

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

IA No. 189/2025 (WZ)
with
Appeal No. 151/2025 (WZ)

FRANCISCO FERNANDES .. APPELLANT

Versus

GCZMA & ors. .. RESPONDENTS

AFFIDAVIT – IN - REPLY OF THE RESPONDENT NO. 3

I, **SYLVESTER D'SOUZA**, S/o Mr. Simon D'Souza, Aged 61 years, married, Indian National, R/o H. No. 2225, Sauntawaddo, Calangute, Bardez – Goa. 403 516 do hereby on solemn affirmation state and submit as under :

1. I say that I am the Respondent No. 3 in the present Appeal and the original Complainant before the GCZMA. I say that I have read and understood the contents of the Appeal and I am competent to file the present Reply as I am well conversant with the facts of the case. I crave leave to file an additional reply or such other affidavit in the event the same is necessitated at a later stage.



2. At the outset I say that the subject structure is a G + 3 structure which is 13.5 meters in height located in Sy. No. 238/1-A of Village Calangute, North Goa in within CRZ limits. The Subject Structure is a RCC Structure where the Appellant is running commercial activities of a guest house.
3. I say that the GCZMA conducted an inspection pursuant to the receipt of my Complaint and has drawn a site inspection plan dated 16-06-2023. I say that this site inspection plan has not been produced by the Appellant and I am producing the GCZMA Site Inspection Plan dated 16-06-2023 which is marked as **Annexure R3-1**. I say that this Site inspection plan shows the exact location of the Subject Property and Subject Structure.
4. I say the entire case of the Appellant is based on principally two documents - a purported NOC dated 21-06-1994 from the TCP for construction of G+3 Structure (pg 83 of the paperbook) and a Certificate from the Panchayat stating that H. No. 134 in the Khobra Vaddo is assessed in the Appellant's name (pg 156 of the paperbook).
5. I say with respect to the **purported NOC dated 21-06-1994 from the TCP for construction of G+3 Structure (pg 83 of the paperbook)**, that -
 - 5.1. This purported NOC was furnished by the Appellant in his Reply (pg 63 of the paperbook) before the



GCZMA. I say that this purported TCP NOC is being flashed by the Appellant to claim that the structure is merely a repaired/renovated structure over an existing structure that existed prior to 1991.

- I say that this purported TCP NOC is questionable as it does not bear the stamp of the TCP and I have additionally also requested for RTI information and as per the received information under RTI from the TCP & GCZMA, the purported NOC does not form a part of their records. (Annexure R3-2 Colly).
- Notwithstanding there are various other factors that make the NOC questionable on the face of it which factors are enlisted below.
- I say that Plot A of Sy. No. 238/1 OR Property bearing Survey No. 238/1-A never existed in the year 1994. The Plot A of Sy. No. 238/1 OR Property bearing Survey No. 238/1-A came into existence only in the year 2018 in Partition Proceedings in Case No 15/190/2016/PART/LAND (page 209 of the paperbook, records of which Partition Proceedings have been furnished to the Respondent No. 3 vide RTI). Therefore it is not known how a NOC or approval could have been granted in respect of a non-existent property.
- I say that condition no. 2 in the purported TCP NOC requires adherence to the CRZ notification -which is the Regulation 6(2) of the CRZ Notification of 1991 which allows construction/reconstruction of only G+1

Floor and upto 9 meters and the total area covered by all floors should not exceed 33% of the plot size. I say that the subject structure is 13.5 meters and of 3 floors and the total area covered is 625 sq mts which is double the plot area (last para of page 7 of the Impugned Order). Thus, the purported TCP NOC of 1994 could never have been granted contrary to the law existing in 1991.

