

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

**BENCH, PUNE AT PUNE**

**IN**

**APPEAL NO. 118/2025**

**IN THE MATTER OF:-**

MR. KRISHNA RAGHUVeer  
PEDNEKAR

.... APPELLANTS

*Versus*

GOA COASTAL ZONE MANAGEMENT

AUTHORITY & ANR.

....RESPONDENTS



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FILED THROUGH

*(Signature)*  
**(ANKUR KUMAR & ASSOCIATES)**

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PLACE: Pune

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. 118/2025.**

**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.

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. I state that the Appellant has filed the present Appeal challenging the demolition direction bearing reference No. GCZMA/N/Ille-Compl/22-23/35/Part XIV/3965 dated 28/02/2025 passed by the Respondent No. 1 Goa Coastal Zone Management Authority (GCZMA) directing demolition of structure 'B', 'C', 'D', & 'E'.

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

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6. 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 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

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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 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



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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.**

7. 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, Morjim, Village, Pernem, Goa.

8. 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

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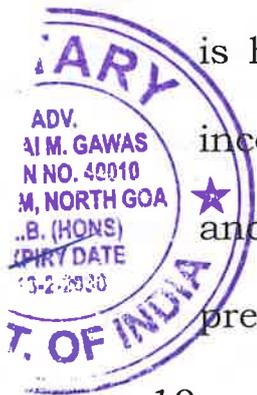


hereunder. The answering Respondent No. 5 further reserves right to file further additional reply in the matter if the need arises. The answering Respondent No. 5 does not admit any of the allegations and contentions made by the Appellant in the present Appeal and denies everything that is stated therein so far as it is contrary to or inconsistent with anything that is stated by the answering Respondent hereinafter.

9. 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.

10. That the answering Respondent submits that the complaint is related to an illegal conversion of land use of the property bearing survey No. 116/35, of Morjim village, Pernem, Goa. That the Appellant has failed to bring on record the Permission issued by the appropriate authority.

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

12. I submit that the Appellant's premises are an illegal structure, without any permission and in direct violation of CRZ norms.

**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 Respondent. That the contents of Para-2 are vehemently denied.
  - a. The contents of Para a is misleading 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

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are vehemently denied. It is denied that the impugned Order/Direction was passed without affording a 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 the Order/Direction is violative of principles of Natural Justice. That the Appellant participated in the proceedings itself is the, which is evident from the minutes of the GCZMA.

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 submitted that the Appellant, with his Advocate, was present in the

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proceedings, which is recorded in the minutes of the proceedings.

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.

a. The contents of Para a are partially correct that the illegal structure falls in the property bearing survey No. 116/35 of village Morjim, Pernem, Goa. It is wrong and misleading that there exist old structures. It is submitted that the said illegal structure identified by House No. 135 is a newly constructed structure without any permission from the concerned authorities. It is submitted that the said illegal structure falls within CRZ and the said illegal structure is used for commercial activities by the Applicant herein.

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 is

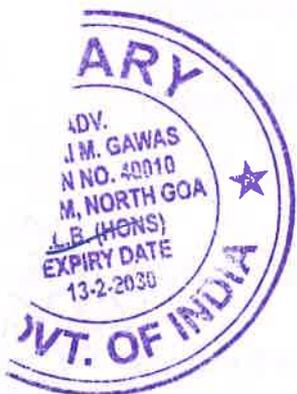
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vehemently denied. It is denied that the said structure is a Mundkarial Dwelling house of the Appellant, which has been in existence since times immemorial and was constructed by the forefathers of the Appellant. That the Appellant failed to bring 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 -c are vehemently denied. That the Appellant is doing commercial activities from the illegal structure by renting to foreign tourists.

d. The contents Para e misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. It is denied that the late father of the Appellant constructed the said structure/house after informing the bhatkar/landlord. It is submitted that the Appellant failed to bring on record till date any



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permission granted by the Landlord. It is further submitted that Appellant has failed to bring on record the relevant documents for Mundkar.

e. The contents of the para e-f is the matter of record, subject to duly verification, hence need no reply.

f. The contents Para f-h misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Tribunal against the answering Respondent. The contents of the Para f-his vehemently denied. It is denied that the said house existed prior to survey promulgation i.e 1972. It is submitted that the said illegal structure is new structure which is recently constructed by the Appellant without the permission of the GCZMA. That the construction was going on at the time survey was conducted by GCZMA as per the direction of the Hon'ble High Court, which in turn directed to seal the illegal commercial structures



*Applicant*

g. The contents of Para Iare 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-iare vehemently denied. It is submitted that the Appellant has not taken permission from GCZMA as it falls within the NO DEVELOPMENT ZONE, where no new construction is allowed.

h. The contents of the Para jmisleading 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-Jare vehemently denied. It is submitted that the Appellant is doing a commercial activity from the illegal structure.



