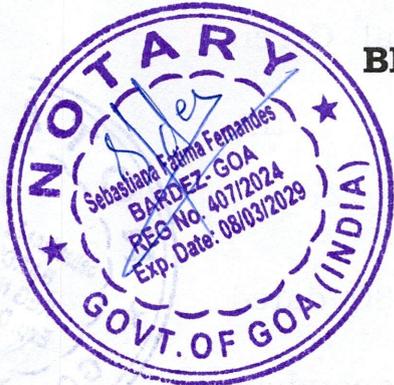


**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE.**



I.A. No. 672/2025 (WZ)

In

Appeal No. 526/2025 (WZ)

Johnson D'Silva

...Appellant/Applicant

Versus

GCZMA & Ors.

...Respondents

**REPLY OF RESPONDENT NO. 5, TO THE APPLICANT'S
APPLICATION SEEKING CONDONATION OF DELAY IN
BELATED FILING OF APPEAL NO.526/2025(WZ).**

MAY IT PLEASE YOUR LORDSHIPS:

The Respondent No.5 (*hereinafter referred to as 'this Respondent'*) respectfully states & submits as under:

A handwritten signature in blue ink, appearing to read 'Johnson D'Silva', written over a horizontal line.

1. The Appellant/Applicant above-named has filed the accompanying appeal u/s 16 of the National Green Tribunal Act, 2010, challenging the Permission/Approval bearing Ref. No. GCZMA/N/Shack-Hut-Cott-Tent/24-25/01/3280 dated 10.01.2025 issued by the GCZMA to this Respondent (*hereinafter referred to as the 'Impugned Permission'*), for proposed access with paver blocks on sand-bed; wood/steel plate bolted culvert; 15 Nos. temporary wooden cottages; 1 No. wooden reception; 1 No. wooden restaurant; bio-fencing & gabion retaining wall (*hereinafter referred to as the 'impugned work'*) in plot bearing Survey No. 354/1 of Village Anjuna, Taluka Bardez, State of Goa (*hereinafter referred to as 'said plot'*). Other than the above, the Appellant has also sought certain consequential directions and interim reliefs in the said appeal.



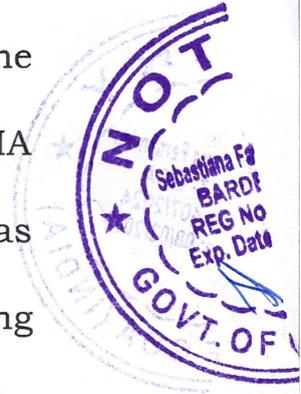
Sebastião F. BARDY
REG. N.
Exp. Dr.
GOVT. O.

2. It may be noted that, this Respondent had applied to the GCZMA (*vide its application dated 05.11.2024*), seeking permission for proposed access with paver blocks on sand-bed; wood/steel plate bolted culvert; 15 Nos. temporary wooden cottages; 1 No. wooden reception; 1 No. wooden restaurant; bio-fencing & gabion retaining wall in the said plot.

3. Pursuant to the aforesaid application, site inspection of the said plot was conducted by the officials of the GCZMA on 08.11.2024 and the proposal was deliberated by the GCZMA at its 425th meeting held on 12.12.2024. Pursuant to detailed discussion & examination of the findings of the site inspection report and upon analyzing the project proposal from the standpoint of clause 8(v)(3)(iii) of the CRZ Notification, 2011, the GCZMA in its 425th meeting held on 12.12.2024 decided to approve

A handwritten signature in blue ink, appearing to read 'J. J. Fernandes', is written over a horizontal line.

the aforesaid proposal and grant Permission/Approval to this Respondent. Pursuant thereto, the formal Permission/Approval dated 10.01.2025 i.e. the impugned permission came to be issued by the GCZMA to this Respondent. Hereto annexed and marked as ANNEXURE R-5/1 is the relevant extract of the 425th Meeting of the GCZMA held on 12.12.2024.



