

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

BENCH, PUNE AT PUNE

IN

APPEAL NO. 117/2025

IN THE MATTER OF:-

MR. SADGURU RAGHUVVEER
PEDNEKAR & Ors

.... APPELLANTS

Versus

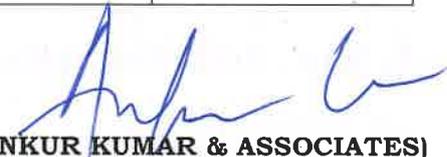
GOA COASTAL ZONE MANAGEMENT
AUTHORITY & ANR.

....RESPONDENTS

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FILED THROUGH


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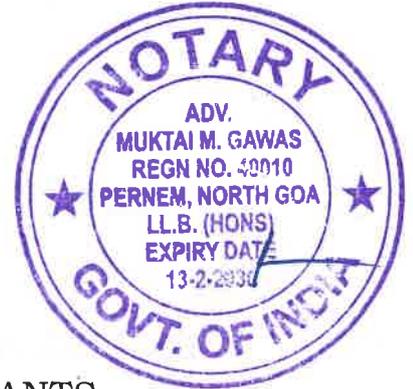
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DATE: 17/09/2025



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**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 5,
NAMELY MR. ANIL PRABHAKAR NAIK FILED BY THE
APPELLANT IN APPEAL NO. 117/2025.**

MOST RESPECTFULLY SHEWETH:-

I, Shri. Anil Prabhakar Naik, S/o late Prabhakar Shambhoo Naik,
R/o - 64/F, Parel Village, Parel, Mumbai -400012, do hereby
solemnly affirm and state on oath as under:-

1. That I am the Respondent No. 5 and such I am well conversant with the facts and circumstances of the case and in that capacity I am duly competent to swear to the present affidavit.

Anil Prabhakar Naik

2. That after carefully going through the Appeal filed on behalf of the Appellant, I am submitting the present Reply for kind consideration of this Hon'ble Tribunal.

Preliminary Submission:

3. That Appellant has not approached this Hon'ble Tribunal with a clean hand, therein tried to mislead this Hon'ble Tribunal by making wrong allegations and manipulating facts with the mala-fide intention to harass Respondents and to illegally grab Respondent No. 5 property.

4. It would not be out of context to mention that despite the objection raised by the Registry of this Hon'ble Tribunal "that the others persons to whom the appeal is communicated are not a necessary party"., the Appellant herein failed to make the necessary party in the present Appeal, hence the present appeal becomes defective and not maintainable.

5. It is submitted that this Hon'ble Tribunal, by order dated 17/06/2025, this Hon'ble tribunal observed that "*This appeal has been field with delay of one day against the order dated 28.02.2025, passed by Respondent No. 1 -GCZMA, directing the present applicant Nos. 1 to 3, along with two*

Appraiser



others, namely, PrabhkarShambo Naik (not a party to the present proceeding) and Arun Morje (not a party to the present proceeding) to demolish all the structures, identified by alphabet "C" and "E", showed in the site Inspection Report, standing in property Sy. No. 116/35 of Morjim Village, Pernem, Goa to enable restoration of land to its original state within 15 days and recover the expenses incurred from the Appellant Nos. 1 to 3 and abovenamed two persons, as the same have been found to be illegally constructed."

That despite the direction of this Hon'ble Tribunal and the defects raised by the registry, the Appellant failed to take steps and comply by the direction of this Hon'ble Tribunal.

6. I state that the Appellant has filed the present Appeal challenging the demolition direction bearing reference No. GCZMA/N/Ille-Compl/22-23/36/Part/3970, dated 28/02/2025 passed by the Respondent No. 1 Goa Costal Zone Management Authority (GCZMA) directing demolition of structure 'C' & 'E'.

7. I state that the contentions raised in the Appeal are not true and correct and the same are denied by the Respondent.

Apnaik



There is no justifiable reason mentioned by the Appellant for filing an Appeal. The conjectures made by the Appellant in the present Appeal are without any sufficient cause and evidence.

