter with kitchen permanent structure R.C.C.slab/Staircase, (iii) Behind the bar cottage permanent structure comprising of two rooms, (iv) Behind toilet was observed with water tank, Toilet is permanent structure, (v) Cottage of permanent nature comprising of 2 rooms, (vi) G+1 R.C.C. permanent structure villa comprising of 3 rooms on the first floor and 3 rooms on the Ground floor, (vii) Stage was observed. It is in concrete /P.C.C., (viii) Staircase of laterite to approach the shack from the beach, (ix) 27 Sunbeds were observed on the beach situated in Sy No. 267/36 of Mandrem Village, Pernem Goa, as decided in the 378th Meeting of the GCZMA held on 22/12/2023, and further to restore the land to its original condition, within **30 days** from the date of receipt of this order. The Dy. Collector & S.D.O, Pernem, Goa to verify if the said structure is demolished as per these directives failing which the concerned Deputy Collector/ S.D.O shall demolish the structure to enable restoration of land to its original state within 15 days and recover the expenses incurred from **Robert Fernandes, Proprietor of Dolphin Beach Resort, Oasis Restaurant Bar**, as the arrears of land revenue. Further, Dy. Collector & S.D.O, Pernem, Goa is required to submit a compliance report in respect of above directions to the GCZMA within next 3 days of expiry of the aforementioned time period of 30 days.

Further the Authority in the same meeting 378th GCZMA Meeting held on 22/12/2023 has revoked the permission Ref no GCZMA/N/Shack-Hut-Cott-Tent/20-21/35/1579 dated 12/01/221 situated in Sy No. 267/36 of Mandrem Village, Pernem Goa.

The proceedings are disposed off accordingly.

**For and on behalf of the
Goa Coastal Zone Management Authority**


Johnson B Fernandes
Member Secretary (GCZMA)
o/c

To,

1. **Robert Fernandes, Proprietor of Dolphin Beach Resort, Oasis Restaurant Bar,** Junaswaddo, Mandrem Goa.

Copy to:

1. **The Collector & District Magistrate (North), Office of the Collector (North), Collectorate Building, Panaji-Goa...** for information and necessary action.
2. **The Dy. Collector& SDO of Pernem, Goa.....** who is required to enforce these directions.
3. **Mr Umesh Phadte**, resident of House no 288. Sada Niwas, Near Mahalaxmi Bandor, Ponda, North Goa.

Date: 07.06.2023

From,
MR. ROBERT FERNANDES,
Proprietor of Dolphin Beach Resort,
Oasis Restaurant Bar,
Junaswaddo, Mandrem, Goa.

Member Secretary
G. C. Z. M. A.
Inward No. 2013
Date: 07/07/2023.

To,
THE MEMBER SECRETARY,
Goa Coastal Zone Management Authority,
4th Floor, Dempo Towers,
Patto, Panaji- Goa.

REF.:- 1) Show cause notice issued under section 5 of the Environment (Protection) Act, 1986, Read with Rule 4 of the Environment (Protection) Rules, 1986 bearing reference no. GCZMA/N /NGT matter /19-20/ 01/ 2988 dated 30.03.2023.
2) Our Reply dated 11.05.2023
3) Report prepared by the surveyor of GCZMA handed over during the hearing on 13.06.2023.

SUB: Additional reply in the matter/response to the report by the surveyor of the GCZMA.

Respected Madam,

1. The undersigned in response to the show cause notice dated 30.03.2023 had filed detailed response dated 11.05.2023 alongwith all the relevant permissions /approvals to demonstrate the fact that the structures of the undersigned are legal structures and have requisite permissions interalia including permissions from the GCZMA, wherever required. It is stated that during the proceedings

before the GCZMA on 13.06.2023, this Hon'ble Authority was pleased to handover a report purportedly by the surveyor of the GCZMA and the undersigned was given time to respond to the same.

2. The undersigned is filing the present additional reply to respond to the said report. The perusal of the contents of the report prepared by the surveyor fortifies the stand of the undersigned that the structures in question are legal structures which are either existed prior to CRZ coming into force and/or structure put up in accordance with approvals granted by the GCZMA.

3. The report clearly mentions that the area which has been mentioned in the plan approved by the GCZMA is same at the loco and structures "A" to "G" as demarcated in the approved plan (at page 17 of the reply) are same at the loco. The total area also mentioned i.e. 539.24 sq.mts is same as the area approved shown in the plan of approvals by the GCZMA. The detailed structure wise response to the each of these structures is given in the table hereinafter:-

Sr. No.	Structure	Remark
I.	<p>Ground plus one wooden structure abetting to the beach towards the landward side. P.C.C and tiled floor in survey no. 267/36 of Mandrem Village.</p> <p>Demarcated as structure 'A' in the approved plan and also in surveyor report.</p> <p>Area shown as 63.00 sq. mts</p>	<p>OUR REPLY DATED 11.05.2023:-</p> <p>The structure in question is in terms of permission granted by GCZMA dated 12.01.2021. The structure is strictly in accordance with the approved plan attached to the said permission. (Refer Annexure A Colly of our reply)</p> <p>RESPONSE TO REPORT:-</p> <p>As per the surveyors report the area is as per the approved plan, the structure is constructed in the terms of the plan approved by the GCZMA.</p>
II.	<p>Bar Counter with Kitchen permanent structure R.C.C. slab/staircase in survey no. 267/36 of Mandrem Village.</p> <p>Demarcated as structure 'B' in the approved plan and also in surveyor report.</p> <p>Area shown as 42.00 sq. mts</p>	<p>OUR REPLY DATED 11.05.2023:-</p> <p>The structure is in existence prior to the 1984 and presently allotted House no. 419 by Village Panchayat Mandrem. The said structure was reconstructed in the year 1988 in accordance with the reconstructed permission dated 04.05.1988 and plan attached thereto. The existence of the structure is also duly acknowledged by GCZMA in the plan attached with permission dated 12.01.2021 (refer Annexure B Colly of our reply)</p> <p>RESPONSE TO REPORT:-</p> <p>As per the surveyors report the area is as per the approved plan, the structure is as shown in the approved plan approved by the GCZMA.</p>