4. Pursuant to information sought by this Respondent from the GCZMA, the GCZMA took inputs from the National Informatics Centre, Goa State Unit, Ministry of Electronic & Information Technology, Government of India), and thereafter informed this Respondent that the Minutes of the 425th Meeting of the GCZMA held on 12.12.2024 were uploaded on the official website of the GCZMA (<https://www.czma.goa.gov.in/>) on 09.01.2025. Hereto annexed and marked as ANNEXURE R-5/2COLLY' are

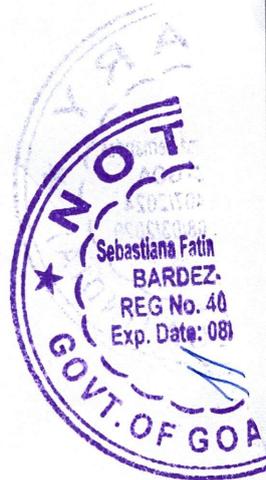
copies of the GCZMA letter dated 03.10.2025 and the Email dated 01.10.2025 addressed by NIC to the GCZMA.

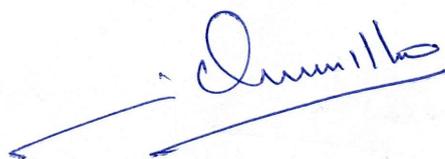
- 
5. It is therefore apparently clear that the cause of action for any 'person aggrieved' to challenge the impugned permission, arose on 09.01.2025 (*on which date the decision to grant the impugned permission was uploaded by the GCZMA on its official website*) or at the most on 10.01.2025 (*when the impugned permission was formally issued to this Respondent*).
 6. At para 9 of the I.A. for interim reliefs [i.e. I.A. No. 673/2025 (WZ)], the Appellant has in fact admitted that the Minutes of the 425th Meeting of the GCZMA dated 12.12.2024 were duly available in public domain.
 7. This Respondent therefore submits that the present



appeal, which has been filed before this Hon'ble Tribunal on 13.08.2025, is completely barred by limitation, including the discretionary condonation period provided under proviso to Section 16 of the NGT Act, 2010.

8. Without prejudice and in any event of the matter, this Respondent commenced erection of the temporary structures permitted by the impugned permission, in the said plot, in or around March - 2025. In fact, at paras 1 and 4 of the I.A. for interim reliefs [i.e. I.A. No. 673/2025(WZ)], the Appellant has himself admitted that he is a local inhabitant of the State of Goa and has been regularly visiting North Goa, including the Anjuna Vagator Beach, where-at the impugned work is being undertaken by this Respondent. In that view of the matter, it is apparently clear that the Appellant was well





aware about commencement & continuance of the impugned work in the said plot, in and from the month of March 2025.



9. This Respondent submits that it is well settled law that the period of limitation stipulated under proviso to Section 16 of the NGT Act, 2010 is sacrosanct, and the same cannot be extended, any further, even by this Hon'ble Tribunal, by taking recourse to the provisions of the Limitation Act, 1963. In view of the above, this Respondent submits that the present Appeal is barred by limitation and would deserve to be dismissed *in limine*.

10. Considering the aforesaid aspect as well as noting the directions issued by this Hon'ble Tribunal vide its Order dated 08.09.2025, this Respondent has confined the present reply only to dealing-with the application for

condonation of delay and has not dealt-with the merits of the matter. Therefore, the contentions raised in the accompanying appeal or the I.A. seeking interim reliefs i.e. I.A. No. 673/2025(WZ), may not be deemed to have been controverted, by means of this reply.

11. Similarly, contents of paras 1 to 10 of the present I.A. seeking condonation of delay *i.e.* I.A. No. 672/2025(WZ), in so far as they seek to raise contentions on merits of the matter, are not dealt-with by the present reply. It may however be noted that the contentions raised by the Appellant on merits, including the contentions that the said plot is located in CRZ-I area or in eco-sensitive area or that this Respondent is undertaking construction of permanent structures with RCC foundations etc. are completely false and are hereby denied.

12. This Respondent respectfully submits that since the



issue of statutory bar of limitation goes to the root of the matter, this Hon'ble Tribunal may decide the same first or as a preliminary issue and pass necessary order thereon, prior to venturing into adjudication of the matter on its merits.

13. This Respondent submits that although the Appellant has averred in para 10 of the present I.A. that there is delay of merely 12 days in instituting the present appeal, the basis for such statement has not been spelt-out. Although in the said para, a reference has been made to the dismissal of the complaints (*challenging the legality of the impugned work*) by the GCZMA vide its decision dated 01.07.2025, this decision can hardly afford any valid cause of action for the Appellant to file the present Appeal, challenging the validity of the impugned permission dated 10.01.2025.

