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

I.A. No. 850/2025

in

Appeal No. 490/2025

IN THE MATTER OF :

MR. SANJAY RELAN

...Appellant

versus

GOA COASTAL ZONE

MANAGEMENT AUTHORITY & ORS

...Respondents

REPLY OF THE RESPONDENT NO. 2 TO THE
APPLICATION FOR CONDONATION OF
DELAY

MAY IT PLEASE YOUR HONOUR

The Respondent No. 2 states and submits as under :

1. At the outset, the Respondent No. 2 states that the present Application for condonation of delay is wholly misconceived, devoid of merit, and is liable to be dismissed in *limine*.
2. The Applicant has failed to demonstrate any "sufficient cause" within the meaning of the settled principles governing Section



5 of the Limitation Act. The Application is bald, vague and mechanical plea seeking indulgence without disclosing any bona fide or legally sustainable justification.

3. It is respectfully submitted that limitation is not a mere technicality, but a substantive law founded upon public policy, ensuring finality in litigation. The Applicant cannot seek to reopen concluded proceedings by casually invoking liberal interpretation.
4. The Applicant has failed to provide a day-to-day explanation of delay. The explanation offered is general, omnibus and unsupported by any cogent material. The Applicant has further undertaken an exercise of forum shopping after multiple failed attempts of agitating bogus and unsound claims. The Applicant has sought to exploit the mechanisms of administrative authorities as also of the judiciary.
5. The Applicant has further failed to explain the exhaustion of the statutory period. The principles of law dictate that the statutory limitations prescribed in any act are a precise endeavour in itself and hence any delay caused beyond such limitation has to be justified, reasoned and beyond doubt.



6. Further, the Applicant has, at Para 4, 5 and 6 of the Application, made utterly false statements on oath. Primarily, the Applicant has sought to chalk out a chronology of dates in an attempt to fill the *lacunae* of delay but has failed to show any corresponding evidence that would substantiate the said timelines.
7. It is stated that the present Applicant was appearing before the Hon'ble High Court of Bombay at Goa in Contempt Petition No. 1822/2024 (F) through his Advocate during the period of July 2025. A copy of the Order dated 30.07.2025 in the said Petition is annexed herewith as **EXHIBIT A1**. Hence, the alleged statements that the Applicant could only manage the logistics of the files and documents is illusory and misleading.
8. Further, the accompanying appeal is nothing but a futile exercise and a vehement abuse of the process of law. The issue in question has been settled by the Authorities including the Respondent No. 1 and the Hon'ble High Court of Bombay at Goa. The accompanying Appeal is without merit and the grounds raised therein are unavailing to the extent that the same do not warrant any interference with the impugned Order.



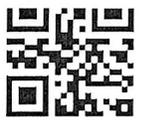
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9. Hence, it is prayed that the present Application for condoning the delay of 57 days be dismissed.

Pune, Goa

22.02.2026


Adv. for the Respondent No. 2



Esha

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EXHIBIT - "A1"

IN THE HIGH COURT OF BOMBAY AT GOA

**CONTEMPT PETITION NO. 1822 OF 2024 (F)
IN
WRIT PETITION NO. 308 OF 2024**

SANJAY RELAN ... PETITIONER
VS
SUNEEL ANCHIPAKA, THE
DIRECTOR, THE DIRECTORATE
OF TOURISM & 5 OTHERS ... RESPONDENTS

Mr. D. Lawande with Mr. Pradosh Dangui, Advocates for the
Petitioner.

Mr. Siddharth Samant, Additional Government Advocate for
Respondent Nos. 1 to 5 and 7.

Mr. Vibhav Amonkar with Mr. Raj Chodankar, Advocates for
Respondent No. 6.

**CORAM: BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED: 30th JULY 2025

P.C:

1. The present Contempt Petition is filed alleging gross
disobedience to the directions issued by this Court in Writ Petition
No. 308 of 2024 and specifically, the interim directions issued,
thereby restraining any cremation activities being carried out in
the plot in question.

The detailed order passed on the said date, specifically
record that in village Morjim, the only crematorium referred to us
is a public crematorium in Survey No. 116 adjacent to survey No.



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119/1 and there was never any reference to the plot at 'Vithaldas Wada', but in the Panchayat resolution dated 30.10.2021, there is a registration of Vithaldas Wada as crematorium.

It is in the wake of the aforesaid, the Division Bench, specifically directed thus:

"21. For all the above reasons and prima facie findings, we restrain any cremation activities on the plot in question. The Deputy Collector, the Mamlatdar of the Pernem Taluka and the Director of Tourism must ensure strict compliance. If any instances of cremation are reported, then the Deputy Collector, the Mamlatdar, the Secretary of the Panchayat and the Director of Tourism would be held responsible for the breach. The police must also cooperate fully to implement this order.

22. The Director of Tourism is the owner of the plot in question, and, therefore, the Director must also ensure that no cremation takes place on its property. As it is, we are quite surprised how some villager was able to construct an unauthorised compound wall around the said plot belonging to the Government (Tourism Department) in a highly ecosensitive area affected by CRZ notification. The Director should explain all this by filing an affidavit."