- I say that condition no. 8 of the purported TCP NOC of 1994 requires that an Occupancy Certificate be taken. I say that the Appellant has not produced an occupancy certificate as there is no Occupancy Certificate granted to the Appellant till date.
- I say that the purported TCP NOC of 1994 is also shown to be from the records of the TCP & GSCCE (erstwhile GCZMA) but however, the GCZMA has concluded that this purported NOC does not form a part of its records (2nd para of page 7 of the Impugned Order).
- I say that a conversion sanad in respect of the subject property is seen to be obtained by the Appellant in the year 2022 (page 86 of the paperbook). I say that conversion sanad is a pre requisite for approval of any construction. No NOC could have been granted without a conversion sanad in the year 1994.



6. I say that the second document which the Appellant is relying upon is the Village Panchayat Certificate to say that H. No. 134 & 134/A is assessed in his name (page 156 of the paperbook) in an attempt to pass this off as the subject structure. The certificate does not in many manner state that the H. No. 134 and 134/A exist in Survey No. 238/1-A. Be that as it may, the certificate is not accompanied by any register to show payment of taxes towards H. No. 134/A. On the contrary, the Respondent No. 3 has also placed on record a Certificate to show that H. No. 134 is assessed in the name of Geraldine and also produced the Register showing assessment. (pages 255 to 228 of the paperbook). The H. No. 134 and 134/A is NOT THE SAME AS THE SUBJECT STRUTURE in Sy. No. 238/1-A.

7. I say that the Respondent No. 3 filed his Affidavit before the GCZMA (page 157 of the paperbook) with documents received under RTI which show that no structure existed in Survey No. 238/1-A, viz.,

a) Sale Deed - dated 28-01-2009 at page No. 183 of the paperbook, by which Sale Deed the Appellant purchased an area of 347.00 square meters of land marked "A" and subdivided as Survey No. 238/1-A, from Geraldina and Felix Fernandes.

- The plan attached to the Sale Deed, nor the recitals show the presence of any structure in property purchased. (pgs 199, 200)

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- b) Survey Plans - The DSLR plan issued in the year 2016 at page 203/223 of the paperbook also does not show any structure in Sy. No. 238/1-A.
- c) Partition proceedings - Further it is seen that after purchase, the Appellant sought partition/sub division of his purchased holding in the 04-03-2016 (page 178) and vide a detailed Order dated 02-07-2018 (at page 209 of the paperbook) the Court of the Deputy Collector granted partition/subdivision of the appellant's holding and directed the ISLR to "**show in the new sub-division, so created by separating the said portion, any houses existing therein....**"
- That even in the DSLR plan so prepared and dated 26-09-2018 (at page 207 of the paperbook) while all other structures are shown, the subject structure does not feature in the plan.
- d) The House Tax Records – page 225 - show that there is one house belonging to Geraldine Fernandes in Sy. No. 238/1 and assessed as H. No. 6/134 and the entire register showing actual assessment has also been produced.
8. Notwithstanding, I am also annexing the DSLR/GCZMA plan dated 07-02-2006 which is marked **Annexure R3-3** to show that there was no structure in Sy. No. 238/1-A even in



the year 2006. I say that this has also been considered by the GCZMA at pgs 3-4 of the Impugned Order. **I say in view of the above, the Appeal is liable to be dismissed and heavy compensatory costs ought to be imposed upon the Appellant for causing environmental damage and towards restoration.**

9. The contents of paragraphs 1 and 2 merit no response.
10. With respect to the contents of paragraph 3, I deny that the Appellant had purchased the subject property alongwith the subject structure. The subject structure never existed in 2009 at the time of purchase of the property which is evident from the records, supra. I vehemently deny that the subject structure is being used for residential purposes or that the subject structure is the Appellant's residential house.
11. The contents of para 4, 6, 8, 11, 17 to 28 , 30 are vehemently denied.
12. The contents of para 10 are denied except that the Appellant preferred his Reply dated 16-11-2023 before the GCZMA. Similarly, contents of para 14 are denied except that the Appellant preferred an Application for production of Additional Documents.
13. I say that the contents of the present Affidavit are true to my own knowledge and from records; except the legal



submissions which I believe to be true based on advice of my Advocate.