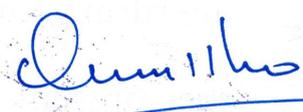


14. The Appellant submits that the scope of an appeal challenging legality & validity of a permission granted by the GCZMA under the CRZ Regulations, 2011 is totally different/distinct from scope of an appeal challenging discharge of a Show Cause Notice, concerning alleged illegal construction effected without permission or in violation of permission granted by the competent authority.

15. This Respondent therefore submits that the I.A. No. 672/2025(WZ) be disallowed and the accompanying Appeal No. 526/2025(WZ) pending before this Hon'ble Tribunal, also be dismissed on the ground of bar of limitation.

Filing Date: 31/12/2025

Place: Pune, Maharashtra


Respondent No. 5





VERIFICATION

I, Michael V. Lobo, major of age, Indian National, residing at H. No. 181/5, Bhatti Vaddo, Parra, Bardez, Goa, Respondent No.5 herein, do hereby solemnly verify that contents of 1 to 4, 8, 10 & 11 of the foregoing reply are true to my own knowledge and/or based on documentary record and contents of remaining paras 5 to 7, 9 & 12 to 15 thereof, are based on legal submissions, which I believe to be true & correct.



Solemnly verified at Parra -, Goa, on this 29th day of December, 2025.

Michael V. Lobo
DEPONENT



SOLEMNLY AFFIRMED AND VERIFIED
BEFORE ME BY Mr. Michael V. Lobo
WHO IS IDENTIFIED BEFORE ME BY
Aadhar card do. 6062 7196 9790
KNOWN BY ME PERSONALLY
AT Parra ON 29/12/2025
REG. NO. 3676/2025

Sebastiana Fatima Fernandes
LLB (HONS)
NOTARY FOR BARDEZ TALUKA
STATE OF GOA (INDIA)

MINUTES OF THE 425th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 12/12/2024 at 3.00 P.M. ONWARDS IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.

The 425th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 12/12/2024 at 03.30 p.m. in the Conference hall, fourth floor, Patto-Panaji-Goa.

The following members were present for the meeting

1. Secretary, Environment & Climate Change /Chairman(GCZMA)
2. Representative of the Principal Conservator of Forest.
3. Representative of the Principal Chief Engineer PWD
4. Ganesh Velip, Expert Member, (GCZMA)
5. Dilip B Arlokar, Expert Member (GCZMA)
6. Radha Rao, Expert Member (GCZMA)
7. Director, Environment & Climate Change /Member Secretary, (GCZMA)

The Minutes of the previous meeting was discussed and approved by all the Members present.

Item no .I

Case No .I.I HIGH COURT DIRECTIONS MATTERS

To decide on the Complaint of Mr. Sylvester D'Souza regarding illegal construction carried out by Mr Luis Antonio Jose Sarto Pires, Lalan Ines Da Rosa Jaques, Nalini da Rosa e Fernandes, Ladru Fernandes and Isabela Fernandes Joseph S. Rosa in Sy No. 242/1 within NDZ and 200-500 mts from HTL/sea shore.

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 23/01/2023; from Mr. Sylvester D'Souza, with respect to illegal construction activities in Sy No 242/1 within NDZ and 200-500 mts from HTL/sea shore, carried out by the Owners Mr Luis Antonio Jose Sarto Pires, Lalan Ines Da Rosa Jaques, Nalini da Rosa e Fernandes, Ladru Fernandes and Isabela Fernandes.

The Authority based on the Complaint carried out a Site Inspection through its Expert Members, Engineer and field Surveyor on the 05/06/2023 and again with the DSLR on 24/11/2023 and it was noted that, in some part of the Sy. No.242/1 of Calangute Village.

The Authority issued Show Cause Notice and posted for personal hearing on 29/02/2024

The said matter was deliberated in 388th Meeting held on 29/02/2024, the proceeding: Adv Damania for Complainant present and undertake to file Vakalatnama. Adv for Respondent Nalini present and sought time to file reply. Advocate filed an intervention application stating that some structures belong to him and that he needs to file reply. The Respondent states that Mr Luis Antonio Jose Sarto Pires expired. The Authority's

etc. for the purpose of frame work due to unpredictable weather conditions. However, the same shall not exceed 30% of the total material required. Use of concrete is banned. Grouting, plastering, laying of PCC/RCC on the floor/ structure/ digging of soak pits/ digging and laying of pipes/ metal staircases grouted in cement etc. shall not be permitted as per the guidelines issued by the GCZMA.