4. The contents of Para 4 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-4 are vehemently

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denied. It is submitted that the Appellant filed a reply vide dated 26/11/2024.

5. The contents of Para 5 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 are vehemently denied. It is submitted that the Appellant despite participating in the proceedings is making concocted stories and misleading this Hon'ble Tribunal.

6. The contents of Para 6 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-6 are vehemently denied. It is further submitted that the Respondent No.1 passed well reasoned order after following due process of law.

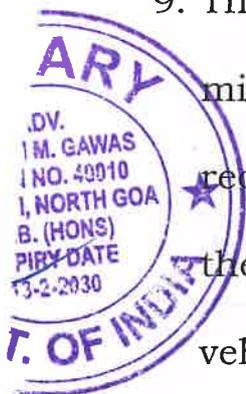
7. That the contents of Para 7 need no reply.

G. Prasad



8. The contents of Para 8 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-8 -8 all Grounds, are 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 do not exist any legal or valid grounds for challenging the impugned order after scrupulously following all the prescribed procedures.

9. The contents of Para 9 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 Paras is vehemently denied.



**PRAYERS:-**

*C. P. Nail*

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**

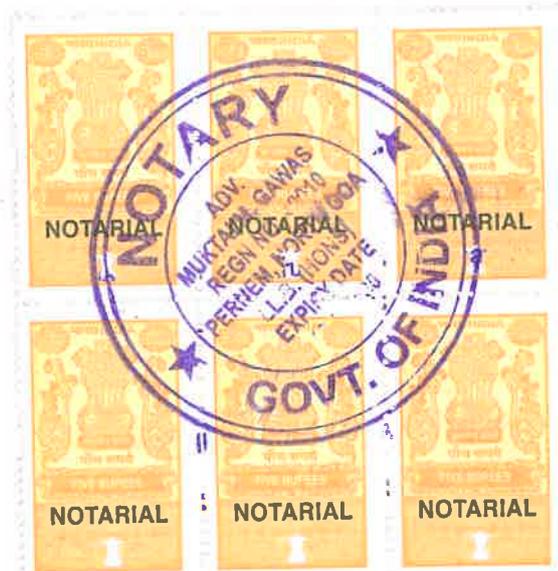
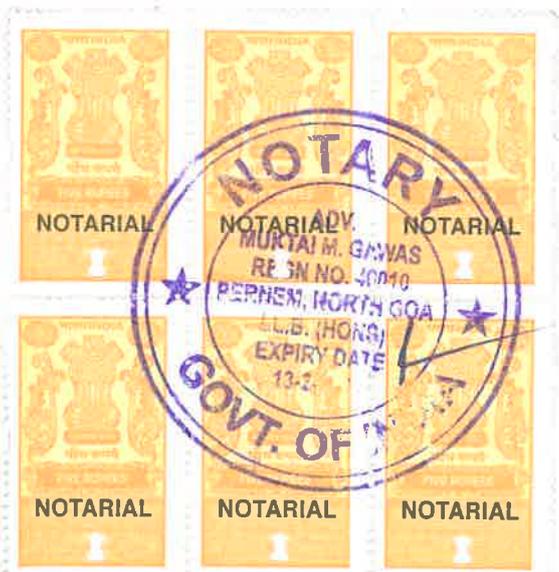
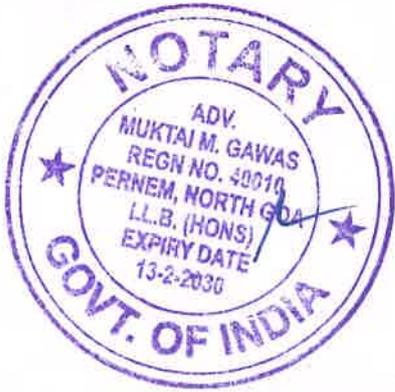
Date:- 17/9/2025

Place:- Goa

*Anil C*

*Anil C*

Adv. for Respondent No. 5



Solemnly affirmed Before me by Anil Prabhakar  
Nair who has been Identified before me by  
Adhar Card known to me personally  
Pernem on 17/9/25 Regn. No. 757/25

*Anil C*  
ADV. MUKTAI MANO HAR GAWAS  
NOTARY  
PERNEM, NORTH GOA  
GOA