



**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) AT PUNE, MAHARASHTRA.**

I. A. NO. 809/2025

IN

APPEAL NO. 437/2025

**COLVA CIVIC AND CONSUMER FORUM AND ORS.]
]APPELLANTS**

V/S

**THE GOA COASTAL ZONE MANAGEMENT ZONE AND ORS.]
]RESPONDENTS**

REPLY ON BEHLAF OF RESPONDENT NO. 4

(GOAN HOTELS & REALTY PVT. LTD.)

MAY IT PLEASE YOUR LORDSHIPS.

The Respondent no. 4 most respectfully states and submits as under:-

1. This Respondent have already filed their preliminary reply dated 6/9/2024 objecting the admission of the Appeal so also reply to the Appeal.

This Respondent carves leave to reiterate and incorporate the same herein to form part and parcel of the present reply to the IA.

2. At the very outset, the present application deserves to be dismissed, as the same is in the nature of recall/review of order dated 15/9/2010, by which order this Hon'ble Tribunal had refused and rejected the grant of interim relief. In any case, the Appellant have failed to make out any case for grant of any relief, much less, interim relief for stay of further construction.



3. This Respondent states that facts pleaded in present application are not part of the Appeal and hence no cognisance of the same can be taken. The Appellant ought to have pleaded and place on record at the very outset i.e. at the time of filing of the Appeal. The principles of Order II Rule 2 of Civil Procedure Code, 1908, are hence applicable and the same need to be applied to the present application as well. The Application therefore deserves to be rejected outrightly.

4. Furthermore, this Respondent states that judicial propriety as well as judicial discipline demands such application deserves no adjudication and the same requires to be rejected. The Appellant cannot take liberties and keep seeking interim relief again and again till the same is granted.



5. This Respondent states that this Hon'ble Tribunal after hearing all parties and more specifically the vehement arguments of the Appellant seeking interim relief and after going through the material on record and more specifically the permissions/NOC's/Licenses, sought it fit to reject the prayer for interim relief/stay of construction. Further, if at all the Appellants were aggrieved by the rejection of interim relief, the appropriate relief was to challenge the same before appropriate court of law.

6. This Respondent further states that the entire case of the Appellant is on the premise that the construction work of retaining wall is on public



A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be "Ashish".

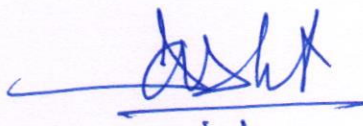
beach, which is entirely incorrect. The construction of the retaining wall has been undertaken within the demarcated property owned and in possession of this Respondent. No part of the retaining wall is undertaken on public beach. That being the case, the entire case of the Appellant fails and hence not only the Application but the Appeal also deserves to be dismissed with cost.

7. This Respondent has all the permission to undertake the construction and hence the same cannot in any manner be claimed to be illegal or unauthorised.



8. With respect to contents of paragraph 1, the contents thereof are specifically denied. It is denied that that the construction of a stone/concrete wall is on the public beach at Bambolim. It is submitted that this Hon'ble Court had rightly rejected the interim relief since this Respondent have all the permissions to undertake the construction. The construction undertaken is legal construction and hence this Hon'ble Tribunal refused to grant any relief.

9. With respect to contents of paragraph 2, the contents thereof are specifically denied. It is denied that the ongoing work are causing severe and continuing damage to the Bambolim coastal environment. It is denied that heavy excavation by this Respondent has damaged the tidal zone and

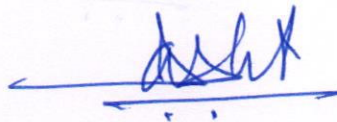


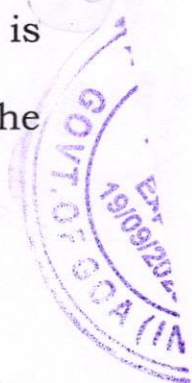
marine ecosystem of Bambolim beach. It is denied that large quantities of debris have been piled on the sand dune and trenches of nearly three meters deep have been dug into the beach. It is denied that this activity has resulted in irreparable damage to the environment. The photographs are denied. It is denied collapsed wall segment, displaced sand and rubble on the beach and denuded shorelines, all of which are consistent with serious and ongoing coastal erosion. It is submitted that there are no sand dunes in this Respondents property. The construction undertaken is replacing/repairing the already existing wall which was damaged during cyclone, which has been duly considered by the GCZMA whilst granting the NOC dated 23/9/2021.



