

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

I.A. NO.238 OF 2025 (WZ)

IN

APPEAL NO. 134 OF 2025 (WZ)

BETWEEN

ALCHEMIST ASSET RECONSTRUCTION

CO. LTD.

...APPELLANT

VERSUS

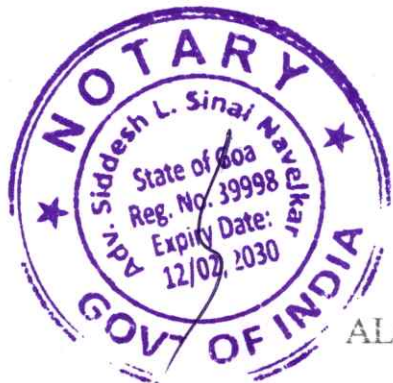
GOA COASTAL ZONE MANAGEMENT

AUTHORITY & ANR

...RESPONDENTS

REPLY TO THE APPLICATION FILED BY THE
APPELLANT SEEKING DIRECTIONS/
CONDNATION OF DELAY UNDER SECTIN 5 OF
THE LIMITATION ACT 1963 READ WITH RULE 24
OF THE NATIONAL GREEN TRIBUNAL
(PRACTICE AND PROCEDURE) RULE 2011.

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MOST RESPECTFULLY SHEWETH:

The Respondent No.2 most respectfully states and submits as under:

PRELIMINARY OBJECTIONS

I. The Applicant / appellant /Appellant has approached this Honourable Tribunal for a discretionary relief with unclean hands and not made a full disclosure of facts.

II. The present Application for condonation of delay in filing the appeal is an abuse of process of law in as much as it is made with oblique and ulterior motives only to harass these respondents. The applicant / appellant has made deliberate false statements contrary to record.

III. The applicant / appellant has approached this Honourable Tribunal belatedly in the most casual and cavalier manner and made deliberately false statements.

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IV. It is evident that the present application under reply is misconceived.

V. The Applicant / appellant has failed to show sufficient cause to condone the delay and the present application is malicious with ulterior purpose to trouble the Respondents.

VI. That the Applicant / appellant has not produced any supporting documentation to the court to substantiate the claim that led to the delay.

VII. That the Applicant / appellant has failed to give sufficient cause to explain the delay of period of more than 1 year commencing from the date of Impugned Permission given to the Respondent no.2 which was dated 20/05/2024 to the date of its effective communication, where he was aware that he was aggrieved by the Impugned Permission granted by the Respondent No.1.



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VIII. In a detailed order passed by the National Company Law Appellate Tribunal, Appellate Bench at New Delhi, has held in favor of the erstwhile Directors of M/s Dugal Projects Development Company Private Limited that the claims sought to be made by AARC are time barred. Therefore, the claims sought to be made herein of having authority to prosecute the present matter when they have no right, title or interest on the same is itself a matter which is for the Courts and not before this forum. It would be proper to mention that the Honourable Supreme Court has granted a status quo in the matter, however, the order of status quo would not entitle AARC to lay claims or continue to prosecute the matter. It is also clear in the said judgement that the claims made by AARC have also been dismissed in their Company Appeal (AT) No. 650/2019 vide judgement dated 18/12/2019 which order of dismissal has been confirmed by the Honourable Supreme Court in Civil Appeal No. 853/2019 vide judgement dated 07/02/2020. Therefore AARC has absolutely no grounds to continue



General

and has absolutely no locus standi in the present proceedings.



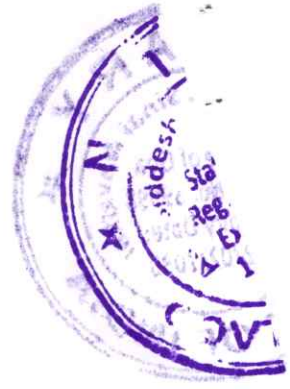
Without prejudice, the Respondents No.2 most respectfully state and submit as under:

1. With regards to contents of para 1 of the Application it is denied as false that the applicant / appellant is aggrieved that the captioned Appeal has been filed against the Permission/Approval dated 20.05.2024 issued by Respondent No. 1 (hereinafter referred to as "Impugned Permission"), wherein Respondent No. 1 granted permission to Respondent No. 2 for the construction of 06 temporary huts and 01 restaurant having total built-up area admeasuring 161.52 square metres, made of wood and/ or natural/biodegradable material on the property bearing Survey No. 101/1-A, Vall, Agonda Village,

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Canacona Taluka, Goa (hereinafter referred to as "subject property"). The said commercial structures on ground are currently being operated in the name and style of New Common Home. It is denied as false that the Appellant though an affected party had no notice of the proceedings or the order passed by the Respondent No. 1.



