

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE**

I.A NO. 700 OF 2025 (WZ)

IN

APPEAL NO. 563 OF 2025 (WZ)

MOHAN PANDURANG HALARNKAR .. Appellant

Versus

Goa Coastal Zone Management Authority (GCZMA) & 4 Ors

...Respondents

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FILED THROUGH


(ANKUR KUMAR & ASSOCIATES)

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PLACE: Pune

DATE: 21/11/2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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I.A NO. 700 OF 2025 (WZ)

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...Respondents

**REPLY TO APPLICATION ON BEHALF OF RESPONDENT
NO. 5 FOR CONDONATION, I.A 700/2025 FILED BY THE
APPELLANT IN APPEAL NO. 563/2025.**

MOST RESPECTFULLY SHOWETH:



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

Anil Naik

in that capacity I am duly competent to swear to the present affidavit.

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

3. I state that the Appellant has filed the present Appeal challenging the demolition direction bearing reference No. GCZMA/N/Ille-Compl/22-23/35/PartXI/3962, dated 28/02/2025 passed by the Respondent No. 1 Goa Coastal Zone Management Authority (GCZMA) directing demolition of structure 'Q'. There is delay in filing the said Appeal and hence the Appellant has filed this present Application for Delay Condonation.



4. On 17/07/2025, the Appellant filed the present appeal before this Hon'ble Tribunal under section 16 of the National Green Tribunal Act, 2010.

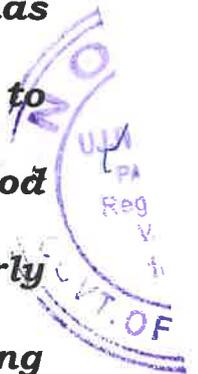
5. It is most respectfully submitted that the Limitation Act is not applicable to this Hon'ble Tribunal which is created under the NGT Act, 2010, which is a special statute. This issue is no longer res integra after the five-judge bench judgement of this Hon'ble Tribunal in case of Sunil Kumar Samantra v. West

Apparail

Bengal PCB, M.A. No. 573 of 2013 in Appeal No. 67 of 2013 wherein it has been held as under:

“15. We have already noticed that NGT Act is a self-contained code in itself. It provides the forum/procedure that has to be adopted, the limitation period within which the jurisdiction of the tribunal gets invoked, and the power and functions of the tribunal in explicit terms. As a self-contained code, it does not admit of any ambiguity with regard to application of other laws in adjudicatory process of the tribunal. The legislature in its wisdom has worded provisions of section 16 of the NGT Act so as to prohibit even filing of an appeal beyond a total period of 90 days. The language of these provisions clearly demonstrates the legislative intendment on excluding application of general law of limitation of this special statute. Such a view would also find clear support from language of Section 29(2) of the Limitation Act which postulates that when a special law prescribes for any period of limitation different from the period prescribed in the Schedule to the Limitation Act and the language of the provisions of such special law is indicative of

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express or implied exclusion, then Sections 4 to 24 (inclusive) of the limitation Act shall apply only and to the extent they are not excluded by the Special Law. The cumulative reading of Section 16, particularly, the proviso and Section 29 of the Limitation Act leaves no doubt in mind that legislature had clearly intended to exclude the application of the general law of limitation provided under the Limitation Act from the NGT Act.

Proviso to Section 16 of the NGT Act uses the expression 'allow it to be filed under this Section within a further period not exceeding 60 days'. The use of the negative language "not" in the proviso makes it mandatory that appeals cannot be filed after the expiry of total period of 90 days and thus, there is lack of jurisdiction of the tribunal to condone the delay beyond a total period of 90 days. The framers of law, where, in their wisdom wanted to give a benefit and/or restrict or place embargo on exercise of a right, have done so by using specific language in Section 16 of the NGT Act. A special concession is made available to an appellant to file an appeal beyond 30 days, the initial period of limitation prescribed under that provision. The framers there put a specific embargo on the



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power of the Tribunal not to entertain an appeal after expiry of a further period of 60 days. **Thus the legislature, by necessary implication excluded the application of general law of limitation from the provisions of the NGT Act.**

6. The Appeal preferred against the judgement of the Tribunal in case of Sunil Kumar Samantra (Supra) was dismissed by the Supreme Court as being without merit vide its order dated 21.11.2014 in Sunil Kumar Samanta v. West Bengal Pollution Control Board, Civil Appeal No. 10009/2014 giving finality to the judgement of the Tribunal.
7. The Judgement in Sunil Kumar Samanta (Supra) has been relied upon in multiple judgements including Khambampati Venkata Ramesh vs. Environment Engineer, 2023 SCC Online NGT 4412 wherein it was held as under:

10. *Nonetheless, Section 16 empowers only 60 days period to be condoned on furnishing sufficient cause. **The National Green Tribunal Act, 2010 is a special statute prescribing a period of limitation for filing appeals. The Limitation Act, 1963 is not applicable to Tribunals created under special statute.*** As the

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appeal is not filed within the time provided under the Act, the same is liable to be rejected. Accordingly, I.A No. 49 of 2023 is dismissed.