Solemnly affirmed this 2nd day of August 2025 at

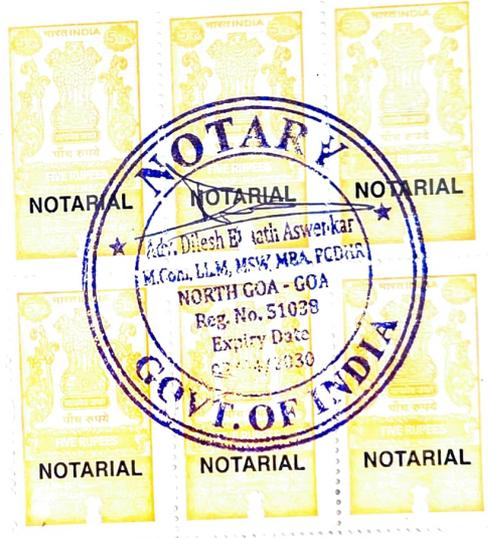
- Goa.

Deponent

Solemnly affirmed before me by Shri / Smt. Sybil D Souza Who is identified before me by Shri / Smt. 511 47423114 known to me personally Reg. No. 557/20 - dt. 02/08/25

CERTIFIED TO BE TRUE COPY

ADV. DILESH EKNATH ASWENKAR
M.Com, LL.M, MSW, MBA, PGDHR
ADVOCATE & NOTARY GOVT. OF INDIA
NORTH GOA - GOA
Reg. No. 51038
Expiry Dt. 03/04/2030





ANNEXURE R3-3

GOVERNMENT OF GOA Directorate of Settlement and Land Records PANAJI-GOA

SITE PLAN

Showing therein the location of structures as per re-survey conducted vide Notice of site inspection of Member Secretary, Goa Coastal Zone Management Authority, vide their letter No.GCZMA/N/ILLE-COMPL 22-23/98/670 dtd.29/05/2023 in respect of Survey No./ 238/1-A of Village Calangute of Bardez Taluka.

Scale :1:1000

NOTE:-

THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES, PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE USED FOR REFERENCE PURPOSE ONLY.

LEGEND

-  New structure
-  Steps
-  Well



Surveyed & Prepared by
Manisha P. Saperker
Manisha P. Saperker (F.S.)

Seen by
Sameer Kambli
Sameer Kambli
(Head Surveyor)

From:

Mr. Sigmund Dsouza,

Resident of H. No. 7/14/A, 2225, Saunta
Vaddo, Calangute, Bardez – Goa.

Mobile: - 9158720969

Date: - 21/11/2023

To,
The Public Information Officer
Office of the Town and Country
Planning Department,
Mapusa, Bardez – Goa

Sub: Application under Right to Information Act (R.T.I) 2005

Sir,

Kindly issue the undersigned certified copy of all the documents along with the approved Plan relied upon at the time of obtaining licence for repair & renovation of the existing structure in the property bearing Survey No. 238/1, Plot A of Village Calangute, Bardez – Goa under Ref. No. GSCCE/BAR-4211/TCP-94/1087 dated 21/06/1994.

That the undersigned is a citizen of India and the necessary fees will be paid by the undersigned.

Kindly do the needful at the earliest as the same is required for legal purpose.

Thanking You

Yours Truly

D'souza

(Mr. Sigmund Dsouza)

21/11/23
Office of Senior Town Planner
Town & Country Planning Dept
Govt. of Goa
Mapusa - Goa

Enclosure:-

1. Aadhar Card of Mr. Sigmund Dsouza

*Im No
1039*

PD (MVM)

URGENT
RTI TO INFORMATION



OFFICE OF THE SENIOR TOWN PLANNER
Town & Country Planning Dept., North Goa District Office,
302, Govt. Building Complex, Mapusa, Bardez - Goa.