2. With regards to contents of para 2 of the Application it is denied as false and the applicant / appellant is put to strict proof thereof.
3. With regards to contents of para 3 of the Application it is denied as false that there is a delay of 1 days in filing the said appeal by the applicant / appellant and the applicant / appellant is put to strict proof with regard to the filing the captioned

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Appeal, with the period of limitation under Section 16(g) of the National Green Tribunal Act, 2010 (hereinafter referred to as the "NGT Act") being computed from the date of effective communication of the Impugned Permission. The Respondent No.2 states that the Applicant /Appellant was well aware of the issuance of the permission. It is stated that the applicant though his panel of advocates has been persistently filing application to the GCZMA for the copies of the applications and permissions of all the persons in Agonda who have applied for these seasonal shacks in terms of the CRZ notification giving special status to Goa and the Goa Government Shack policy and is therefore aware of the same right from the time the first permissions were granted. It is stated that the GCZMA has also consistently uploaded the minutes of the

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that the captioned Appeal was duly uploaded and submitted on the NGT Portal during the late-night hours of 19.04.2025, which was the last day of the prescribed limitation period. It is denied as that due to a technical glitch, the NGT case status page reflects the filing date as 20.04.2025. It is also denied that the applicant took all reasonable and timely steps to file the Appeal within the statutory period, and the inadvertent delay was purely due to technical reasons beyond the Appellant's control. It is vehemently denied that the captioned Appeal has thus, a delay of mere 01 days, in toto, calculated from the date on which the Impugned Permission was communicated to the Appellant.

4. With regards to contents of para 3 of the Application it is denied as false to suggest that the captioned appeal came up for

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hearing before this Hon'ble Tribunal on 30.06.2025 whereupon, after hearing submissions, this Hon'ble Tribunal directed the Appellant to move an application seeking condonation of delay commencing from the date of Impugned Permission (20.05.2024) to the date of its effective communication (20.03.2025) thereof.



5. With regards to para 4 it is denied as false and the applicant / appellant is put to strict proof thereof that the Appellant is entitled to file the captioned Appeal against the impugned permission dated 20.05.2024 issued by the Respondent No.1 (GCZMA), being a person aggrieved, as required under Section 16(g) of the NGT Act.

6. With regards to contents of para 5 of the Application it is completely denied as false

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that the impugned permission dated 20.05.2024 issued by the Respondent No.1 (GCZMA) was never put in public domain, though, the Respondent No.1 was required to do so in terms of Regulation 4.2 (vi) of the CRZ Notification, and under the orders of this Hon'ble Tribunal. It is there is full compliance by the GCZMA of the scheme and spirit of the NGT Act wherein the GCZMA has brought all approvals / permissions issued by it in public domain. It is stated that this appeal is hopelessly barred by limitation as the original permissions granted in 2019 have been uploaded on the website of the GCZMA in 2019.

7. With regard to the contents of para 6 the same are completely denied as false. The Respondent No.2 states that the applicant / appellant was well aware that he was

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aggrieved by the Impugned Permission, therefore the applicant / appellant cannot plead that he was not familiar with the same and with regard to the provision of Section 16 of the NGT Act it is put to strict proof of the same.



8. With regard to the contents of para 7 it is false to suggest that the period of limitation for filing an appeal under Section 16 of NGT Act is 30 days from the date of communication of the relevant order or direction, extendable by a further 60 days for sufficient cause.

