

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

Application No 03/2018

Goa Paryavaram Savrakshan

Sangharsh Samiti

... Applicant

Vs

M/S Goveia Resort Pvt.Ltd.

and Others

...Respondents

**Reply of Respondent no 1to the
inspection report dated 27/10/2022.**

I Shri. Ludovico Sagrado Goveia, s/o Late Pio Jose Goveia, 46 years of age, occupation business, married, Indian National, office at Studio No. 51, Goveia Holiday Homes, Aradi, Candolim, Bardez – Goa, Partner in the Respondent No 1 Partnership Firm, do hereby solemnly affirm and state as under:-

A handwritten signature in blue ink, appearing to read "L. Goveia".



The Respondent no. 1 begs to state as under:

1. The present Original Application was admitted as the Applicant had alleged that the Respondent no. 1 had unauthorizedly constructed permanent building structures in the CRZ/No Development Zone in the properties bearing Survey no. 318/2, 319/2 and 320/2 and that commercial and illegal activities were ongoing in the said survey numbers.
2. The report was therefore sought to ascertain the factual position vis-à-vis the allegation made by the Complainant.
3. It is clear from the report that there are no commercial activities being undertaken by the Respondent no. 1 and therefore there are no ongoing illegal commercial activities in the CRZ/No Development Zone in the properties bearing Survey no. 318/2, 319/2 and 320/2 as was falsely alleged by

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the Complainant on the basis of which the present petition was admitted.

4. The other observations made in report are not factually correct. It is not admitted that the water body in survey no 318/2 can be referred to as lagoon. This Respondent has stated earlier too that prior to the purchase of the said properties bearing survey no 318/2, 319/2 and 320/2, the earlier owner used the water body as a fish pond /prawn farm. This Respondent has not made any changes to the said water body as alleged.

5. This Respondent does not admit that the water body in survey no 319/2 doesn't match the area shown in I & XIV. This Respondent does not admit the observations in the paragraph 2.3(unnumbered sub paragraph 3) of the report.

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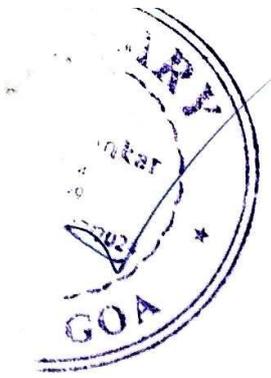


6. This Respondent does not admit that the length of the water body referred to as the lagoon is 96 metres and a width of 67 metres as per the survey plan. The measurements on site are unchanged since the time of the purchase by this Respondent.

7. It is not admitted that the shape of the water body/lagoon does not tally the survey plan and the area does not tally with the class "B" area of form I&XIV of Survey No 319/2.

8. With reference to paragraph 4.1 (unnumbered sub paragraph 1) of the report, this Respondent does not admit that there was any access or right to the villagers to pass over the property 320/2 as sought to be made out in the report. This Respondent has reserved a path way along the western boundary of the properties bearing survey no 318/2, 319/2 and 320/2 as an access for the villagers for their Ganesh idol

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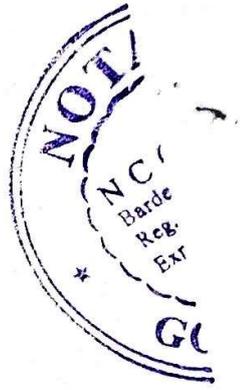


immersion. It is not admitted that Goggle Earth images shown the width of the bund of 2.5 m.

9. It is not admitted that towards the north-eastern side within the water body referred to as the lagoon, some remnants of dismantled platform with elongated walkway erected on R.C.C. columns were observed. This respondent in compliance to the earlier order of the Respondent no. 3 completed removed the said platform.

10. It is not admitted that the GE imagery of 2003 shows larger size of lagoon/ponds admeasuring 125m x 80m approximately which more or less matches with the DSLR plan. This respondent denied as false the inference that a rectangular portion on the southern boundary of the plot has been reclaimed.

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11. It is denied that the GE Image of 2003 also shows a very narrow passage that opens into the creek on the boundary of the plot and that this may have been an ancient sluice gate which may have been subsequently widened into a 12.00m wide opening leading into the river creek.
12. It is denied that on the western side of the lagoon there are mangroves for which mangrove buffer of 50m is shown in 2011 CRMP, and that the mud filling that is alleged to be done comes within the mangrove buffer all along the effected length of the Lagoon towards western side though filling made falls beyond 43.00m which is NDZ line of the creek. This Respondent has petitioned the Respondent no 3 against incorrect marking of mangroves buffer zone.
13. This Respondent has already stated in his reply to the main petition that Google images cannot be used as the yardstick for the purpose of identification as they do not have legal

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and evidentiary value. The Respondent reiterates the said statement with respect to the present report also.

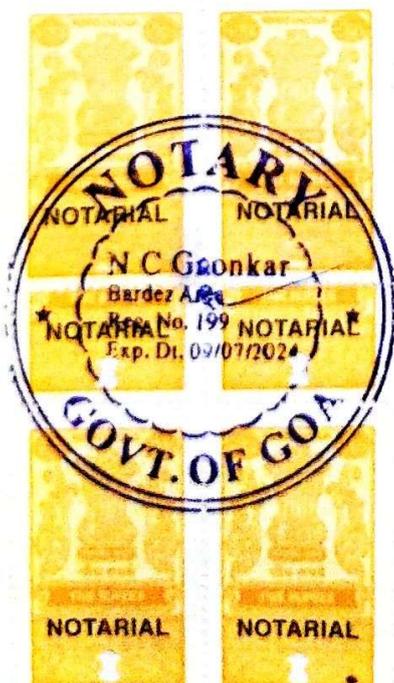
14. It is respectfully stated that the report as regards the observations made with respect to issues that were not part of the subject matter of the present Original Application be expunged from the report.

Solemnly affirmed at Mapusa on 13th day of December 2022.

*Ed. mdc
NO. GA-03-199200/221*

Ludovico S. Goveia
Ludovico S. Goveia

Partner: Goveia Developers



Solemnly affirmed
Before me

N. C. Gaonkar
N. C. Gaonkar
Advocate & Notary
Mapusa Bardez - Goa

Sr. NO. 31996/22