10. With respect to contents of paragraph 3, the contents thereof are specifically denied. It is specifically denied that ongoing construction is beyond the property of this Respondent falling on the public beach, in the inter-tidal zone. It is submitted that the photographs will infact show that how much damaged this Respondent is suffering and how much damaged has been caused to this Respondents property. This Respondent is only trying to protect its property from being damaged and wasted. However, it is specifically submitted that no part of the construction is on public beach.

11. With respect to contents of paragraph 4, the contents thereof are specifically denied. It is denied that once such coastal features are lost, the harm





is largely irreversible. It is specifically denied that this Respondent have in any manner caused interference with public access. It is submitted that the construction undertaken is within the property owned and in possession of this Respondent. It is submitted that in none of the inspection report there is any observation that this Respondent has carried out construction beyond this Respondents property. It is submitted that merely on the basis of some random photographs the Appellant cannot conclude that the construction is on public beach. The Appellant have miserably failed to place on record any cogent evidence to show that this Respondent is undertaking construction on public beach beyond the property owned and in possession of this Respondent.



[Handwritten signature]

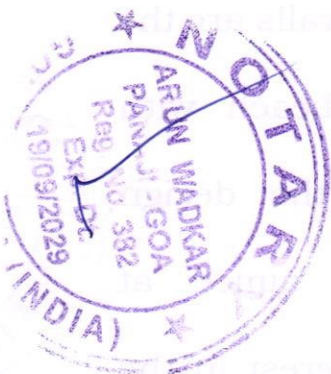
12. With respect to contents of paragraph 5, the contents thereof are specifically denied. The contents of said paragraph are augmentative. The guidelines are issued in different facts and circumstances and hence such guidelines cannot be applied under straight jacket formula. It is further submitted that "soft measures" like beach nourishment, vegetation, geotextile tubes etc., for shoreline protection work only as first time measures. In the present case, there already existed retaining wall and what is now been undertaken is merely repair and reconstruction of the said collapsed retaining wall. It is specifically denied that the construction during the ongoing monsoon risks catastrophic washouts of the beach and destruction of marine habitat. It is denied that



7.06.2024

the injury is urgent and ongoing. The photographs are denied and the manner they are sought to be projected by the Appellant.

13. With respect to contents of paragraph 6, the contents thereof are specifically denied. It is denied that the coastal wall design undertaken by this Respondent on sandy beach seen in the annexed photographs clearly reveal a limited design objective of protecting and retaining the internal property it encloses of the concerned project proponent but at the cost of a larger irreversible damage to environment and the public beach. At the cost of repetition, it is submitted that the construction of wall is to protect not only this Respondents property but at the same time to





protect the beach abutting this Respondents property from being damaged and wasted.

14. With respect to contents of paragraph 7, the contents thereof are specifically denied. It is denied prima facie the coastal wall foundations, material, height, depth, shape, slope, location, etc, all exhibit zero sensitivity towards the external environmental challenges including the wave energy, sand erosion, scouring, etc. which the design had to integrate with and not merely structurally withstand. It is denied that straight, vertical, hard, deep, and high coastal walls are the worst design options on a sandy beach with lashing waves. It is denied that the design measures should have collectively aimed at achieving both private and public interest in the



A handwritten signature in blue ink, consisting of a stylized name, is written over a horizontal line.



beach and not to protect the former at the cost of damage to the latter. It is specifically denied that this Respondent has pushed the wall further into the sea and is undertaking backfilling activity, thereby advancing a slow and steady encroachment into the ocean, which makes it imperative for this Hon'ble Tribunal to intervene immediately. At the cost of repetition, it is submitted that the construction of wall is to protect not only this Respondents property but at the same time to protect the beach abutting this Respondents property from being damaged and wasted.