2. It is thus evidently clear that by the interim order, the Deputy Collector, the Mamlatdar of Pernem Taluka and the Director of Tourism were cast with the responsibility of ensuring strict compliance of the directions and it was also made clear that



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if any instances are reported, then the Deputy Collector, the Mamlatdar, the Secretary of the Panchayat and the Director of Tourism would be held responsible for the breach.

The said Writ Petition came to be finally disposed of on 21.06.2024, by issuing certain directions, the prominent ones being the following:-

“(1) The Director of Tourism, after giving a hearing to the Petitioner, Respondent Nos.5 and 6 shall decide as expeditiously as possible and in any case within a period of 12 weeks from the date this order is placed on its record, the Representation dated 15/02/2024 made by the Petitioner vide which the Petitioner has objected to the grant of NOC dated 23/01/2024 issued by the Dy. Director of Tourism to the Respondent No.6-Panchayat.

(2) The GCZMA shall take up for hearing the following Application/ Representation/ Complaint together and decide within a period of 12 weeks from the date this order is placed on its record.

(a) Application inwards on 27/06/2022 and styled as “Application for permission for repairs/renovation of the compound wall or erection of bio-fencing of the existing Hindu Crematorium at Vithaldaswada-Morjim Pernem Goa” filed by Respondent No.6 after hearing the Petitioner, Respondent No.5 and Respondent No.6.

(b) Complaint/ Representation dated 13/02/2024 inwards on 14/02/2024 by Petitioner objecting to the consideration of request for repair/erection of structure for cremation purposes at the time in front of Survey No.122/1-A and to the cremation activity being undertaken at the subject site.”



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3. The order further directed that the GCZMA after hearing the Petitioner and Respondent Nos. 5 and 6 shall pass a reasoned order on the Application/Complaint including the aspect of permissibility and impact of cremation activity on the turtle nesting in the adjoining area on the Morjim Beach.

It was categorically made clear that during the pendency of the proceedings before the Director of Tourism as well as the GCZMA, the interim order dated 13.03.2024 shall continue to operate.

4. The Petitioner approached this Court by filing a Contempt Petition on 23.07.2024 alleging disobedience of the order, however, since the hearing before the GCZMA was in progress, the proceedings were adjourned from time to time. However, finally, on 06.05.2025, the GCZMA has decided the proceedings and along with the additional affidavit filed by the Petitioner, the order is placed on record.

After referring to the complaint as well as the objections raised, the following decision was passed:-

“Decision: The present application is filed by the Village Panchayat Morjim for the bio-fencing of the property for the purpose of crematorium. However, both the parties have contested on the issue of existing crematorium. At present there is no application before this authority for setting up of crematorium facility.



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As per the report available the said plot area falls partially in CRZ-IA sand dunes and partially in CRZ-III (0-200m). Further as per the turtle nesting management plan it is observed that said area does fall in turtle nesting site or in the buffer zone. The para III (iii) (j) of CRZ notification 2011 states: "construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub station which are required for the local inhabitants may be permitted on a case to case basis by GCZMA."

As far as the erection of bio-fencing is concerned the same is permissible in CRZ-III. Now since the present application before this Authority is only for the purpose of bio-fencing the same is allowed with condition that it shall be done without disturbing the turtle nesting site and the geomorphological structures within the existing laws/rules/regulations etc."

In the wake of the aforesaid, the proceedings were disposed of.

5. From the reports of the GCZMA, it becomes clear that it is concluded that the Village Panchayat, Morjim had filed an Application for bio-fencing of the property for the purpose of crematorium, but there was no Application filed before the GCZMA for setting up a crematorium facility.



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6. Mr. Lawande, the learned Counsel for the Petitioner by placing reliance on the photographs at page nos. 133 and 134 of his affidavit submit that during the period from 13.03.2024 when the interim order was passed by this Court, which was to remain in operation till the final decision was taken, a restrain was imposed in permitting the use of the subject plot for crematorium. He would submit that upon the GCZMA taking a decision on 06.05.2025, there is no indication that the crematorium was permitted to be operated as the GCZMA had clearly recorded that the Village Panchayat had never made an Application for use of the land for crematorium, though some Application was made for bio-fencing of the land to be used for crematorium.

7. In the wake of our directions and the decision taken by the GCZMA, it becomes evident that the subject land cannot be used as crematorium at all and therefore, its use under the caption as “Vithaldas Wada Crematorium” and the display of the Board as it being registered under Section 94 of the Goa Panchayat Raj Act, 1994 with the Village Panchayat of Morjim, is a completely prohibited activity.

8. The learned Additional Government Advocate represent Respondent No. 1, Director of Tourism and Mr. Amonkar appears on behalf of Respondent No. 6, the Secretary of the Village Panchayat. We have invited attention of Mr. Samant to the



responsibility cast upon the Director of Tourism in the interim order dated 13.03.2024 and we expect them to be conscious of the task being assigned to them. In any case, since even today, we are informed that the activity of the crematorium is going on and this is indicated by the Petitioner in the additional affidavit filed by him along with photographs and despite a complaint being preferred, no cognizance is taken, we deem it appropriate to issue contempt notice to Respondent Nos. 1, 3, 4 and 6 calling upon them to show cause as to why action under the Contempt of Courts Act shall not be initiated against them.

9. We expect them to file their replies on or before 11.08.2025 and direct the listing of the Contempt Petition on 14.08.2025.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.