

**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 BEHALF OF RESPONDENT NO. 4 TO  
THE ADDITIONAL AFFIDAVIT FILED BY THE  
APPELLANTS.**

**(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 dated 23/10/2025 to the Appeal. Further, this Respondent has also filed reply to the I.A. dated 23/10/2025 filed by the Appellant. This Respondent craves leave to file the present reply to the Additional Affidavit dated 25/10/2025 filed by the Appellant. This Respondent craves leave to reiterate and incorporate the contents of the Preliminary Reply dated 6/9/2025, Reply dated 23/10/2025, Reply to I.A. dated 23/10/2025, herein to form part and parcel of the present reply to the Additional Affidavit dated 25/10/2025.



2. With respect to the contents of paragraph 2 of the Additional Affidavit the contents thereof are denied in the manner they are stated. It is submitted that the Tourism Department, under the Goa Tourist Places Protection and Maintenance Act, 2001, had issued stop work notice dated 16/10/2025. The Tourism Department vide its order dated 28/10/2025 has been pleased to discharge the show cause notice 17/4/2025 and the Stop work notice dated 16/10/2025. This Respondent states that in respect of certain observation regards alleged encroachment of public beach, this Respondent have preferred statutory Appeal before the Appellate Authority (Tourism Secretary) under Section 11 of the Goa Tourist Places Protection and Maintenance Act, 2001. It is submitted that



the proceedings initiated by the Tourism Department under the Goa Tourist Places Protection and Maintenance Act, 2001, has no relevance before this Hon'ble Tribunal. The orders passed by the Tourism Department cannot form the basis to seek relief from before this Hon'ble Tribunal under the CRZ Regulation. The proceedings initiated by the Tourism Department is under the Goa Tourist Places Protection and Maintenance Act, 2001, and the Goa Tourist Places Protection and Maintenance Act, 2001, is not the schedule Act under Schedule-I of the National Green Tribunal Act, 2010 and hence this Hon'ble Tribunal lacks jurisdiction in that regard.



Copy of the order dated 28/10/2025 is hereto annexed and marked as **ANNEXURE-R4-A.**

3. In any case, the Appellate Authority (Secretary Tourism) was pleased to hear the Appeal bearing no. 7/7(01)Grand Hyatt Bambolim/2025/DT/3871/4101 on 20/11/2025 and vide its order has been pleased to allow this Respondent to continue construction.



Copy of the Order dated 20/11/2025 is hereto annexed and marked as **ANNEXURE-R4-B**.

4. With respect to the contents of paragraph 3 and 4 of the Additional Affidavit the contents thereof are denied in the manner they are stated. This Respondent fails to understand the relevance of placing before Hon'ble Tribunal the minutes of meeting from 258<sup>th</sup> to 272<sup>nd</sup>. In any case even

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these minutes are not certified copies. This Respondent states that this Respondent has already placed on record the certified copy of the 271<sup>st</sup> Minutes of Meeting (*The copy of the minutes is attached alongwith the reply at ANNEXURE- R4-B*). A perusal of the said minutes will clearly show that the grant of permission/NOC to this Respondent was discussed by the Respondent no. 1 in their 271<sup>st</sup> Meeting under heading '*Case no. 2.3- NOC for Construction of wall to stop the soil erosion along the bank of river Zuari in Survey no 12/1 and 99/2*'. It is in the said meeting the Respondent no. 1 Authority took decision to approve the construction of wall to stop the soil erosion along bank of river Zuari in Survey no. 12/1 and 99/2. In furtherance of this decision, the NOC dated 23/9/2021 alongwith the plan



attached thereto came to be granted to this Respondent.

5. With respect to the contents of paragraph 5 of the Additional Affidavit the contents thereof are denied in the manner they are stated. This Respondent once again fails to understand the context of the pleadings in the said paragraph. This Respondent states that this Respondent had filed application dated 31/5/2025 (*page 110*), in accordance with law. The said Application was processed by the Respondent no. 1 by conducting site inspection on 14/6/2025 (*page 415*). After conduct of the site inspection the Application dated 31/5/2021 alongwith site inspection report dated 14/6/2021 was placed for decision in its 271<sup>st</sup> meeting (*page 385-414*). In the 271<sup>st</sup>



meeting the approval was granted which culminated into NOC dated 23/9/2021 (page 382). The Respondent no. 1 has followed the procedure under the CRZ Regulations and no flaw can be found with the same. In any case, the procedure in granting NOC dated 23/9/2021 was never challenged before the Respondent no. 1 by the Appellants in their complaints nor the Appellant have raised any ground in the Appeal filed before this Hon'ble Tribunal. It is only now as an afterthought that in the Additional Affidavit the said challenge is sought to be raised.