<p>III.</p>	<p>Behind the bar cottage permanent structure comprising of two rooms in survey no. 267/36 of Mandrem Village.</p> <p>Demarcated as structure 'C' in the approved plan and also in surveyor report.</p> <p>Area shown as 61.00 sq. mts</p>	<p>OUR REPLY DATED 11.05.2023:-</p> <p>Structure in question is in existence atleast since the 1982 and has been allotted house no 369 by the Village Panchayat. The structure presently at sight is in accordance with the reconstruction permission dated 10.05.1986 and plan attached thereto. The existence of the structure is also duly acknowledged by GCZMA in the plan attached with permission dated 12.01.2021 (refer Annexure C Colly of our reply)</p> <p>RESPONSE TO REPORT:-</p> <p>As per the surveyors report the area is as per the approved plan, the structure is as shown in the approved plan approved by the GCZMA.</p> <p>Report admits and acknowledges the fact that structure has permission which are prior to year 1991.</p>
<p>IV.</p>	<p>G+1 R.C.C. Permanent structure villa comprising of 3 rooms on the first floor and 3 rooms on the ground floor in survey no. 267/36 of Mandrem Village in survey no. 267/36 of Mandrem Village.</p> <p>Demarcated as structure 'D' in the approved plan and</p>	<p>OUR REPLY DATED 11.05.2023:-</p> <p>The structure is an old and existing structure bearing house no. 436, records of which are available with the village Panchayat since the year 1984 and the same has been allotted house no. 436. The structure was reconstructed vide reconstruction permission dated 31.12.1987. The plan attached to clearly shows that the structure is a ground + 1 structure and has 3 rooms on ground floor and 3 rooms on first floor. The structure at the site is strictly in accordance with</p>

	<p>also in surveyor report.</p> <p>Area shown as 198.00 sq. mts</p>	<p>the said plan. The existence of the structure is also duly acknowledged by GCZMA in the plan attached with permission dated 12.01.2021 (refer Annexure E Colly of our reply)</p> <p>RESPONSE TO REPORT:-</p> <p>As per the surveyors report the area is as per the approved plan, the structure is as shown in the approved plan approved by the GCZMA.</p> <p>Report admits and acknowledges the fact that structure has permission which are prior to year 1991.</p>
V.	<p>Cottage of permanent nature comprising of 2 rooms in survey no. 267/36 of Mandrem Village.</p> <p>Demarcated as structure 'E' in the approved plan and also in surveyor report.</p> <p>Area shown as 69.09 sq. mts</p>	<p>The structure consisting of 2 rooms is in existence since the year 1982 at least the structure was reconstructed in terms of reconstruction permission dated 14.04.1986 and presently as per the approved plan attached to the reconstruction permission dated 14.04.1986. The existence of the structure is also duly acknowledged by GCZMA in the plan attached with permission dated 12.01.2021 (refer Annexure D Colly)</p> <p>RESPONSE TO REPORT:-</p> <p>As per the surveyors report the area is as per the approved plan, the structure is as shown in the approved plan approved by the GCZMA.</p> <p>Report admits and acknowledges the fact that structure has permission which are prior to year 1991.</p>

VI	<p>Behind toilet was observed with water tank, Toilet is permanent structure in survey no. 267/36 of Mandrem Village</p> <p>Demarcated as structure 'F' in the approved plan and also in surveyor report.</p> <p>Area shown as 2.25 sq. mts</p>	<p>The structure is in existence prior to 1991.</p>
VII	<p>Existing survey Shown in the plan</p> <p>Area as per survey plan 103.00 sq mts</p> <p>(Not part of the show cause notice)</p>	<p>RESPONSE TO REPORT:-</p> <p>Structure not part of the SCN. Any event of the matter the report clearly states that the same is shown in the survey plan and also the area is same as shown in GCZMA approved plan.</p>
VIII	<p>Stage was observed. It is in concrete/P.C.C. in survey no. 267/36 of Mandrem Village.</p>	<p>The structure is in existence prior to the year 1991 and infact the village Panchayat had issued/allotted house no. 436/1 to the said structure. What is present at the sight is the plinth of the said structure. The structure was initially used as a store room for fishing net and related activities.</p>
IX.	<p>Staircase of laterite to approach the shack from the beach in survey no. 267/36 of Mandrem Village.</p>	<p>This is a traditional approach to the beach which has been used by the locals/fishermen for decades. There is no concrete involved and it is purely a traditional access made up of laterite.</p>

X	27 sunbeds were observed on the beach in survey no. 267/36 of Mandrem Village.	Sunbeds in question does not belong to the undersigned. No sunbeds at the loco presently.
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4. From the aforesaid it is amply clear that the structures of the undersigned are legal structures and that there are no violations *qua* CRZ regulations and consequently the show cause notice under reply is required to be discharged.
5. As regards the reference to the demolition order dated 10.02.2020 the same has no relevance in respect of subject matter of the present proceedings and the structures which are subject matter of the present proceedings are completely legal structures as demonstrated herein above.
6. In the above circumstances, the undersigned humbly submits before your good office to discharge the show cause notice and not to proceed any further in the matter.

7. In the above conspectus, the undersigned most humbly request your good office kindly afford the undersigned opportunity of hearing to explain the aforesaid alongwith relevant documents .

Yours Faithfully,



MR. ROBERT FERNANDES
Dolphin Beach Resort
Oasis Restaurant Bar

Annexure 'B' Colly 18

Page - 2/2



GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मद्रि, ता. पेडणे - गोवा

Ref. No. VPM/PRE/419/88-89.

Date 4.5.1988

PERMIT NO. 15/88-89.

The permission is granted to Shri BAULI ROBERT FERNANDES, resident of Junaswada, Mandrem, Goa, under sec. 2 Amendment of Rule 3 clause (1)b (ii) of the notification No. 1/15/(10) 84 LAND Date 19 Nov. 1985, issued by the under Secretary (F and A) secretariat Pernem for the reconstruction of Katcha house as described below in the locality ATOD CHORACHO MORVO in the village Junaswada Mandrem, Pernem re-construction of building per for the specification shown in the attached plan with following conditions.

Description of Katcha House

Reconstruction of existing house bearing No. 419, situated at Junaswada, Mandrem in the property known as ATOD CHORACHO MORVO KADIL, surveyed under No. 267/36, at the estimated cost of Rs. 25,000/-

Conditions

- 1) To limit himself to the plan approval and statement therein.
- 2) The reconstruction shall be as per plan approved by the Village Panchayat and condition imposed on it.
- 3) To inform the Panchayat as soon as the reconstruction is completed.
- 4) The reconstruction permission shall be revoked :
 - a) If the construction work is not as per the plan approval and statement therein.

If there is any false statement or any mis representation of any material passed, approved, or shown in the application on which the permission was based.

This permission is granted vide Goa Government grant of loans for houses under the paying guest scheme and small Hotel establishment Rules 1978, to obtain loan for reconstruction.