8. The **Hon'ble High Court of Bombay at Goa in Public Interest Litigation (Sou Motu) No. 2 of 2022 vide order dated 26/04/2023** has held

"11. We further note that in the case of 175 structures which are subject matter of the resolutions discharging show cause notices under Section 66 of the Act, fall in the areas demarcated as No Development Zone (NDZ), in which, there is a blanket ban on construction, either temporary or permanent, unless approval for the same has been accorded by the GCZMA. This authority is charged with evaluating and granting all such permissions under the CRZ notification issued under the Environmental Protection Act. It is now a matter of record that GCZMA has not issued any permission for the construction of these 175 structures in question. So also, the GSPCB is on record stating



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that it has not issued the requisite consent to operate under the Air Act and the Water Act. It is thus clear that none of the owners of these 175 structures in question have produced any of the permissions referred to above, before the Panchayat, to obtain a legal discharge of the show cause notice issued to them under Section 66 of the Act.”

“12. We further take note of the fact that many of the resolutions refer to the production of electricity bills or house tax receipts produced by the occupants of the structures as proof of their existence prior to 1991 when CRZ notification was issued. The resolutions rely upon documents such as the house tax receipts or electricity bills, to arrive at a conclusion that the structures were in existence prior to the CRZ notification and therefore, are legal. Such a resolution, on the face of it, is illegal and wholly without justification as the Environment Protection Act and CRZ notification of 1991 exclusively vest the powers to

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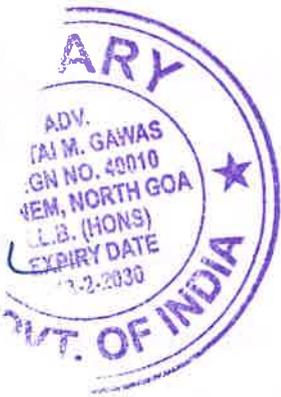
decide the legality of the structures (whether it was in existence before or after 1991 notification) with the GCZMA, and neither the panchayat nor the Town and Country Planning Department or concerned Planning Authority would have the jurisdiction to arrive at such a decision. That being the case, we declare that all the resolutions in relation to 175 structures which are detailed herein below in a tabular form, passed by the Village Panchayat of Anjuna-Caisua on 13.01.2023, 06.02.2023, 20.02.2023, 14.03.2023, 15.03.2023 and 18.03.2023 are without jurisdiction and therefore illegal.

Copy of the Order is marked and annexed as

Exhibit R-1.

9. The Respondent No. 5 would like to list out certain facts/developments, that the answering Respondent is the rightful owner of the property bearing survey No. 116/35 (NO DEVELOPMENT ZONE).

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10. Further, the Respondent No. 5 hereby denies each and every allegation, contention, and submission contained in the present under Appeal which is contrary to or inconsistent with the pleading that forms the part of the record hereunder. The answering Respondent No. 5 further reserves right to file further additional reply in the matter if the need arises. The answering Respondent No. 5 does not admit any of the allegations and contentions made by the Appellant in the present Appeal and denies everything that is stated therein so far as it is contrary to or inconsistent with anything that is stated by the answering Respondent hereinafter.

11. At the further outset, the answering Respondent opposes the present appeal against the answering Respondent as it is humbly submitted that disputed questions of facts and incorrect facts stated in the appeal have to be determined and decided by the authorities examined on-site in the presence of the answering Respondent.

12. That the answering Respondent submits that the complaint is related to an illegal conversion of land use of

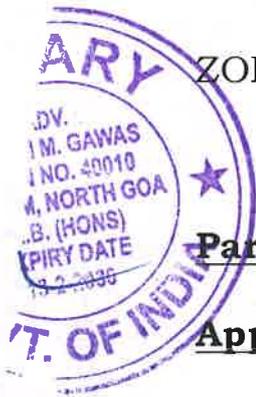
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the property bearing survey No. 116/35 (NO DEVELOPMENT ZONE). That the Appellant has failed to bring on record the Permission issued by the appropriate authority.

13. Without prejudice to the above preliminary objections, it is stated that the appeal is without any merit and is required to be dismissed.