6. This Respondent states that the present Additional Affidavit is nothing but an abuse of the process of law and raising frivolous claims

without any basis and unnecessarily burdening this Hon'ble Court with irrelevant documents.

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



Place:- Pune- Maharashtra

Date:- 21/11/2025

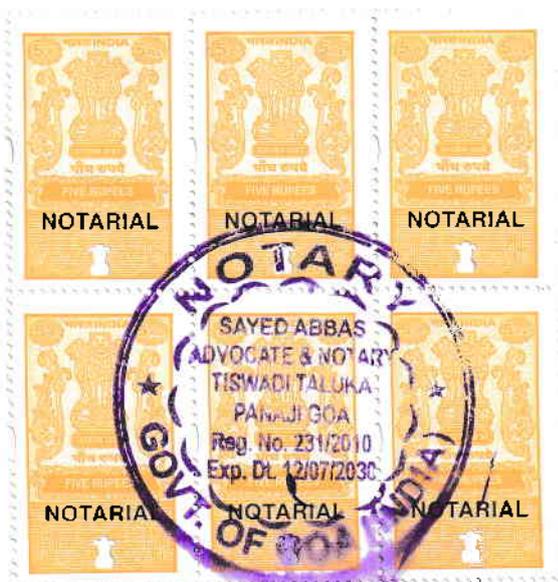
  
(Respondent no. 4)

## VERIFICATION

I, Deepak Semor, son of Mr. Suryadeo, aged 56 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 6 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 21<sup>st</sup> day of November' 2025.



  
Deepak Semor

SOLEMNLY AFFIRMED AND VERIFIED  
BEFORE ME BY Deepak Semore  
WHO IS IDENTIFIED ACPL TO ME BY  
— UNKNOWN  
SR. NO: 6429/2025  
DATED: 21/11/2025

  
SAYED ABBAS  
Advocate & Notary  
Tiswadi Taluka  
Panaji-Goa 403001  
Reg. No. 231/2010

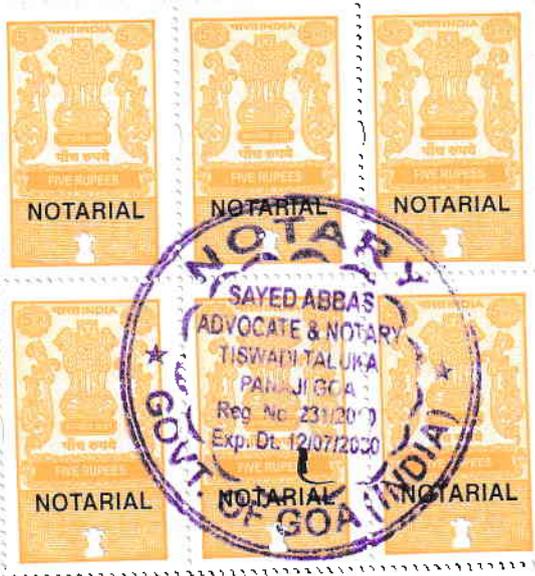
**AFFIDAVIT**

I, Deepak Semor, son of Mr. Suryadeo, aged 56 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 6 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 21st day of November, 2025.

*Deepak Semor*  
DEPONENT



Solemnly affirmed before me by  
Shri / Smt. *Deepak Semor*  
who has been identified by  
whom I personally known  
Reg. No. *6730* / *rus* *21/11/2025*

*Sayed Abbas*  
SAYED ABBAS  
Advocate & Notary  
Tiswadi Taluka  
Panaji, Goa 403001  
Reg. No. 231/2019