15. With respect to contents of paragraph 8, what the Appellant is seeking is review/recall of order dated 15/9/2025, by which order this Hon'ble Tribunal



A handwritten signature in blue ink, appearing to be "Arun Wadkar", written over a horizontal line.

had refused/rejected the prayer for interim relief. In any case, the Appellant have failed to make out any case for grant of any relief, much less, interim relief for stay of further construction.

16. This Respondent states that the present application is nothing but an abuse of the process of law.

17. In view of the above, this Hon'ble Tribunal be pleased to dismiss the Application with exemplary cost.

Place:- Pune- Maharashtra

Date:- 23/10/2025



(Respondent no. 4)



VERIFICATION

I, Satish Krishna Bhat, son of Krishna Vishwesavar Bhat, aged 47 years, married, Indian National, having office at Aldeia de Goa, Bambolim, Goa, authorized representative for the Respondent no. 4 herein, do hereby solemnly verify and state that the contents of paragraph 1 to 17 are true to own knowledge and/or based on documents in the records of the Appellant and/or legal submissions based on legal advice which I believe to be true and correct.

Verified at Panaji Goa, on this 23rd day of October' 2025.



Satish Bhat

SATISH BHAT

SOLEMNLY AFFIRMED AND VERIFIED
 BEFORE / ME BY *Satish Bhat*
 WHO IS IDENTIFIED BEFORE / ME
 BY *Arun Wadkar*
 WHOM I KNOW
 REG. No. *5005* DATED *23/10/2025*

Arun Wadkar

ARUN WADKAR
 NOTARY AT TISWADI TALUKA
 STATE OF GOA-INDIA
 REG. No. 382/14
 DATED 19/9/2014

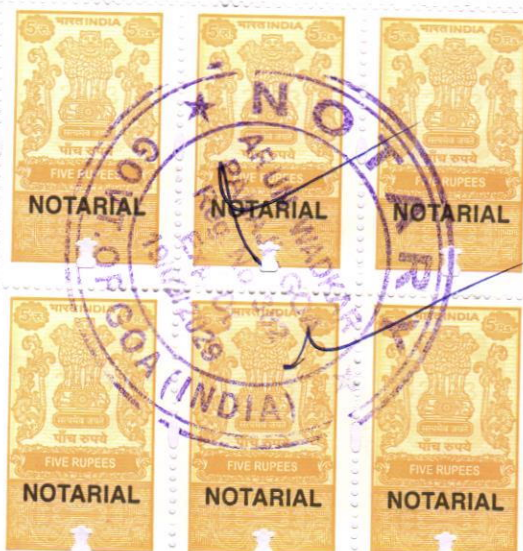
AFFIDAVIT

I, Satish Krishna Bhat, son of Krishna Vishwesavar Bhat, aged 47 years, married, Indian National, having office at Aldeia de Goa, Bambolim, Goa, authorized representative for the Respondent no. 4 herein, do hereby on solemn affirmation state that the contents of paragraph 1 to 17 are true to own knowledge and/or based on documents in the records of the Appellant and/or legal submissions based on legal advice which I believe to be true and correct

Solemnly affirmed at Panaji - Goa on this 23rd day of September 2025.

Satish K. Bhat

DEPONENT



SOLEMNLY AFFIRMED AND VERIFIED
BEFORE / ME BY *Satish K. Bhat*
WHO IS IDENTIFIED BEFORE / ME
BY *John Gool*
WHOM I KNOW
SERIAL No. *5006* DATED *23/10/2025*

ARUN VADKAR
NOTARY AT TISWADI TALUKA
STATE OF GOA-INDIA
REG. No. 382/14
DATED 19/9/2014