9. With regard to the contents of para 8, 9 and 10 the same are denied as false and the Applicant/Appellant is put to strict proof that the period of limitation is to be calculated from the date of communication

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of the Order Under challenge to the Appellant, and not from the date of the order itself. It is stated that the impugned permissions as granted from their inception in 2019 have been very much in public domain and the present challenge is only to the renewal. It is stated that applicants through their panel of advocates have been consistently applying under RTI for copies of all the applications and permissions from various authorities including the Respondent No. 1 and the Village Panchayat of Agonda through its authorised signatories of the Alchemist ARC Mr. Virendra Singh, Akshat Sharma and Sachin Gupta and Mahesh Trivedi from 2020 and even on 29/06/2024 for copies of seasonal licence and for erecting/installing seasonal shacks and huts .



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10. With regards to the contents of para 11, 12, 13, 14 and 15 the same are denied as false and the applicant / appellant is put to strict proof of the same.

11. With regard to the contents of para 16 and 17 the same are denied as false and the Applicant/Appellant is put to strict proof thereof. It is denied that Respondent No. 1, which has been in continue violation of Regulation 4.2 (vi) of CRZ Notification 2011 for the last over 14 years, in utter disregard of the aforesaid direction of this Hon'ble Tribunal has failed to make arrangements for uploading of its orders, a fact which is admitted and evident from order dated 13.03.2024 passed subsequently in Execution Application No. 20 of 2023 (WZ) of the aforementioned case. It is denied as false that till date the said direction has not been



complied with, rather in persistent disregard, Respondent No. 1 has been repeatedly seeking extensions of prolonged period of 120 days. It is further denied that Respondent No. 1 upon non-compliance of the direction within stipulated 120 days has further sought extension of 120 days to develop a portal for uploading such orders. It is stated that the minutes of the meetings wherein the applications/proposals for the grant of permissions and licenses to the GCZMA are immediately uploaded on their website and are therefore available in public domain, and the present case the same have been uploaded in 2019.

12. With regard to the contents of para 18 the same are denied as false and the Applicant/Appellant is put to strict proof. It is denied that the Respondent No. 1 has

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itself admitted its failure to comply with the mandatory requirement of communication of its orders or directions in public domain. Respondent No. 1 has failed to comply with the binding directions of this Hon'ble Tribunal to develop and operationalize a portal for uploading its orders, as mandated under Regulation 4.2(vi) of the CRZ Notification, 2011. It is denied as false that the failure has been repeatedly acknowledged in judicial orders. It is false that such admitted and continuing non-compliance clearly establishes that the Impugned Permission was never communicated in the public domain, further justifying the Appellant's plea that limitation under Section 16 of the NGT Act did not commence from the date of order.



13. With regard to the contents of para 19 the same are denied as false and the Applicant/Appellant is put to strict proof thereof. It is denied as false that the Appellant had filed a Complaint before Respondent No. 1, regarding illegal and unlawful commercial constructions in the CRZ Area of Village Agonda, Canacona Taluka, Goa. It is false that another application dated 21.06.2024 was filed before Respondent No. I seeking notice to and intervention in respect of any application for approval/ permission or other related matters for carrying out construction of shacks, huts, etc, on the subject property. It is false that these Complaints were filed by the Appellant being a decree holder and sole mortgagee of the entire assets, movable as well as immovable, of DPDCL comprising over

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70 survey numbers situated at Village Agonda, Canacona Taluka, Goa, admeasuring 358,814 square metres. It is denied that the Appellant's title over the subject property have been comprehensively dealt in the captioned Appeal whilst addressing its locus standi.



14. With regard to the contents of para 20 the same are denied as false and the Applicant/Appellant is put to strict proof thereof. It is false that pursuant to the Appellant's complaint, Respondent No. 1 ordered a 13-day site inspection of the commercial establishments and encroachments, which was conducted from 07.10.2024 to 24.10.2024. It is false that while awaiting the Site Inspection Report from Respondent No. 1, the Appellant became aware that a Public Interest Litigation, being PIL Writ Petition