8. I state that the contentions raised in the Application are not true and correct and the same are denied by the Respondent. The conjectures made by the Applicant in the present I.A are without any sufficient cause and evidence. The grounds advanced by the Applicant for the delay, do not constitute sufficient cause under law. The reason for delay is attributable to the Appellant's internal inefficiencies, which cannot be treated as valid reasons for condonation.

PARA -WISE REPLY:

9. The contents of para -1 are admitted to the extent that the Appeal under section 16 of the National Green Tribunal Act, 2010 (NGT Act), impugning the direction bearing reference No.GCZMA/N/Ille-Compl/22-23/35/Part XI/3962 dated 28/02/2025. It is vehemently denied that the Impugned received on 17/07/2025 passed by Respondent No. 1.
10. The contents of Para 2 are a matter of fact and record, and the same do not mandate a reply.

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11. The contents of paragraph 3 are wrong and denied. It is vehemently denied that the Impugned Order was passed on 28/02/2025, the same was never communicated to the Applicant herein. It is submitted that the Impugned Order vide dated 28/02/2025 passed by Respondent No. 1 was communicated to the Applicant by Respondent No. 1 through Indian Post vide dated 05/03/2025 and the same was received by the Applicant on 07/03/2025, which has been duly acknowledged by the Applicant herein. The copy of Indian post vide dated 05/03/2025 with the receiving acknowledgement of the Applicant's Signature is marked and annexed as **EXHIBIT R-1**

12. That the assertions made in Para-4-5 by the Applicant are wrong and denied. It is specifically denied that all of sudden on 12/07/2025, the Applicant was taken by surprise upon receiving call from the office of the Village Panchayat that the structure of the Appellant will be demolished within 10 days based upon directions given by the Hon'ble High Court of Bombay at Goa vide order dated 10/07/2025 in WP 1716/2025 (F). It is further denied that Appellant immediately applied to the Respondent No. 1 on 17/07/2025

A. P. Nair



for providing urgent copy of Final Order, if any passed in the matter of Show Cause Notice dated 29/10/2024 bearing reference No. GCZMA/N/ILLE-Compl/22-23/35/Part XI/2435. It is submitted that the Impugned Order vide dated 28/02/2025 passed by Respondent No. 1 was communicated to the Applicant by Respondent No. 1 through Indian Post vide dated 05/03/2025 and the same was received by the Applicant on 07/03/2025, which has been duly acknowledged by the Applicant herein.



That the assertions made in Para-6-7 by the Applicant are wrong and denied. It is vehemently denied that the Impugned Order was communicated to Applicant on 17/07/2025. It is further submitted that, the Applicant despite receiving the impugned order vide dated 28/02/2025 on 07/03/2025, misleading this Hon'ble Tribunal and making false and concocted stories on affidavit. It is denied that there is delay of 109 days, whereas the actual delay is of 135 days from the date of communication of the impugned order.

14. It is a settled principle of law that the Hon'ble Tribunal cannot condone delay under Section 16 beyond a period of

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90 days. Reliance in this regard is placed on the judgment of ***Hafed Sugar Mill v. Haryana State Pollution Control Board & Anr. Appeal No. 18/2023*** wherein an application under Section 16 of the NGT Act was filed read with Section 5 along with Section 14 of the Limitation Act, seeking condonation of delay. In this factual matrix, it was held that the Hon'ble Tribunal loses jurisdiction to condone delay if it is of more than 90 days. Relevant portion of the judgement is extracted hereinunder

"6. A bare perusal of the above provisions reveal that the initial limitation for filing the Appeal is 30 days from the date of communication of order or decision or direction or determination. After expiry of the initial 30 days period, a further window of 60 days has been provided to the party to file an appeal by showing the sufficient cause which prevented him from filing the appeal within the initial 30 days period and on satisfying the Tribunal about sufficiency of the cause. Thus, the Tribunal has been conferred with the power to condone the delay of 60 days only after the expiry of initial 30 days period. The said intention of the Legislature is clear from the phrase "not exceeding 60 days" used in the proviso. 7. The above issue



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is no longer res integra. The six Member Bench at the Principal Bench of the Tribunal in M.A. No. 247/2012 (Arising out of Appeal No. 76/2012) in the matter of Nikunj Developers & Ors. vs. State of Maharashtra & Ors. had considered this issue in a case where the delay in filing the appeal was in excess of 90 days. **The Tribunal considering the language of Section 16 of the Act reached to the conclusion that the Tribunal loses jurisdiction to condone the delay if it is of more than 90 days. In other words, if appeal is filed after a lapse of 90 days from the date of communication of order, the Tribunal loses jurisdiction to condone the delay.....**”



PRAYERS

Therefore, in view of the above reply, it is graciously prayed that:-

- a. In Light of the aforesaid, it is most respectfully submitted that the present appeal has been preferred beyond a condonable period of 90 days is liable to be dismissed on ground of limitation under Section 16 of the NGT Act,

C. Pratik

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b. Pass such other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

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VERIFICATION

Apnaik

Verified at ^{Panaji} Mapusa, on the 21st of Nov, 2025 that the contents of Paragraphs of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing has been suppressed or concealed therein.