RefNo.: TPBZ/RTI/6382 /CAL /TCP-2023/ 650

Dated: 12/12/2023

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
Dempo Tower, 4th floor, Patto, Panaji-Goa.

Sub: Information under R.T.I., Act 2005.

Ref: 1) Application dt.21/11/2023 received in this office under
Inward No. 1039 dated 21/11/2023.

2) This office letter no. TPBZ/RTI/6382 /CAL /TCP-
2023/601 dt. 4/11/2023

3) Your office letter no. GCZMA/RTI/23-24/01/2564 dt.
1/12/2023

Sir/ Madam,

With reference to the above cited subject, please find enclosed herewith a copy of application dt.21/11/2023 received in this office under Inward No. 1039 dated 21/11/2023 of Mr. Sigmund Dsouza .

In light of the above, the application is transferred under section 6(3) of RTI Act of the application to the concerned PIO to provide the information to the applicant referred above is pertains to your office.

Yours faithfully,

(Zaidev R. Aldonkar)
Public Information Officer,
Town & Country Planning Department,
Mapusa, Goa.

Encl:- As above.

Copy to :-
Mr. Sigmund Dsouza,
R/o. H. no.7/14/A, 2225
Saunta Vaddo, Calangute, For information.
Bardez Goa. .

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment & Climate Change (Govt. Of Goa)
 Dempo Tower 4th Floor, Patto Plaza- Panaji Goa
 Website : www.czma.goa.gov.in
 Tel.: 0832-2951089

Ref. No. GCZMA/RTI/23-24/01/3181

Date: 11 / 01 / 2024

To,

Mr. Sigmund Dsouza,
 R/o. H. No. 7/14/A, 2225,
 Saunta Vaddo,
 Calangute, Bardez Goa.

Sub: Information under Right to Information Act 2005.

Ref: Your RTI Application Transfer from Office of The Senior Town Planner,
 Town & Country Planning Dept, Mapusa Bardez Goa dated 12/12/2023
 received by this Authority on 20/12/2023.

Sir,

With reference to above, it is informed as under.

Sr. No	Information Sought	Reply
1	Kindly issue the undersigned certified copy of all the documents along with the approved plan relied upon at the time of obtaining licence for repair and renovation of the existing structure in the property bearing survey No. 238/1, plot A of Village Calangute, Bardez Goa under Ref No. GSCCE/BAR-4211/TCP-94/1087 dated 21/06/1994.	There is no such file in the records of GCZMA.

The period within which an appeal against such rejection may be preferred within 30 (Thirty) days and the particulars of the Appellate Authority are as follows:

“The Member Secretary, Goa Coastal Zone Management Authority, who is the First Appellate Authority (FAA) having Office at Dempo Tower, 4th floor, Patto Plaza – Panaji Goa.”

Yours faithfully,



Public Information Officer

(Goa Coastal Zone Management Authority)

Copy to: Office of The Senior Town Planner, Town & Country Planning Dept,
 302, Govt. Building Complex, Mapusa, Bardez Goa. for information.

282 From: MR SYLVESTER D'SOUZA
Saunta vaddo, 269



Calangute, Baga
Bardez Goa.

Mob : 9822154988

Date : 26/12/2023

To,

The Public Information Officer
Goa Coastal Zone Management Authority
Patto - Panaji Goa.

O/o Member Secretary
Goa Coastal Zone Management Authority
Ministry of Environment & Climate Change
Barrage Tower 4th Floor,
Patto Plaza Panjim-Goa. 403001

26/12/23.

Sub: Application Under Right to Information Act
2005

Sir,

Kindly issue the undersigned certified copy of all the documents along with the approved plan relied upon at the time of obtaining licence for repair and renovation of the existing structure in the property bearing Survey No. 038/1, plot A of Village Calangute, Bardez - Goa under Ref No. GSCCE/BAR-4211/TCP-94/1087 dated 21/06/1994

That the undersigned is a citizen of India and the necessary fees will be paid.