This permission shall be valid for ever till the construction work started and completed thereon from the date of issue of this permission. He has paid the respective fees to the tune of Rs. 500/- (Rs. Five hundred only) by receipt No. 001, dt. 4.5.1988

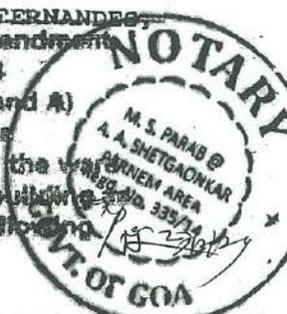
This carries the embossed seal of this Panchayat office of the Village Panchayat of Mandrem, on 4.5.1988.

Sarpanch

Sarpanch
Village Panchayat Mandrem
Pernem - Goa



Secretary
Secretary
V. P. Mandre
Pernem - Goa.
Village Panchayat Mandrem
Pernem - Goa

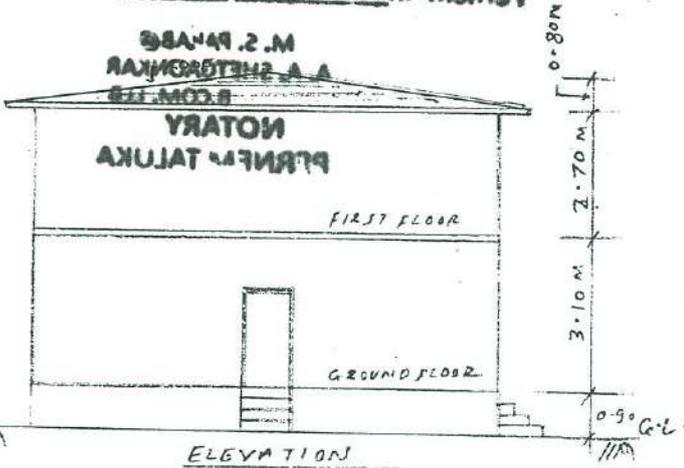




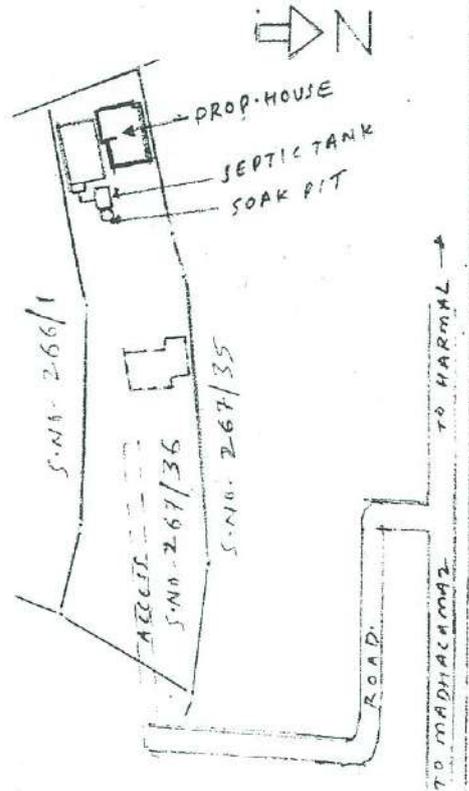
Certified that this is a True Copy
Permanently

M. S. P. A. S. B.
A. A. S. H. E. T. H. K. A. R.
S. C. O. M. M. I. S. S. I. O. N.

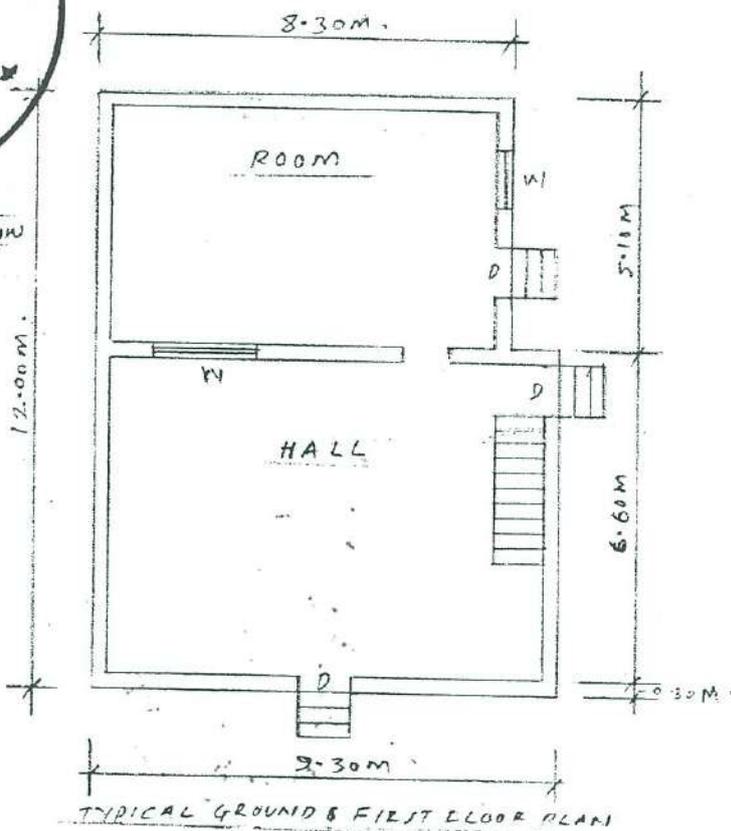
NOTARY
P. R. I. N. C. I. P. A. L. T. A. J. U. K. A.



SITE PLAN

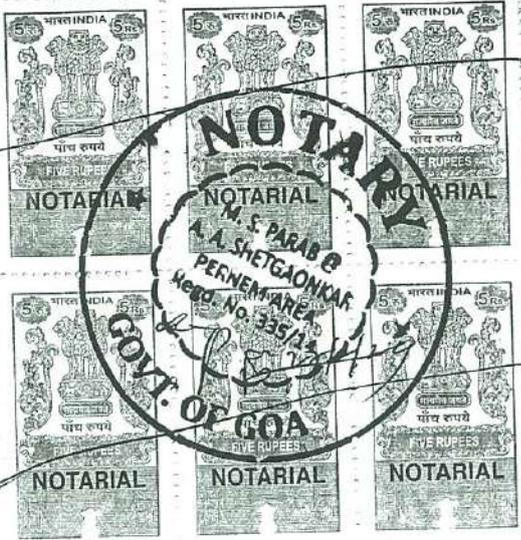


D - DOOR
W - WINDOW



Plan showing existing premises No. 419 is approved and passed for reconstruction by the Panchayat on 4-5-1988

Secretary
V. P. Mandre



Certified that this is a True Copy
 Pernem on 11/06/2019

(Signature)
 M. S. PARAB
 A. A. SHETGAONKAR
 B.COM. LLB
 NOTARY
 PERNEM TALUKA

Reg. No. 1254/2019





सत्यमेव जयते

GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मन्दि, ता. पेडणे - गोवा "

20

Ref. No. VPM/PRE/ 419/88-89.