14. I submit that the Appellant's premises are an illegal structure, without any permission and in direct violation of CRZ norms, as this Sy. No. 116/35 is NO DEVELOPMENT ZONE.



Para-wise Affidavit in reply to the Appeal filed by the Appellant.

1. The contents of Para 1 of the Appeal are a matter of fact and hence require no reply, subject to duly verification.
2. The Contents of Para 2 of the reply are misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering

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Respondent. That the contents of Para-2 are vehemently denied.

a. The contents of Para a are misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para -a is vehemently denied. It is denied that the impugned Order/Direction is passed without affording proper opportunity of hearing to the Appellant. The impugned order was passed after following the due process of law.

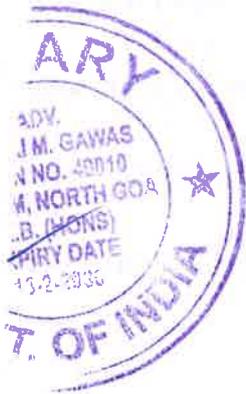
b. The contents Para b misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para-b are vehemently denied. It is specifically denied that Order/Direction is violative of principles of Natural Justice and fair play inasmuch as, in spite of providing documents clearly showing the existence of the structure prior to 1991, it is further denied that

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the Appellant belong to the traditional fishermen community/Kharvi Community, without producing certificate from scrutiny committee and have been residing the said structures since their birth. It is further submitted that the said structure is an illegal structure which is used for commercial purposes and other illegal activities.

- c. The contents Para c misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para -c is vehemently denied. That the Appellant is doing commercial activities from the illegal structure. The Appellant has no permission for the illegal construction constructed in NO DEVELOPMENT ZONE till date.



3. The contents Para 3 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That there is an illegal use of land or illegal construction carried out by the Appellant in the suit Property, hence

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required to be removed in terms of provision of section 32(1) of the Land Revenue Code 1968. Admittedly, there is no conversion Sanad produced on record by the Appellant. In fact, the suit property is owned by the answering Respondent and his family members. The Appellant has no right, title, or interest in the suit property. Hence the Appellant has approached this Hon'ble Forum with the most unclean hands.

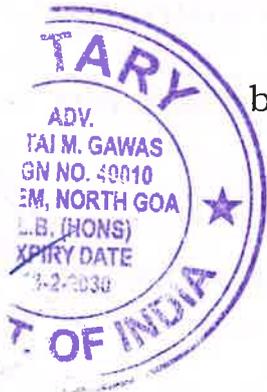
4. The contents Para 4 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the Appellant is a master manipulator and operates a syndicate to grab land for illegal construction. That the answering respondent has filed a well-reasoned and detailed rejoinder, and the GCZMA was pleased to pass a proper demolition order on merit.
5. The contents of Para 5 are misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para -5 is vehemently denied.

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a. The contents of Para a is partially correct facts whileremaining facts is suppressed and wrong. It is denied that there exist old structures, out of which one of structures, out of which one structure is identified by House No. 135, It is submitted that no structure was existing on the suit property which belongs to Respondent No. 5, and the other illegal structures is newly constructed structure without valid permission from the authorities, and till date the Appellant failed to bring on record the permissionforother construction which are illegal structure.

b. The contents of Para b misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para-bare vehemently denied. It is denied that the said structure is a Mundkarial Dwelling house of the Appellant, which has been in existence since times immemorial and was constructed by the forefathers of the Appellant much prior to the coming into force



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of the CRZ Notification in 1991. That the Appellant failed to bring on record any document that declares the Appellant as Mundkar.

c. The contents Para c misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para-cis vehemently denied. It is denied that the Appellants belong to the traditional fishermen community/kharvi community and have been residing in the said structures since birth. It is submitted that the said houses are newly constructed houses without the permission of GCZMA, which has not been obtained till date.

6. The contents of Para -6-8 are a matter of record subject to duly verification, hence need no reply.

7. The contents Para 9 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para -9 is vehemently denied.

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8. The contents of Para 10-13 are a matter of record subject to duly verification, hence need no reply.