**BEFORE THE DIRECTOR OF TOURISM  
& COMPETENT AUTHORITY**

**Paryatan Bhavan, Patto, Panaji - Goa**

**Case No. 7/5(01)/Grand Hyatt Bambolim/2025/DT/3871/4101**

**O R D E R**

1. This Order shall dispose the proceedings initiated against M/S Goan Hotels & Realty Pvt. Ltd., Aldeida De Goa, Near ETDC Department, P.O. Goa University, Nauxim, Bambolim, Tiswadi, Goa, pursuant to the Show Cause Notice dated 17/04/2025 and the Stop Work Notice dated 16/10/2025 issued by this Authority under the provisions as contained in the Goa Tourists Places Protection and Maintenance Act, 2001.
2. Pursuant to the said Stop Work Notice dated 16/10/2025, the opportunity of hearing was granted to M/S Goan Hotels & Realty Pvt. Ltd., in accordance with principles of natural justice.
3. On 17/10/2025, the M/S Goan Hotels & Realty Pvt. Ltd., has filed its reply to the said Stop Work Notice dated 16/10/2025. The M/S Goan Hotels & Realty Pvt. Ltd. in its reply has stated that the Stop Work Notice has been issued in complete breach of principles of natural justice and fair play, and that the work is undertaken by them with all the permissions/ NOCs/ Licenses from all the authorities including the Village Panchayat, Town and Country Planning Department (TCP) and the Goa Coastal Zone Management Authority (GCZMA).
4. Further, M/S Goan Hotels & Realty Pvt. Ltd. stated in its reply that the Stop Work Notice has been issued despite placing on record all the necessary permissions and that the work undertaken by them is within the property bearing Survey No. 12/1, Village Bambolim, owned and in



possession of the company. Further, that no work is undertaken on public beach as alleged.

5. It was also stated by M/S Goan Hotels & Realty Pvt. Ltd., that they have not violated any provisions of the Goa Tourist Places Protection and Maintenance Act, 2001, and further that they have not caused any nuisance in as much of dumping of the debris of the excavation in beach arena.
6. Further, the M/S Goan Hotels & Realty Pvt. Ltd. requested this Authority to withdraw the Show Cause Notice dated 17/04/2025 and also the Stop Work Notice dated 16/10/2025.
7. During the course of the proceedings, an inspection was carried out by this Department on 21/10/2025 along with the representative of M/S Goan Hotels & Realty Pvt. Ltd. The inspection report dated 23/10/2025 placed before this Authority has also placed on record a site plan.
8. The inspection report states that the gabion stone wall has encroached on Government beach land on the Point marked at the site plan and beyond point B, it is within the private property. Further, the report states that the concrete retaining wall has not encroached on beach area and on beach area, multiple iron bar embedded and the location is marked on the plotted survey plan.
9. The site inspection report further reveals that the gabion stone wall is partly demolished and partly existing on beach land. The report also highlights that temporary form work for casting retaining wall is existing on beach area. The report has also stated that the owner of Survey No. 12/1 had self marked boundary points by appointing private surveyor, where it is not aligning with the surveyed boundaries, indicating incorrect placement.
10. During the hearing, the M/S Goan Hotels & Realty Pvt. Ltd. has placed a notarised affidavit dated 22/10/2025 on record. The Affidavit by M/S Goan Hotels & Realty Pvt. Ltd. states that the said company is the owner of the property bearing Survey Nos. 12/1, 12/2 and 99/2, situated at Bambolim, Tiswadi Taluka and that the company has



undertaken construction of retaining wall to protect its property from soil erosion.

11. The Affidavit by the M/S Goan Hotels & Realty Pvt. Ltd. also submits that the due permissions from the Village Panchayat, TCP and GCZMA have been obtained and that there is no encroachment on public beach. Further, the Affidavit states that there is no construction undertaken by M/S Goan Hotels & Realty Pvt. Ltd. on the public beach.
12. The M/S Goan Hotels & Realty Pvt. Ltd. in its Affidavit has further stated that the joint site inspection held on 21/10/2025 confirms that no work is undertaken on a public beach.
13. Upon perusing the material placed on record, it is evident that the proceedings initiated against M/S Goan Hotels & Realty Pvt. Ltd. on this same subject matter, have been discharged by the GCZMA vide Order dated 15/07/2025. Further, it is evident that the Town and Country Planning Department, has granted the Technical Clearance Order dated 13/12/2021 to M/S Goan Hotels & Realty Pvt. Ltd. to carry out the said work.
14. This Authority upon perusal the site inspection report, notably the site plan, observes that there are specific points marked on the site plan. The said site plan shall form an integral part and parcel of this Order and is marked "X" for identification.
15. It is revealed from the site plan that M/S Goan Hotels & Realty Pvt. Ltd. has in fact encroached on the Government beach property, which is visible at points 1, 2, 3, 4 (Gabion stone wall encroached on beach area); points 22, 23 and 24 (Multiple iron bar embedded in beach sand observed on Government beach area); points 27, 28 and 29 (Temporary formwork for casting retaining wall on Government beach area) and points H, I, J and K (Gabion stone wall partly demolished and partly not demolished, i.e., encroachment).
16. Therefore, the Stop Work Notice dated 16/10/2025 shall continue to be in effect, as far as the points in Paragraph 15 above are concerned.
17. It is also evident that M/S Goan Hotels & Realty Pvt. Ltd. has carried out encroached on Government beach land and has carried out