Date 31.3.1989.

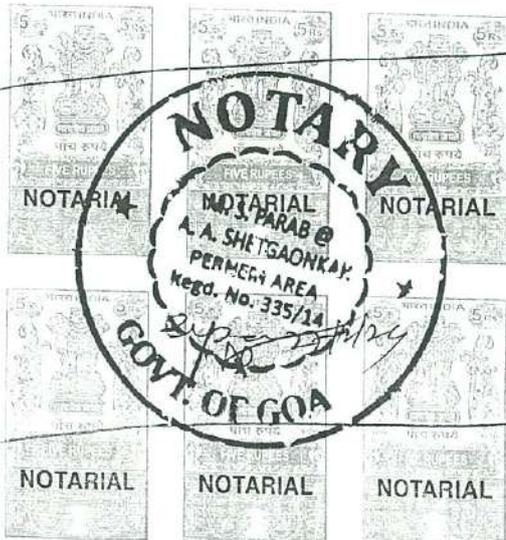
OCCUPANCY CERTIFICATE

This is to certify that Shri / ~~Shrimati~~ PAULU ROBERT FERNANDES
resident of Junaswada, Mandrem, is having a Residential House
bearing No. 419, situated at Junaswada, Mandrem
in Pernem Taluka Goa, in property known as ATOD CHORACHO MORVO KADIL
surveyed under No 267/36, in our Panchayat Jurisdiction.

Further Certifying that Shri PAULU ROBERT FERNANDES is
Occupying the said premises bearing No. 419 situated at Junaswada,
Mandrem, Pernem from month of March, 1989.



Mandrem
31-3-1989
Secretary
Secretary V. P. Mandre
Village Panchayat Pernem-Goa.
Pernem Goa



Certified that this is a True Copy
Pernem on 11/06/2019
Parab
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1247/2019.

FORM No. 4

RECEIPT

11/06/2019

21

Receipt Book No. _____

Receipt No. _____

Received with thanks from Village Panchayat, Mandrem

Paulina Robert

Fernandes

Rupees Five Hundred only Rs. 500/-

on account of Reconstruction Fee

Date 11/06/2019

Reference to _____

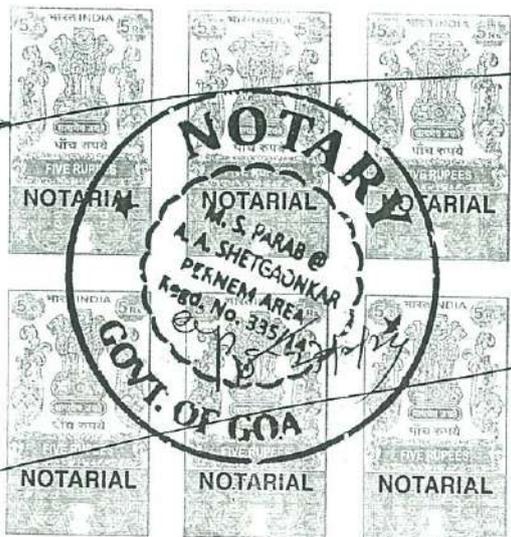
Page No. _____



[Handwritten Signature]

Secretary
V. P. Mandre
Pernem-Goa

Name and Designation of issuing Officer



Certified that this is a True Copy
Pernem in 11/06/2019

[Handwritten Signature]
M. S. PARAB @
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1248/2019

FORM No 4

RECEIPT

H.N. 419

22

Receipt Book No 3

Receipt No

The Village Panchayat Maichen

Received with thanks from Babbar Robert

Fernandes

Rupees Twenty only Rs 20/-

on account of Light Tax 1984-85 to

Date 4-8-1988 1988-89

Reference to

Book

Page No



Handwritten signature of V. P. Mandre

Secretary
V. P. Mandre
Pernem-Gov.

Name and Designation of Issuing Officer

FORM No. 4

RECEIPT

H.N. 4/19

Receipt Book No. 3

Receipt No.

Village Panchayat Mandrem

Received with thanks from Roberto Robert

Fernandes

Rupees Fifty only Rs. 50/-

on account of House Tax 1984-85 to

Date 4-8-1988 1988-89

Reference to

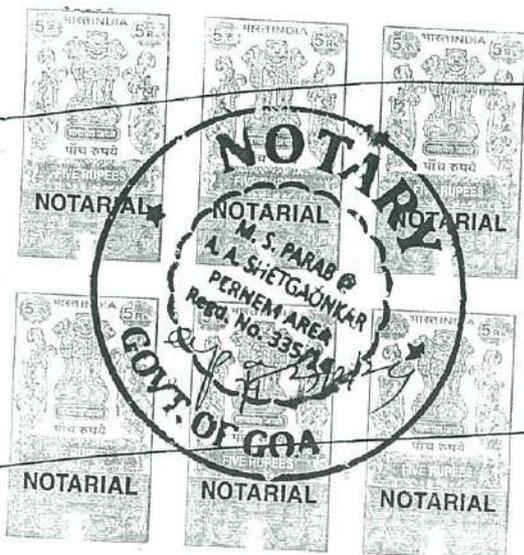
Book

Page No.



Secretary
V. P. Mandre
Pernem Goa.