Approved

No. 36 of 2025 (F), had been filed before the Hon'ble High Court of Bombay at Goa (hereinafter referred to as the "Hon'ble High Court"), concerning the erection of various resorts, hotels, and commercial structures in the Coastal Regulation Zone (hereinafter referred to as "CRZ") area. It is stated that the said PIL is a private Interest Litigation filed by one of the employees of the sister company of the applicant herein and the respondent has sufficient proof thereof. It is false that this area, falling within 200 metres from the High Tide Line (hereinafter referred to as "HTL") on the landward side, is designated as a No Development Zone (hereinafter referred to as "NDZ"), in such an NDZ, Respondent No. 1 could not have granted permission for any commercial operations after 03.01.2017, having itself fully accepted the recommendations made




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in the Report titled Carrying Capacity of Beaches of Goa for Providing Shacks & Other Temporary Seasonal Structures in Private Areas (hereinafter referred to as the "Beach Carrying Capacity Report" or "BCCR"), as recorded in that, as of 2016, the beach carrying capacity of Agonda was zero. It is stated that the permissions have been granted in consonance with the CRZ notification giving special status to temporary shacks in Goa read with the state government policy of shacks in private properties.



15. With regard to the contents of para 121 the same are denied as false. It is stated that the PIL is motivated by the applicant himself and therefore cannot be a PIL as there is private interest involved. It is false that the Appellant sought to intervene in the pending PIL proceedings before

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Hon'ble High Court, which was allowed vide Order dated 29.01.2025. It is false that pending the said proceedings, Respondent No. 1 issued 63 Show Cause Notices on 17.01.2025, enlisting illegal constructions and encroachments allegedly carried out in the NDZ of Agonda, inter alia including illegal erections by Respondent No. 2 on the subject property as well.

16. With regard to the contents of para 22 the same are denied as false and the Applicant/Appellant is put to strict proof thereof. It is false that in compliance with the orders of the Hon'ble High Court, bearings before Respondent No. 1 under the Show Cause Notices were held on 12.03.2025, 20.03.2025, and 03.04.2025 and during the hearing on 20.03.2025,

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Respondent No. 2 submitted its reply to the Show Cause Notice and provided a copy of the same to the Appellant. It is false that upon perusal of this reply, the Appellant discovered, for the first time, that the Impugned Permission had been issued by Respondent No. 1 to Respondent No. 2. It is patently false that it was only on 20.03.2025 that the Appellant became aware of the Impugned Permission dated 15.01.2024 and further false that the Appellant submitted a Rejoinder dated 03.04.2025 to Respondent No. 2's reply, before Respondent No. 1 and filed the instant Appeal on 23.04.2025.

17. It is completely false that there is only a minimal delay of 04 days in filing the captioned Appeal, computed from the date of effective communication of the Impugned Permission to the Appellant. It

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is false that the delay of 04 days has been adequately and reasonably explained in the present application, and no further delay is admitted. It is false to suggest that if any delay beyond the said 04 days were to be reckoned from the date of the Impugned Permission itself, such delay ought to be attributed solely to the failure of Respondent No. 1 to ensure legally sufficient and reasonably accessible communication of the said order to affected parties, including the Appellant.

18. With regard to the contents of para 24 the same are denied as false and the Applicant/Appellant is put to strict proof that the Appellant has been consistently vigilant in pursuing environmental violations before multiple fora including the GCZMA, and this Hon'ble Tribunal,





thereby demonstrating its bona fides. It is stated that the applicant has only private interest in the present matter . It is denied as false that the Impugned Permission are granted in clear violation of CRZ and NDZ norms, or that the same is both procedurally irregular and substantively illegal.

19. With regard to the contents of para 24,25,26,27 28 29 and 30 are denied as false and the Applicant/Appellant is put to strict proof. The Respondent No.2 states that it is the discretionary power of the court and exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation. It is stated that the present applicat is filed by making deliberate false statements. There is absolutely no cause let alone sufficient

Answer



cause shown by the applicants. The respondents shall be severely prejudiced if any discretionary relief is granted to the applicant.

20. It is denied that the Applicant / appellant is entitled to an Order condoning the delay of 1 days in filing the appeal and it is further denied that the Applicant / appellant is entitled to register the Appeal in the Interest of Justice as the limitation period commences from the date of the Impugned permission and not from the date of communication of the Impugned permission.