Decision: The Authority after detailed discussion decided to approve the proposal for proposed erection of temporary cottages for tourism purpose in plot bearing Sy. No.: 98, Sub. Div.: 8, plot B, situated at Morjim Pernem Goa

Case No. 2.2

NOC for Proposed approval for access with paver blocks on sand bed, wood / steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01nos. wooden restaurant, Bio-fencing & Gabion Retaining Wall on plot bearing Sy. No. 354/1 of Anjuna village, Bardez Taluka-Goa.

The Office of the GCZMA is in receipt of an application dated 05/11/2024 from Mr. Micheal Lobo, H.No. 181/15, Bhati Vaddo, Parra, Bardez-Goa, with regards to Proposed approval for access with paver blocks on sand bed, wood/steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01nos. wooden restaurant, Bio-fencing & Gabion Retaining Wall on plot bearing Sy. No. 354/1 of Anjuna village, Bardez Taluka-Goa.

Site Inspection Report: The said site was inspected by Rohan Verckar, Environmental Assistant, (GCZMA), and Gorakh Tuenker, Field Surveyor,(GCZMA).

- i) **Name of the Applicant:** Mr. Micheal Lobo, H.No. 181/15, Bhati Vaddo, Parra, Bardez-Goa.
- ii) **Date of the Application:** 05/11/2024
- iii) **Application for:** Proposed approval for access with paver blocks on sand bed, wood/steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01nos. wooden restaurant, Bio-fencing & Gabion Retaining Wall on plot bearing Sy. No. 354/1 of Anjuna village, Bardez Taluka-Goa.
- vi) **Date of construction based on the documents:** NA.
- v) **Date of Inspection:** 08/11/2024

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vi) Name of the Official / Expert Member, GCZMA:

- 1) Rohan Verekar, Environmental Assistant, (GCZMA)
- 2) Gorakh Tuenker, Field Surveyor, (GCZMA)

vii) Name of the Parties Present: Mr. Ashley Jason Vaz, Representative of Applicant

viii) Location: Sy. No: 354/1 Village: Anjuna Taluka: Bardez

ix) Accessibility: By traditional road.

x) Distance from the HTL of River / Sea: Survey No. 354/1: Approx. 44mtr. from the HTL of Sea.

xi) Classification of CRZ Area: Survey No. 354/1: CRZ III NDZ (0 – 200mtr. from the HTL of Sea) as per CZMP- 2011.

xii) Existence of Sand dunes and its height: N.A.

xiii) Whether any lagoons, backwaters or other water bodies exist in the plot: N.A.

xiv) Existence of Vegetation, if any: N.A.

xv) Plinth area of the structure / alleged violation: NA.

xvi) Nature of the structure: Temporary Structure

xvii) Height of the structure: Restaurant= 8.05mtr., Cottage=7.26mtr, and Reception=6.16mtr., Gabion Wall=1.2mtr., Bio-Fencing=2mtr.

xviii) Details of extension to the existing structure: NA.

xix) Approvals / NOC's issued by any other Department's / Authorities: Yes

NOC from Departement of Tourism, Government of Goa (Ref. No. 7/7(1009)/2024-DT/2899 dated. 14/10/2024.

xx) Nature of violation if any, with regard to provisions of CRZ Notification 2011: NA.

xxii) Conclusion/Recommendation:

The applicant, Mr. Micheal Lobo, H.No. 181/15, Bhati Vaddo, Parra, Bardez-Goa, has proposed approval for access with paver blocks on sand bed, wood/steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01 nos. wooden restaurant, Gabion Wall & Bio-Fencing on plot bearing Sy. No. 354/1 of Anjuna village, Bardez Taluka-Goa.

The survey no. 354/1 of Anjuna village, Bardez talukafalls withinCRZ III NDZ (0 – 200mtr. from the HTL of Sea), as per CZMP 2011.

Material of temporary nature like wooden and steel members will be used for the construction and wooden sloping roof covered with shingles as per the drawings submitted by applicant.