Signature and Designation of Issuing Officer



Certified that this is a True Copy
Pernem in 11/06/2019

M.S. PARAB
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1249/2019

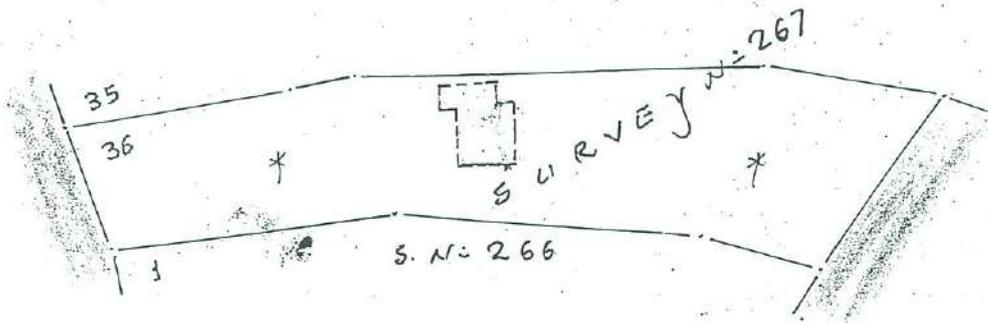
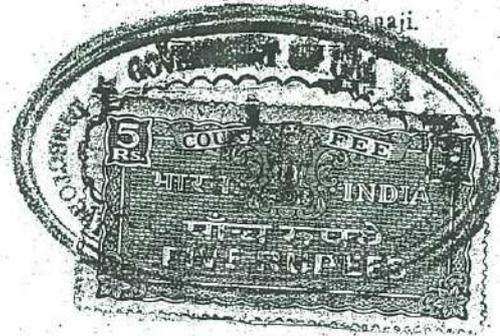
GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT &
LAND RECORDS

24

PLAN
SHOWING THE PLOTS SITUATED
AT MANDREM VILLAGE
OF PERNEM TALUKA
S. NO./SUB DIV. NO. 267/36
SCALE-1:1000



Wajir
14/8/2003
Inspector of Surveys &
Land Records
Panaji



CHECKED BY

[Signature]
D. Manoj
D. Manoj I
14-08-03

TRACED FROM P.T. SHEET NOS. Cat book.
OF Mandrem VILLAGE ON 14.8.2003.
BY: C. Anwaraj
[Signature]

No. 1/15/(10)/84-LAWD. 25
 Govt. of Goa, Daman and Diu
 Forest & Agriculture Deptt.,
 Secretariat-Panaji.
 Dated: 19th November, 1985.

NOTIFICATION

In exercise of the powers conferred by section 65 read with section 83 of the Goa, Daman and Diu Village Panchayats Regulations, 1962 (Regulation No. 9 of 1962) and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following Rules, so as to further amend the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) Rules, 1971, namely:-

1. Short title and commencement:- (1) These rules may be called the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) (Amendment) Rules, 1985.

(2) They shall come into force at once.

2. Amendment of Rule 3. - In rule 3 of the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) Rules, 1971,

(i) for clause (b) of sub-rule (2) the following clause shall be substituted, namely :-

(b) After enquiry and verification of title of the property as may be necessary, the Panchayat may grant permission for the construction of kacha house in Panchayat areas without the approval of the Technical Officer subject to the following conditions:-

(ii) in sub-clause (ii) of clause (b) of sub-rule (2) for letters and figures " Rs. 10,000/- ", the letters and figures " Rs. 25,000/- " shall be substituted;

(iii) after clause (a) of sub-rule (3) the following new clause shall be inserted, namely :-

" (aa)- In cases of Villages which came under the jurisdiction of the Planning and Development Authority, the applicant shall submit the application for building permission directly to the said Authority "

(iv) for sub-rule (b), the following sub-rule shall be substituted, namely :-

"(b) The Senior Town Planner or the Planning and Development Authority, as the case may be, shall whenever the applications are referred or made to them, communicate their decision to the Village Panchayat or to the applicant concerned, as the case may be, within one



सत्यमेव जयते

GRAM PANCHAYAT MANDREM 27

Tal. PERNEM - GOA 403 527 Annexure 'C'

ग्राम पंचायत मन्ड्रे, ता. पेडणे - मोवा Colly

Ref. No. VPM/JARF/4/369/86-87

Date 10 - 05 - 1986

PERMIT NO. 4/86-87

The permission is granted to Shrimati Jonita Aimus Roji Fernandes, resident of Junas wada Mandrem - Goa under sec. 2 Amendment of Rule 3 clause (1) b (ii) of the notification No. 1/15/(10) 84 LAND Date 19-Nov. 1985, issued by the under Secretary (F and A) secretariat Panjim for the reconstruction of Katcha house as described below in the locality Atod Choracho Morao Kadil in the ward Junas Wada Mandrem, Pernem re-construction of building as per for the specification shown in the attached plan with following conditions,

Description of Katcha House.

Reconstruction of existing residential house bearing No. 369 at Junas wada Mandrem in the property known as Atod Choracho Morao Kadil s.no. 267/36 for residential purpose, at the estimated cost of Rs. 25,000/- (Rs. Twenty five thousand only).

Conditions

- 1) To limit himself to the plan approval and statement therein.
- 2) The reconstruction shall be as per plan approved by the Village Panchayat and condition imposed on it.
- 3) To inform the Panchayat as soon as the reconstruction is completed.
- 4) The reconstruction permission shall be revoked :
 - a) If the construction work is not as per the plan approval and statement therein.

If there is any false statement or any mis representation of any material passed, approved, or shown in the application on which the permission was based.

This permission shall be valid for ever till the construction work started and completed thereon from the date of issue of this permission. He has paid the respective fees to the tune of Rs. 500/- Rupees Five Hundred only] by receipt No. 062 dtd. 10 - 05 - 1986

This carries the embossed seal of this Panchayat office of the Village Panchayat of Mandrem, on 10 - 05 - 1986

M. S. ...
Secretary
Village Panchayat Mandrem
Pernem - Goa



M. S. ...
Sarpanch
Village Panchayat Mandrem
Pernem - Goa

390

Phone - 222

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सत्यमेव जयते

GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मंत्रि, ता. पेडणे - मोघा

Date 31-03-1987

Ref. No. VPM/JARF/4/86-87

OCCUPANCY CERTIFICATE

This is to certify that Shri / Shrimati Jonita Almus Roji Fernandes
 resident of Junas wada Mandrem is having a Residential House
 bearing No. 369, situated at Junas wada Mandrem
 in Pernem Taluka Goa, in property known as Atod Choracho Morao Kadil
 surveyed under No 267/36 in our Panchayat Jurisdiction.

Further Certifying that Shrimati Jonita Almus Roji Fernandes is
 Occupying the said premises bearing No. 369 situated at
Junas wada Mandrem Pernem from month of March 1987



Secretary
 V. P. Mandre
 Pernem Goa
 Village Panchayat Mandrem
 Pernem Goa

FORM No. 4

RECEIPT

H.N. 369

Receipt Book No. 4

Receipt No. 082

The Village Panchayat Mandrem

Received with thanks from Janita Almas

Raji Fernandes

Rupees Five hundred only Rs. 500/-

on account of Reconstruction fee

Date 10-5-1986

Reference to cash entry

Book

Page No.



