

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

I.A. NO.232 OF 2025 (WZ)

IN

APPEAL NO. 135 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/ CONDONATION OF  
DELAY UNDER SECTION 5 OF THE LIMITATION ACT  
1963 READ WITH RULE 24 OF THE NATIONAL GREEN  
TRIBUNAL (PRACTICE AND PROCEDURE) RULE 2011.

*Law*

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MOST RESPECTFULLY SHEWETH:

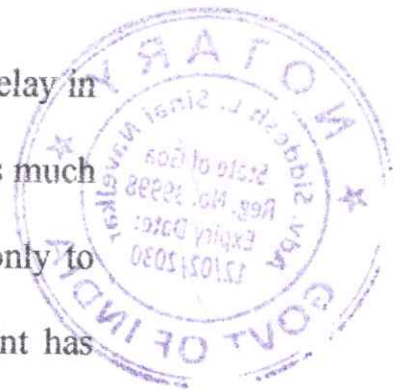
The Respondent No.2 most respectfully states and submits as under:



### 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.

*[Handwritten signature]*



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.

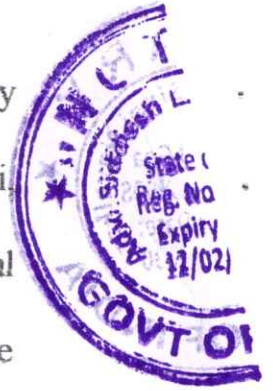
VI. That the Applicant/appellant has not produced any supporting documentation to the court to substantiate the claim that led to the delay.

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 17/01/2024 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.

A handwritten signature in blue ink, appearing to be 'Sinal Navalkar', written over a horizontal line.

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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 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 17.01.2024 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 temporary shack and huts having total built-up area admeasuring 174.42 square metres, made of wood and/ or natural/biodegradable material on the property bearing Survey No. 102/1 of Vall, Agonda Village, 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 Cuba Agonda. It is dined that the

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Appellant though an affected party had no notice of the proceedings or the order passed by the Respondent No. 1.



2. With regard to the contents of para 2 of the application are true.
3. With regards to contents of para 3 of the Application it is denied as false, that there is a delay of 01 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 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 Hence, the Appellants limitation periods starts from the date of Impugned Permission dated 17/01/2024 which means there is



a delay of approx. one year two months and two days. It is further denied that the captioned Appeal has been filed along with an application under Section 5 of the Limitation Act, 1963, seeking condonation of a bona fide delay of 01 days in preferring the Appeal occurred on the ground of time taken by the Appellant in scrutinising the voluminous documents received under the Show Cause Notice proceedings before the Respondent No. 1 and the time taken thereafter by the Appellant to file various appeals before this Hon'ble Tribunal. Thereafter, 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. However, due to a technical glitch, the NGT case status page reflects the filing date as 20.04.2025. It is also denied that the submissions 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


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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 4 of the Application it is false that the Appellant is entitled to file the captioned Appeal against the Impugned permission dated 17/01/2024 issued by the Respondent No.1 (GCZMA), being a person aggrieved, as required under section 16 (g) of the NGT Act, subject to compliance with the limitation to appeal. The applicant is deliberately twisting facts in seeking to agitate on permissions granted in 2019 in 2025 which is impermissible in law and hopelessly barred by limitation.

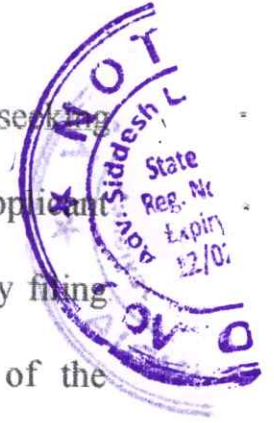
5. With regards to para 5 it is denied as false and the applicant / appellant is put to strict proof that the impugned permission dated 17/01/2024 issued by the Respondent No.1(GCZMA) was never put in



public domain, though the Respondent No.1 was required to put in public domain to do so in terms of regulations 4.2 (vi) of the CRZ Notification, and under the orders of this Hon'ble Tribunal. It is stated that on the grant of the approvals the said permissions were uploaded on the website of the GCZMA in 2019 and were very much in public domain and therefore there is absolutely no ground for the applicants to challenge the same in 2025. It is stated that there is full compliance of the scheme and spirit of the NGT Act by the Respondent GCZMA to bring all approvals/permissions issued by it in public domain.