The details as per the area statement submitted by the applicant for the proposal of access with paver blocks on sand bed, wood/steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01 nos. wooden restaurant, gabion retaining wall & bio-fencingare mentioned below in the tabular column:

Sy. No.	Total area of plot	Proposed covered area of 15 cottages, Reception & Restaurant	Total floor area 15 cottages, Reception & Restaurant	F.A.R Consumed
354/1	9136.00m ²	1828.40m ²	1809.90m ²	19.81%

The proposed length of the gabion retaining wall is 28.90 R.M and bio-fencing is 299.50 R.M

Site photographs are attached as Annexure-I.

Decision: The Authority after detailed discussion decided to approve the proposal for proposed access with paver blocks on sand bed, wood / steel plate bolted culvert, 15 nos. temporary wooden cottages, 01 nos. wooden reception and 01nos. wooden restaurant, Bio-fencing & Gabion Retaining Wall on plot bearing Sy. No. 354/1 of Anjuna village, Bardez Taluka-Goa.

Case No. 2.3

NOC for erection of 10 proposed temporary wooden cottages, 01 proposed wooden temporary structure and 01 proposed temporary shack / Restaurant in property bearing Survey No.235/1 of Village Taleigao, Tiswadi Taluka Goa

The Office of the GCZMA is in receipt of an application dated 10/10/2024from Mr.Sadiq Sheikh, with regards to NOC for erection of 10 proposed temporary wooden cottages, 01 proposed wooden temporary structure and 01 proposed temporary shack / Restaurant in property bearing Survey No.235/1 of Village Taleigao, Tiswadi Taluka Goa.

Site Inspection Report: The said site was inspected by Dr. Sushant Naik (Expert Member GCZMA), Mr. Keshav Naik (Engineer GCZMA), Mr. Vighnesh Naik (F.S. GCZMA)

i) Name of the Applicant: Mr.Sadiq Sheikh

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ANNEXURE R-5/2 COLLY

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment, (Govt. of Goa)
4th Floor, Dempo Tower, Patto Plaza,
Panaji-Goa 403001

Website: www.czma.goa.gov.in

Ref. No. GCZMA/N Shank-Hut-Gattrent/24-25/01/2600 Date: 03/10/2025

To,

✓ Mr. Michael Lobo,
House No.181/5, Bhatti Vaddo,
Parra, Bardez Goa.

Sub: Ref. 1. Your application dated 24/09/2025 inwards on dated 26/09/2025.

Sir,

With reference to above, as per an e-mail dated 01/10/2025 received from the Deputy Director (IT)/Scientist-C, National Informatics Centre, Goa Sate Unit, Ministry of Electronic & Information Technology Government of India it is observed that the 425th minutes of GCZMA were uploaded on GCZMA website (<https://www.czma.goa.gov.in/>) on 09/01/2025.

Yours faithfully

(Sachin Desai)

Member Secretary (GCZMA)

Encl: As Above



gczma gczma <goacoastalzone@gmail.com>

Regarding Minutes of GCZMA

2 messages

gczma gczma <goacoastalzone@gmail.com>
To: Anju T S <ts.anju@nic.in>

Wed, Oct 1, 2025 at 12:12 AM

Dear Anju

we are in receipt of a letter from public requesting for date and time of when the 425th Minutes were uploaded.
Kindly provide the same urgently

Regards
GCZMA

Anju T S <ts.anju@nic.in>
To: gczma gczma <goacoastalzone@gmail.com>

Wed, Oct 1, 2025 at 5:05 AM

Dear Team,

Requested information given below,

datetime:2025-01-09 13:56:51.714107

सस्नेह | Regards,

अञ्जू . टी . एस | Anju.T.S

उप निदेशक (आईटी)/वैज्ञानिक-सी | Deputy Director(IT)/Scientist-C

राष्ट्रीय सूचना विज्ञान केंद्र, गोवा राज्य एकक | National Informatics Centre, Goa State Unit

इलेक्ट्रॉनिक्स और सूचना प्रौद्योगिकी मंत्रालय | Ministry of Electronics & Information Technology ,

भारत सरकार | Government of India.

Tel (O): +91 832 2410816, 5545, 0160 | IP Phone: 26027

---- On Wed, 01 Oct 2025 12:42:49 +0530 **gczma gczma** <goacoastalzone@gmail.com> wrote ---

[Quoted text hidden]