V. P. Mandre
Secretary
V. P. Mandre
Pernem-Goa.

Signature and Designation of issuing Officer

FORM No. 4

H.N. 369

RECEIPT

Receipt Book No. 4

Receipt No.

Received with thanks from Donita Almas Reji
Fernandes

Rupees Fifty only Rs. 50/-

on account of House Tax 1987-88 to

Date 10-5-1986 + 1986-87

Reference to Cash Entry

Book

Page No.



[Handwritten Signature]
Secretary
V. P. Mandre
Pernem-Goa

Signature and Designation of Issuing Officer

GRAM PANCHAYAT MANDREM

Tel. PERNEM - GOA 403 537

ग्राम पंचायत मंदि, ता. पेडणे - गोवा

Annexure 'D'
Colly

32

Date 14-04-1986

Ref. No. VPM/JARF/2/368/86-87

PERMIT NO. 2/86-87

The permission is granted to Shrimati Jonita Almus Roji Fernandes resident of Junas wada Mandrem - Goa under sec. 2 Amendment of Rule 3 clause (1)b (ii) of the notification No. 1/15/(10) 84 LAND Date 19 Nov. 1985, issued by the under Secretary (F and A) secretariat Panjim for the reconstruction of Katcha house as described below in the locality Atod Choracho Morao Kadil in the ward Junas Wada Mandrem, Pernem re-construction of building as per for the specification shown in the attached plan with following conditions.

Description of Katcha House.

Reconstruction of existing residential house bearing No. 368 at Junas wada Mandrem in the property known as Atod Choracho Morao Kadils. no. 267/36 for residential purpose, at the estimated cost of Rs. 25,000/- (Rs. Twenty five thousand only).

Conditions

- 1) To limit himself to the plan approval and statement therein.
- 2) The reconstruction shall be as per plan approved by the Village Panchayat and condition imposed on it.
- 3) To inform the Panchayat as soon as the reconstruction is completed.
- 4) The reconstruction permission shall be revoked :
 - a) If the construction work is not as per the plan approval and statement therein.

If there is any false statement or any mis representation of any material passed, approved, or shown in the application on which the permission was based.

This permission shall be valid for ever till the construction work started and completed thereon from the date of issue of this permission. He has paid the respective fees to the tune of Rs. 500/- Rupees Five Hundred only by receipt No. 056

dtd. 14-04-1986

This carries the embossed seal of this Panchayat office of the Village Panchayat of Mandrem, on 14-04-1986

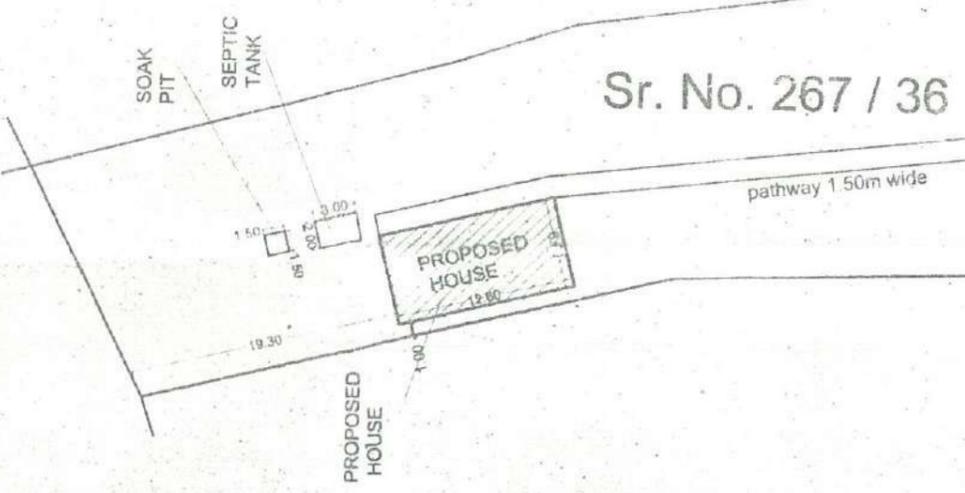
M. S. J.
Secretary
Village Panchayat Mandrem
Pernem - Goa