“nuisance”, on the Government beach area, and therefore is liable for action as per the Goa Tourist Places Protection and Maintenance Act, 2001 (as Amended in 2025). Therefore, this Authority imposes a fine of Rs. 50,000/- on M/S Goan Hotels & Realty Pvt. Ltd.

18. In the event of the M/S Goan Hotels & Realty Pvt. Ltd. failing to pay the fine within a period of 30 days from today, the same shall be recovered as if it were an arrear of land revenue.
19. Further, the M/S Goan Hotels & Realty Pvt. Ltd. must remove the encroachments as specified in the Paragraph 15 above, within a period of 7 days from today, and report compliance.
20. As far as the remaining works except the points mentioned in Paragraph 15 above are concerned, the M/S Goan Hotels & Realty Pvt. Ltd. is at liberty to carry out the works, strictly in accordance with the requisite permissions/ NOCs issued by the statutory authorities concerned.
21. The Show Cause Notice dated 17/04/2025 is discharged accordingly. The Stop Work Notice dated 16/10/2025 stands modified to the extent as mentioned in Paragraphs 15 and 20 above.

Proceedings stand closed.

Pronounced.

Given under my hand and the seal of this Authority, on this **28<sup>th</sup> day of October, 2025.**



*Kedar A. Naik*  
(Kedar A. Naik)

Director of Tourism  
& Competent Authority

Encl: Copy of site plan, marked “X” for identification.

To,

1. M/S Goan Hotels & Realty Pvt. Ltd., Aldeida De Goa, Near ETDC Department, P.O. Goa University, Nauxim, Bambolim, Tiswadi, Goa.
2. The Police Inspector, Tourist Police Unit.

3. The Police Inspector, Agaçaim Police Station, Agaçaim, Tiswadi, Goa.
4. The Under Secretary to the Hon'ble Tourism Minister, Ministerial Block, Mantralaya, Porvorim, Goa.
5. The Member Secretary, Goa Coastal Zone Management Authority (GCZMA), 4<sup>th</sup> Floor, Dempo Towers, Patta, Panaji, Goa, 403001.

BEFORE THE APPELLATE AUTHORITY (SECRETARY TOURISM),  
PANAJI-GOA

In the Matter of,

Appeal Dated: 06.11.2025

Case No.7/7(01)Grand Hyatt Bambolim/2025/DT/3871/4101

M/s Goan Hotel and Realty Hotels Pvt. Ltd

..... Appellant

V/s

DIRECTOR OF TOURISM

..... Respondent

ROZNAMA

Date	Details of the Proceedings	Remarks
<p><u>20/11/25</u></p>	<p>Pravin N. Titende Superior, Adv and Deepak Senon, GM for Case Notes on behalf of Appellant and Manoj Anil Bant of office on behalf of Deptt.</p> <p>The department representative has stated that they need about 10 days to file a reply on the grounds of appeal. The appellant stated that in the meantime, the appellant should be allowed to carry out construction of the retaining wall in the portion where the ownership of the land is not disputed by the order of Director (Tourism). The department representative does not have any objection</p>	

to it.

It is accordingly ordered  
that the construction work  
can continue on the  
undisputed portion subject to  
other necessary permission.

Depts to file reply by 1/12/2015  
Aggr by 8/12/2015 11 AM.

*[Signature]*  
26/11/15  
*[Signature]*  
20/11/2015  
*[Signature]*  
21/11/15