21. It is stated the present Application to condonation along with the Appeal is only filed to harass the Respondent No.2. It is stated that Applicant / appellants has no

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case on merits and therefore this application is liable to be dismissed.

22. It is therefore prayed before this Honourable Tribunal that the said Application of the Applicant / appellant to Condone the Delay be dismissed with exemplary cost.

Panaji -Goa



23/12/2025

Respondent No.2



VERIFICATION

I, Mr. Karan Grover, son of Onkar Nath Grover (Ame)
aged 41 years, married, Bussiness, Indian
National, residing at H.No.398/Q, Vall, Agonda,
Canacona, South, Goa, do hereby state on solemn
verify as under:

1. I say that I am Respondent No.2 herein and
I am conversant with the facts of the
present case.
2. I say that the contents of paras to 7 of the
preliminary objections of the reply, and
paras 1 to 22 of the reply itself are true to
my knowledge, and the legal submissions
contained therein are based on legal advice
which I believe to be correct.
3. I say that the contents of paras 1 and 2
hereinabove are true to my knowledge.

Solemnly verify at Panaji)

This 23rd day of December, 2025) DEPONENT

K Grover



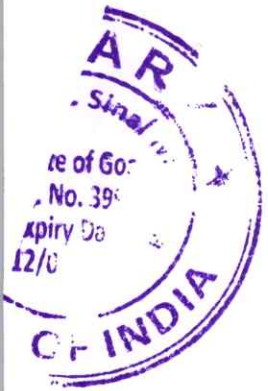
AFFIDAVIT

I, Mr. Karan Grover, son of Onkar Naith Grover *(Signature)*
 aged 41 years, married, Bussiness, Indian
 National, residing at H.No.398/Q, Vall, Agonda,
 Canacona, South, Goa., do hereby state on solemn
 affirmation as under:

1. I say that I am Respondent No.2 herein and
 I am conversant with the facts of the
 present case.
2. I say that the contents of paras to 7 of the
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 contained therein are based on legal advice
 which I believe to be correct.

(Signature)





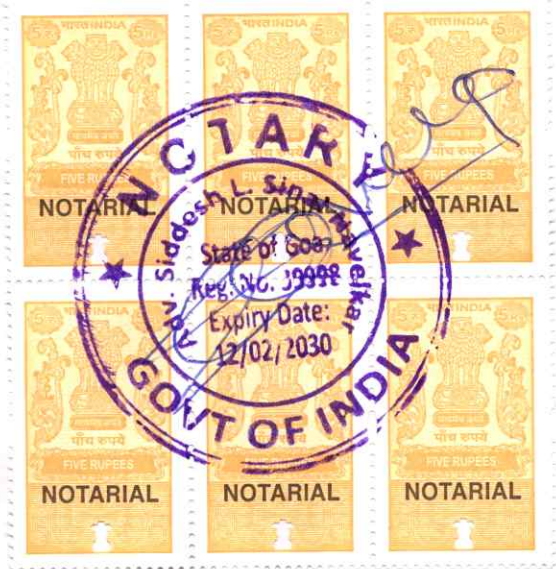
3. I say that the contents of paras 1 and 2 hereinabove are true to my knowledge.

Solemnly affirmed at Panaji

This 23rd day of December, 2025 DEPONENT

Identified by me:

Advocate
(Suganda Naitik)



solemnly affirmed before me by Affidavit
dated 23/12/2025
a entity is verified by me on bases of
Aadhar Card no 0867258774
On this 23rd day of Dec-2025
Reg No: 1082/2025

Adv. Siddesh L. Sinai Naveika,
ADVOCATE & NOTARY
Government Of INDIA
Ft 9, B-Block, Campal Trade Centre
Opp. Kala Academy,
Campal, Panaji - Goa 403 001



substantively affirmed before me by

the authenticity is verified by me on bases of

_____ day of _____ 20__

Adv. Siddesh L. Sinal Nivalka
ADVOCATE & NOTARY
Government Of INDIA
3 B-Block, Ganga Tada Centre
Opp. Kala Academy,
Ganga Panaji - Goa 403 001