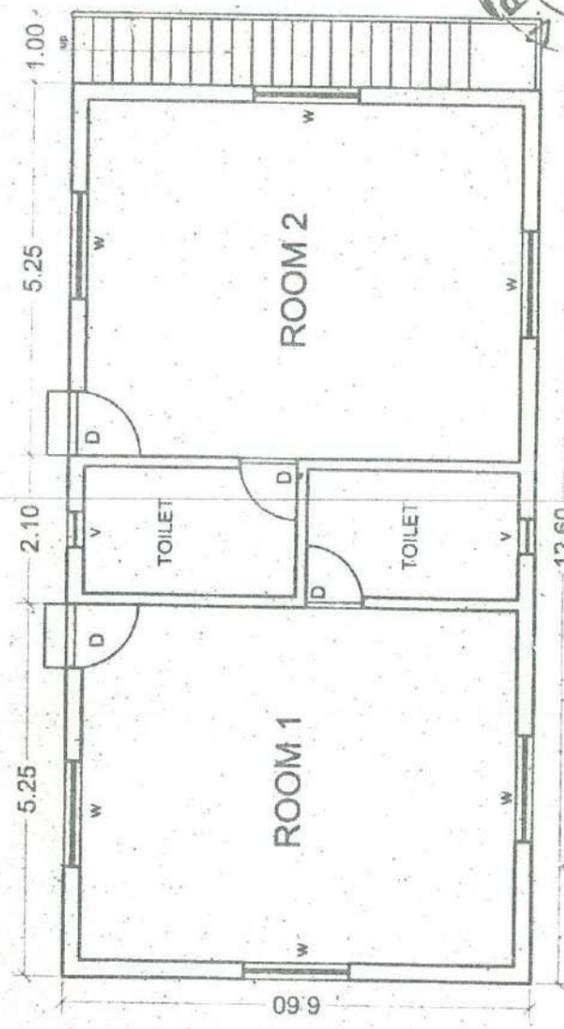
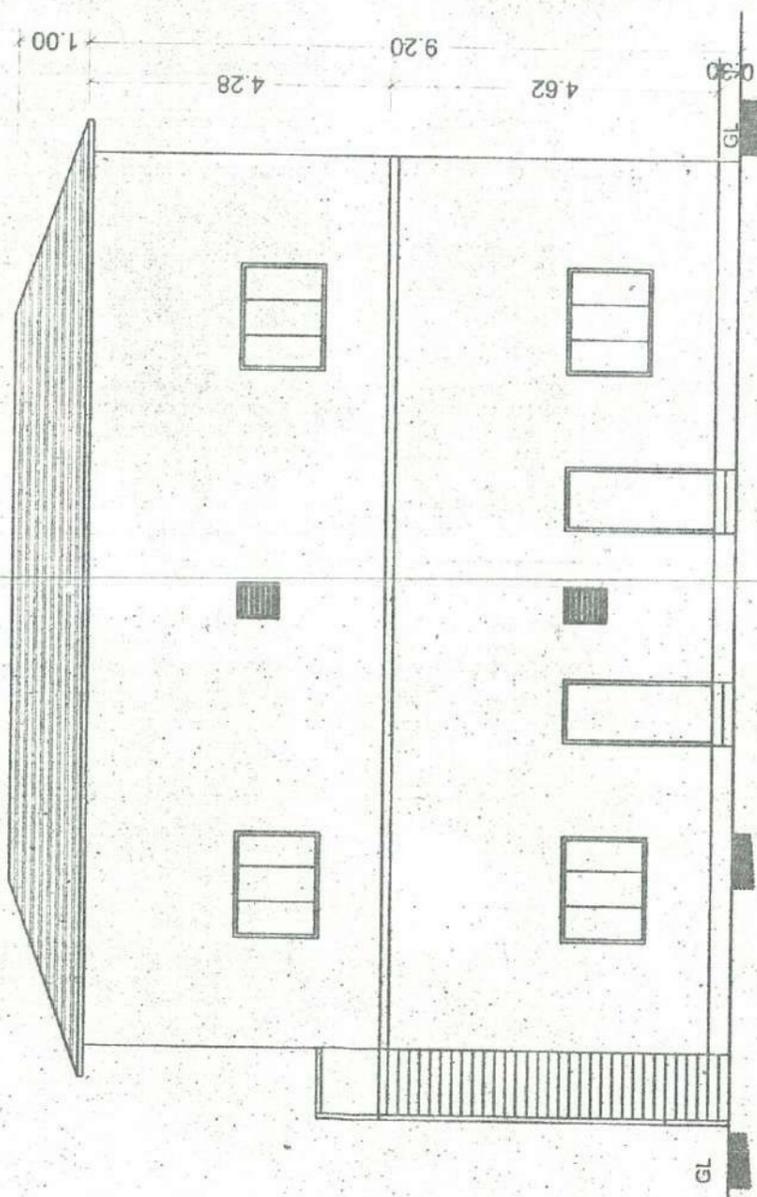
M. S. J.
Sarpanch
Village Panchayat Mandrem
Pernem - Goa.



32
33



SITE PLAN
scale 1:500



TYPICAL GROUND & FIRST FLOOR PLAN
scale 1:100



Plan showing existing premises bearing No. 368, is approved and passed for reconstruction by the Panchayat on 14-4-1986.

V. P. Mandre
Secretary
Pernem-Goa.





सत्यमेव जयते

GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मांद्रे, ता. पेडणे - गोवा

Form - 322

34

Ref. No. VPM/JARF/2/86-87

Date 31-03-1987

OCCUPANCY CERTIFICATE

This is to certify that Shri / Shrimati Jonita Almus Roji Fernandes
resident of Junas wada Mandrem is having a Residential House
bearing No. 368, situated at Junas wada Mandrem
in Pernem Taluka Goa, in property known as Atod Choracho Morao Kadil
surveyed under No 267/36 in our Panchayat Jurisdiction.

Further Certifying that Shrimati Jonita Almus Roji Fernandes is
Occupying the said premises bearing No. 368 situated at
Junas wada Mandrem Pernem from month of March 1987



[Signature]
Secretary
Secretary P. Mandre
Pernem - Goa.
Village Panchayat Mandrem
Pernem Goa

FORM No. 4

RECEIPT

H.N. 368

Receipt Book No. 2

Receipt No. 56

Village Panchayat Mandrem

Received with thanks from Janita Almes Roji
Fernands

Rupees Five hundred Rs 500/-

on account of Reconstruction fee

Date 14-4-1988

Reference to

By k

Page No.



V. P. Mandre
Secretary
V. P. Mandre
Pernem-Goa.

Signature and Designation of issuing Officer

FORM No. 4

RECEIPT

H/W 368

Receipt Book No. 2

Receipt No. 057

Village Panchayat Mandrem

Received with thanks from Jonita Almas Raji
Fernandes

Rupees Fifty only Rs. 50/-

on account of House Tax 1982-83 to

Date 11-4-1986 1986-87

Reference to

Book

Page No.



[Handwritten Signature]

Secretary
V. P. Mandre
Pernem-Goa.

Signature and Designation of issuing Officer



सत्यमेव जयते

GRAM PANCHAYAT MANDREM

Tal. PERNEM - GOA 403 527

ग्राम पंचायत मद्रें, ता. पेडणे - गोंय

Annexure

Coly



Regd. No. VPM/RPF/3 436 Permit No. 7/87-88. Year 1988-89

- 1) The Goa Daman And Diu Village Panchayat (regulation of building) rule 1971. Rule 3(2)b, permission for the construction of Kaccha House at the Estimated cost of Rs. 10.000/- (Rupees Ten Thousand only)
- 2) The Goa Government grant of loan for houses under the paying guest scheme and small hotel establishment rule 1978.

PERMISSION FOR THE ERECTION/RE-ERECTION OF BUILDING

Per.ission under Sec. 83 of the Goa, Daman and Diu, Village Panchayats Regulation (Amendment) Act. 1989 is hereby granted to Smt/Smt. ROBERT PAULU

FERNANDES, resident of Junaswada, Mandrem,

for the ~~erection~~re-erection of building, as described below in the locality of ATOD CHORACHO MORVO KADIL in ward Junaswada, of Mandrem, as per specification shown, in the attached plan, with following conditions.

DESCRIPTION OF ERECTION/RE-ERECTION

~~Reconstruction of existing residential house bearing No. 436, situated at Junaswada, Mandrem in the property known as " ATOD CHORACHO MORVO KADIL " surveyed under No.267/36,~~

CONDITIONS

1. Repair should be within Plinth level without changing original structures
2. Proper set back as shown in the plan are to be maintained
3. Traditional Access should be maintained.
4. There is excess road to the party concerned
5. This Gram Panchayat reserve the right to revoke any permit issued by this Gram Panchayat if any irregularities are found, such as false statement mis-representation of any material passed, approved or shown in the application on which the permit was based.