9. The contents Para 14 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para-14 are vehemently denied. It is specifically denied that the Appellant is a traditional fisherman community. It is submitted that the Appellant is in commercial activities and renting house to tourist.

10. The contents Para 15 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para -15 is vehemently denied. It is denied that without affording an opportunity to be heard the impugned order was passed. It is further submitted that ample opportunity was given to the Appellant and after following the due process of law the impugned order was passed.

Appraisal



11. The contents Para 16 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para -16 is vehemently denied. It is specifically denied that the illegal structures are used for residential purpose which has an immunity/exempted under CRZ Notification. It is further submitted that the illegal structure is constructed without permission of CRZ and falls within NO DEVELOPMENT ZONE. That the Appellants are using the illegal structure for commercial purpose.

12. That the contents of Para 17 needs no reply.

13. The contents Para 18 misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Para -18 all Grounds is vehemently denied. It is vehemently denied as being totally baseless. The Respondent denies the alleged grounds raised by the Appellants, which are nothing but repetitive in nature and all the alleged grounds have been traversed above. There does not exist any legal or valid

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grounds for challenging the impugned order after scrupulously following all the prescribed procedure.

14. The contents Para 19 and other remaining paras misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. That the contents of Parasis vehemently denied.

PRAYERS:-

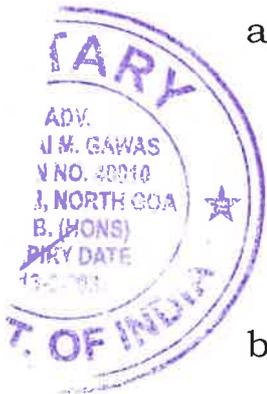
- a. Therefore, it is most humbly prayed that this Hon'ble Tribunal be pleased to dismiss the above appeal with exemplary costs; and
- b. Pass any other or further orders deemed fit in the interests of justice and environmental protection.

AND FOR THIS ACT OF KINDNESS, THE RESPONDENT NO.5 AS IN DUTY BOUND SHALL EVER PRAY

Date :-

17/09/2025

Place:- Goa

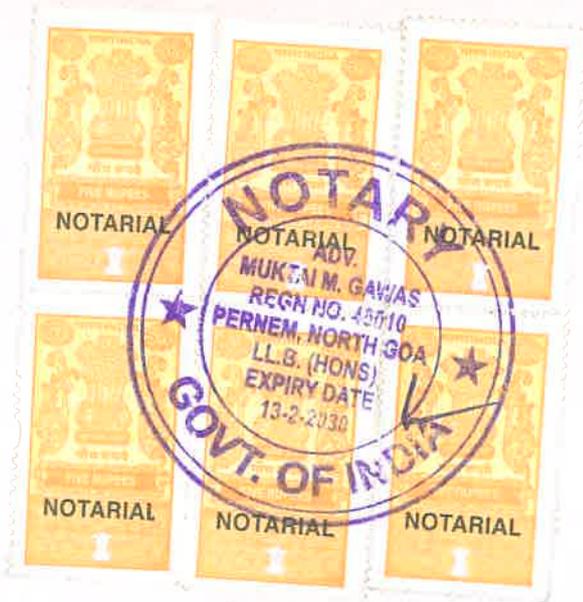
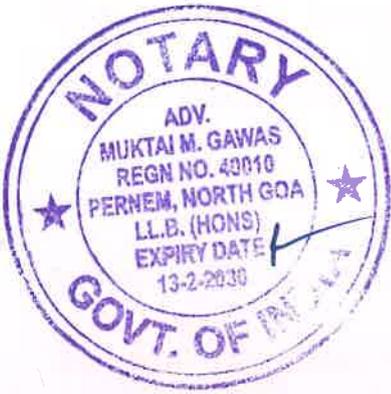


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Attn: IC

Adv. for Respondent No. 5

[Handwritten signature]



Solemnly affirmed Before me Anil Prabhakar Naik who has been Identified before me by Adhar card known to me personally Pernem on 07/9/25 Regn. No. 752/25

[Signature]
ADV. MUKTAI MANOHAR GAWAS
 NOTARY
 PERNEM, NORTH GOA
 GOA