6. With regard to the contents of para 6 it is completely denied as false. The Respondent No.2 states that the applicant / appellant was well aware that he was aggrieved by the Impugned Permission, therefore the applicant / appellant cannot plead that he had no prior occasion to gain knowledge about the impugned permission before 20/03/202 as the agents of the Alchemist Assesst





Reconstruction Co. Ltd were time and again were seeking RTI on the same subject matter. It is stated that the applicant though his panel of advocates has been persistently filing applications with the GCZMA for the copies of the permissions right from 2020. Thus, for all intents and purpose, the limitation period for filing an appeal against the impugned permission commences from the date of the permission and not from the date of communication of the Order.

7. With regard to the contents of para 7 it is not true 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.
8. With regard to the contents of para 8,9 and 10 are denied as false and the Applicant/Appellant is put to strict proof.

*[Handwritten signature]*



9. With regard to the contents of para 11 is denied as false and the Applicant/Appellant is put to strict proof .The respondent No.2 further states that Respondent No.2 is not the authority to communicate the Impugned Permission as it is between the Respondent No.1 and Respondent No.2 and the Appellants were in continuous approach with the Village Panchayat of Agonda through its authorised signatories of the Alchemist ARC Mr. Virendra Singh, Mr.Akshat Sharma and Mr.Sachin Gupta and Mahesh Trivedi from 29/06/2024 for copies of seasonal licence and for erecting/installing seasonal shacks and huts.
10. With regards to the contents of para 12,13,14 and 15 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 are denied as false and the Applicant/Appellant is put to strict proof. It is denied that Respondent No. 1, which has

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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. Moreover, 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.



12. With regard to the contents of para 17 are denied as false and the Applicant/Appellant is put to strict proof. It is denied that the Respondent No. 1 has itself admitted its failure to comply with the



mandatory requirement of communication of its orders or directions in public domain. It is denied as false that the 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 this 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 18 are denied as false and the Applicant/Appellant is put to strict proof. It is denied that the Appellant became aware of the existence of the Impugned Permission only during the course of proceedings before Respondent

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No. 1 on 17.01.2025, wherein the Respondent No. 2 filed its reply to the Show Cause Notice issued on 17.01.2025 and also served a copy thereof to the Appellant. It is reiterated that the permissions as originally granted to the respondent were uploaded on the website of the GCZMA being approved during the course of its meetings. It is reiterated that the applicant through his panel of advocates has been consistently and persistently applying for copies under the RTI of the permissions as issued right from 2020. It is denied as false that it was only in that reply that the impugned permission was enclosed and brought on record. It is false to suggest that promptly thereafter, the Appellant filed a Rejoinder dated 03.04.2025, showing CRZ/NDZ encroachments. The Respondent No.2 states that it is completely false that the captioned Appeal was filed on 25.04.2025, which is well within 30 days from the date of effective communication of the impugned permission to the Appellant. It is stated that the applicant is falsely claiming to have filed





the present application in time or has in any manner shown sufficient cause.

14. With regard to the contents of para 19 are denied as false and the Applicant/Appellant is put to strict proof 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. Furthermore, another application dated 21.06.2024 was filed before Respondent No. 1 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. 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 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

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property have been comprehensively dealt in the captioned Appeal whilst addressing its locus standi



15. With regard to the contents of para 20 are denied as false and the Applicant/Appellant is put to strict proof 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, While awaiting the Site Inspection Report from Respondent No. 1, the Appellant became aware that a Public Interest Litigation, being PIL Writ Petition 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. 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. I could not have granted permission for any commercial operations after 03.01.2017 and having itself fully accepted the recommendations made 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 the minutes dated 03/01/2017 and 21.02.2019. The said report concluded that, as of 2016, the beach carrying capacity of Agonda was zero.

16. With regard to the contents of para 21 are denied as false that the Appellant sought to intervene in the pending PIL. proceedings before Hon'ble High Court, which was allowed vide Order dated 29.01.2025. Pending the said proceedings, Respondent No. I issued 63 Show Cause Notices on 17.01.2025, enlisting illegal constructions and

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encroachments allegedly carried out in the NDZ of Agonda, inter alia including illegal erections by Respondent No. 2 on the subject property as well. It is stated and reiterated that the said PIL is not a bonafide PIL and is filed by one of the employees of the sister concern of the applicant herein which fact is known to the respondents herein.