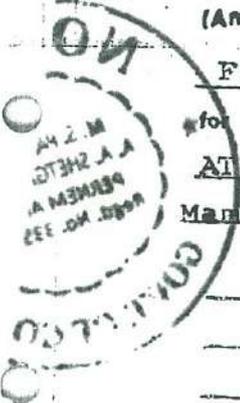
This permission shall be valid for ever till the construction work started and completed thereon from the date of issue of this permission. He has paid the respective fees to the tune of Rs. 500/- (Five hundred Only) by receipt No.007, dtd. 31.12.1987.

This carries the embossed seal of this Panchayat office of the village Panchayat of Mandrem on 31.12.1987.

Date: 31.12.1987.

V. P. Mandre
Secretary
V. P. Mandre
Pernem-Goa.

S. J. ...
Sarpanch
Village Panchayat Mandrem
Pernem - Goa



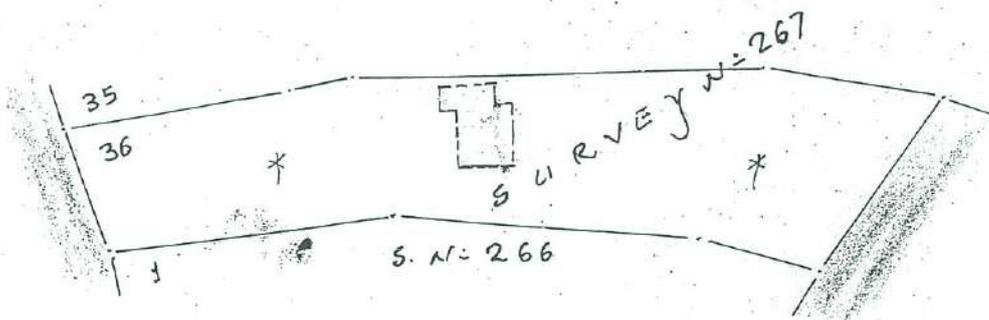
GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT &
LAND RECORDS

39

PLAN
SHOWING THE PLOTS SITUATED
AT MANDREM VILLAGE
OF PERNEM TALUKA
S. NO./SUB DIV. NO. 267/36
SCALE-1: 1000



Waji
14/8/2003
Inspector of Surveys &
Land Records
Panaji.



CHECKED BY

AMS
D. Manoj
D. Manoj I
14-8-03

TRACED FROM R.T. SHEET NOS. Gat book.
OF Mandrem VILLAGE ON 14.8.2003.
BY: C. A. Wadaj
D. Manoj I



सत्यमेव जयते

GRAM PANCHAYAT MANDREM

Tal. PERMEM - GOA 403 527

ग्राम पंचायत मंत्रि, ता. पेडणे - गोवा

Form - 22

40

Ref. No. VPM/RFF/436/ 88-89.

Date 31.3.1988.

OCCUPANCY CERTIFICATE

This is to certify that Shri / Shrimati ROBERT PAULU FERNANDES.
resident of Junaswada, Mandrem is having a Residential House
bearing No. 436, situated at Junaswada, Mandrem
in Pernem Taluka Goa, in property known as ATODCHRACHO MORVO KADIL
surveyed under No 267/36, in our Panchayat Jurisdiction.

Further Certifying that Shri ROBERT PAULU FERNANDES is
Occupying the said premises bearing No. 436 situated at Junaswada,
Mandrem, Pernem from month of March, 1988.

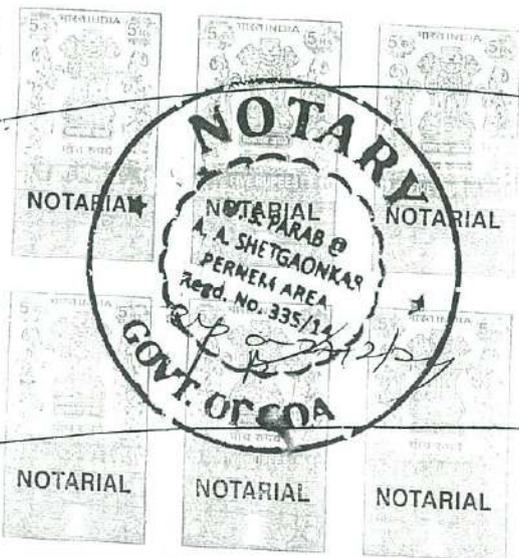


M. S. Parab
Secretary
Village Panchayat
Pernem-Goa

Certified that this is a True Copy
Pernem on 11/06/2019

Parab
M. S. PARAB
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1259/2019



FORM No. 4

RECEIPT

H.N. 436

Receipt Book No. 7

Receipt No.

The Village Panchayat Manjeri

Received with thanks from Robert P. Pereira

Fernand

Rupees Seventy five only Rs 75/-

on account of House Tax 1984-85 to 1988-89

Date 31-12-1987

Reference to

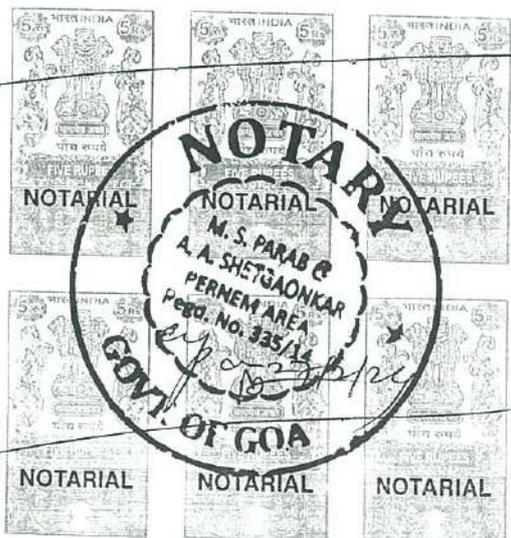
Page No.

Page No.



M. S. Parab
Secretary
V. P. Manjeri
Pernem Taluka

Signature and Designation of Issuing Officer



Certified that this is a True Copy
Pernem in 11/06/2019

M. S. Parab
M. S. PARAB
A. A. SHETGAONKAR
B.COM. LLB
NOTARY
PERNEM TALUKA

Reg. No. 1261/2019

FORM No. 4

RECEIPT

11/1/86

Receipt Book No. 9

Receipt No.

The Village Panchayat, Mandras

Received with thanks from Robert Panch

Fernandes

Rupees Thirty only Rs 30/-

on account of Light Fee 1984-85 to 1985-86

Date 31/12/87

Reference to

Book

Page No.



Secretary
V. P. Mandras
Cement Dept.

Signature and Designation of issuing Officer