Kindly do the needful at the earliest as the same is required for legal purpose.
Thanking you.

Yours truly
Sylvester D'Souza

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment & Climate Change (Govt. Of Goa)

Dempo Tower 4th Floor, Patto Plaza- Panaji GoaWebsite : www.czma.goa.gov.in

Tel.: 0832-2951089

Ref. No. GCZMA/RTI/23-24/01/3180

Date: 11 / 01 / 2024

To,

✓ Mr. Sylvester D'Souza,
Saunta Vaddo,
Calangute, Baga,
Bardez-Goa.

Sub: Information under Right to Information Act 2005.

Ref: Your RTI Application dated 26/12/2023 received by this Authority on 26/12/2023.

Sir,

With reference to above, it is informed as under.

Sr. No	Information Sought	Reply
1	Kindly issue the undersigned certified copy of all the documents along with the approved plan relied upon at the time of obtaining licence for repair and renovation of the existing structure in the property bearing survey No. 238/1, plot A of Village Calangute, Bardez Goa under Ref No. GSCCE/BAR-4211/TCP-94/1087 dated 21/06/1994.	There is no such file in the records of GCZMA.

The period within which an appeal against such rejection may be preferred within 30 (Thirty) days and the particulars of the Appellate Authority are as follows:

“The Member Secretary, Goa Coastal Zone Management Authority, who is the First Appellate Authority (FAA) having Office at Dempo Tower, 4th floor, Patto Plaza – Panaji Goa.”

Yours faithfully,


Public Information Officer

(Goa Coastal Zone Management Authority)