17. With regard to the contents of para 22 are denied as false and the Applicant/Appellant is put to strict proof 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. During the hearing on 20.03.2025, Respondent No. 2 submitted its reply to the Show Cause Notice and provided a copy of the same to the Appellant. It is denied as 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 false



that it was only on 20.03.2025 that the Appellant became aware of the Impugned Permission dated 17.01.2024. it is false to suggest that in response, 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 20.04.2025.

18. With regard to the contents of para 24 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. The Impugned Permission, granted in clear violation of CRZ and NDZ norms, is both procedurally irregular and substantively illegal. It is stated that the applicant has pure private interest in the present matter.

19. With regard to the contents of para 25, 26, 27, 28, 29 and 30 the same are denied as false and the

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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 case of the applicant is based on falsity and deliberate false statements. It is stated that the respondent no. 2 shall be severely prejudiced if any discretionary relief is granted to the applicants despite the facts as stated above.



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 protract the litigation and

harass the Respondent No.2. It is stated that Applicant / appellant s has no 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

Adv for Respondent No.2

### VERIFICATION

I, Mr. Gregorio Afonso, son of Damaciano Afonso, aged 61 years, married, Bussiness, Indian National, residing at H.No.397/A, Igrejawado Tambdem, Agonda, Canacona, South, Goa, do hereby state on solemn verify as under:




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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 1 to 8 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 affirmed at Panaji)



This 23<sup>rd</sup> day of December, 2025)

DEPONENT





### AFFIDAVIT

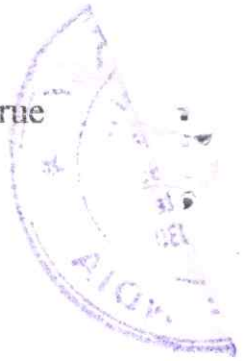
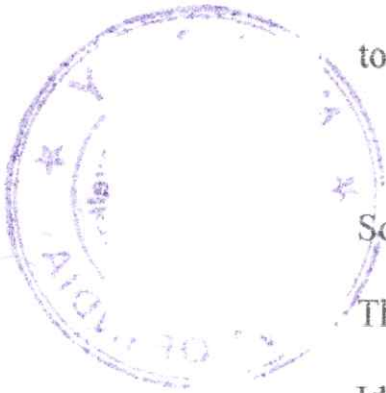
I, Mr. Gregorio Afonso, son of Damaciano Afonso, aged 61 years, married, Bussiness, Indian National, residing at H.No.397/A, Igrejawado Tambdem, Agonda, Canacona, South, Goa, do hereby state on solemn affirmation as under:

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 1 to 8 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.

*[Handwritten Signature]*

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



Solemnly affirmed at Panaji)

*[Signature]*

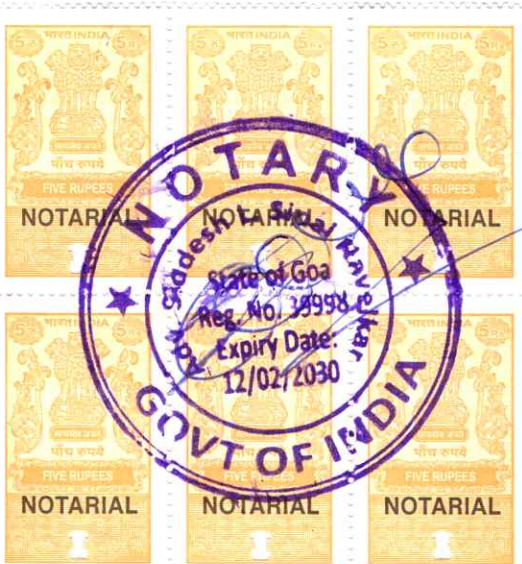
This 23<sup>rd</sup> day of December, 2025)

DEPONENT

Identified by me:

*[Signature]*

Advocate  
(Suganda Naik)



Solemnly affirmed before me by Affidavit  
dated 23/12/2025  
whose identity is verified by me on bases of  
Aadhar Card no. 2432 4647 3884  
On this... 23<sup>rd</sup> day of Dec 2025  
Reg No.: 1040/2025  
*[Signature]*

Adv. Siddesh L. Sinai Navelkar  
ADVOCATE & NOTARY  
Government Of INDIA  
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Campal, Panaji - Goa 403 001