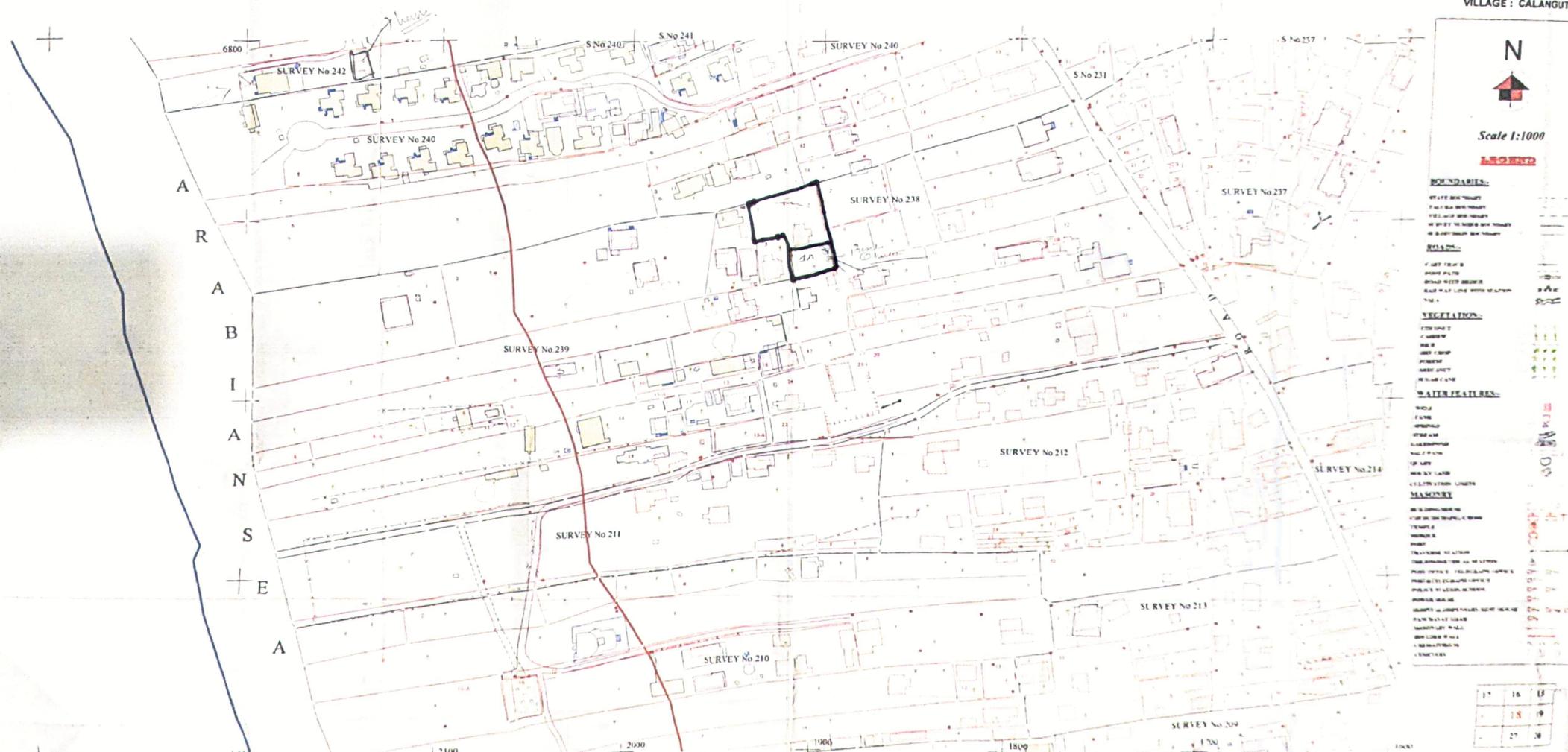
ANNEXURE R3-3

17	16	15
-	18	19
-	27	26

GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT & LAND RECORDS
PANAJI - GOA

UPDATED P.T. SHEET No.18 AFTER CRZ AREA SURVEY

DISTRICT : NORTH GOA
 TALUKA : BARDEZ
 VILLAGE : CALANGUTE



LEGEND

FOR NEWLY SURVEYED FEATURES EXISTING ON THE GROUND DURING CRZ SURVEY

- CITY BOUNDARY
- NEW ROAD
- NEW COMPOUND
- NEW DRAIN
- RETAINING WALL
- HEDGES
- LAMP POST
- FLAG POST
- SIGNAL POST
- GATE
- MANHOLE
- TELEPHONE CHAMBER
- SEPTIC TANK
- WATER TANK
- SHED
- NEW BUILDINGS
- PLINTH
- CONTROL POINTS
- OLD TREE
- ELECTRICK POLE
- TELEPHONE POLE
- GARDEN
- NEW FOOTPATH
- BARBED FENCE
- TRAFFIC ISLAND
- ELECT TRANSFORMER
- WATER VALVE
- WATER TAP
- TOWER
- O.F.C STONE
- NEW SALA
- RECLAIMED LAND
- STRUCTURES NOT EXISTING DURING CRZ SURVEY
- TWO STOREYED STRUCTURES (+1)
- HIGH TIDE LINE
- 200MTS SDZ LINE

STRUCTURES EXISTING BETWEEN HIGH TIDE LINE (HTL) AND 200MTS LINE HAS BEEN SURVEYED BY - THEOVEL SURVEYS, BANGALORE
 DURATION OF SURVEY - 07-02-2005 TO 07-02-2006

HIGH TIDE LINE (HTL) IDENTIFIED BY SHRI MC PATHAK, SENIOR TECHNICAL OFFICER, NATIONAL INSTITUTE OF OCEANOGRAPHY, GOA IN PRESENCE OF REPRESENTATIVES OF GOA COASTAL ZONE MANAGEMENT AUTHORITY AND LOCAL AUTHORITY
 THE HTL HAS BEEN SURVEYED BY - THEOVEL SURVEYS, BANGALORE
 DURATION OF SURVEY - 17-02-2005 TO 18-02-2005

RECOMMENDED FOR APPROVAL - [Signature]
 APPROVED BY - [Signature]
 CERTIFIED BY - [Signature]

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