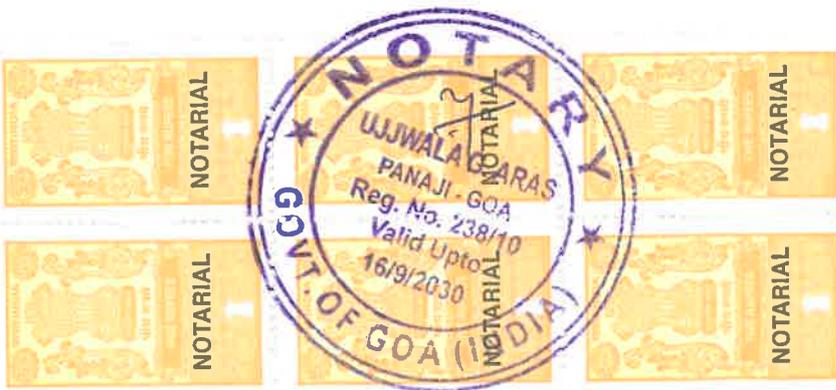
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*Identified by
Adv. Ankur Kumar*

SOLEMNLY AFFIRMED, VERIFIED AND EXECUTED BEFORE ME
BY Mr. Anil Prabhakar Naik
WHO IS IDENTIFIED BEFORE ME
BY Adv. Ankur Kumar-674380047362
WHOM I KNOW PERSONALLY
WHICH I ATTEST
REG. UNDER NO. 2070 DT 21/11/2025

U G A

MRS. UJJWALA G. ARAS
ADVOCATE & NOTARY-PANAJI
STATE OF GOA (INDIA)



INFORMATION ISSUED UNDER RTI ACT, 2005

GOA COASTAL ZONE MANAGEMENT AUTHORITYC/o Department of Science, Environment (Govt. of Goa)
4th Floor, Dempo Towers, Patto, Panaji Goa

www.czma.goa.gov.in

Ref.No. GCZMA/ N/Ille-Compl/22-23/35/Part XI/ 3962

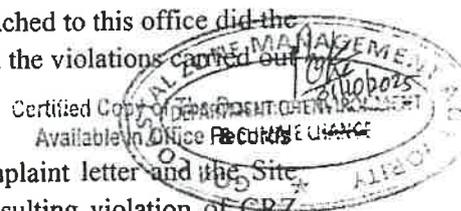
Dated: 28/02/2025

DIRECTIONS UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

AND WHEREAS, a complaint letter from Mr Anil Prabhakar Naik on the 25/04/2022 wherein the Petitioner has complained regarding the illegal construction carried out by Mrs Lourdin D'Silva, Mr Kundan Shashikant Morje, Mr Vishal alias Dipin Shirodkar Morje, Mr Trivikram Jaidev Morje and Mr Shamsundar Ramnath Bhosle alias Vagalkar, Dilip Manguesh Morje and one Mrs D'Souza and her family members all resident of Tembwada Morjim Pernem Goa; for carrying out illegal and unlawful constructions in CRZ area in the property bearing Sy No 119/3 of Morjim Village.

AND WHEREAS, the Engineers and Field surveyor attached to this office did the site inspection. During site inspection the inspecting team noted the violations carried out (Enclosed copy of the Site Inspection Report)



AND WHEREAS, upon close perusal of the said complaint letter and the Site Inspection report the following alleged illegal construction resulting violation of CRZ Notification 2011 is noticed:

Sr.n o.	Name of the structure	Sy No.	Type/Nature of the structure	Owner/ Occupants name	Description
1	P	119/3 Morjim	Ground floor Residential structure/ Permanent	Mohan Pandurang Halarnkar	Load bearing structure covered with Mangalore tile roofing having permanent plinth.
2	Q	119/3 Morjim	Ground floor Residential structure/ Permanent	Mohan Pandurang Halarnkar	Ground floor structure covered with flat roof RCC slab having permanent plinth.

AND WHEREAS, the Respondent was issued a Show Cause Notice and directed to file reply and remain present for a personal hearing on the 05/11/2024 at 3.30p.m.

AND WHEREAS, the Respondent filed his reply along with documents.

AND WHEREAS, the matter was placed in the 418th GCZMA Meeting held on 05/11/2024 the Proceeding at the hearing, "Respondent present and sought for time".

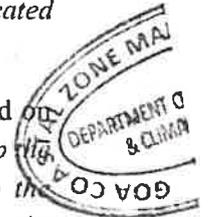
AND WHEREAS, the matter was placed in the 418th GCZMA Meeting held on 05/11/2024 the decision at the hearing, "The Authority directed the Respondent to file his reply by the 06/11/2024 and posted the matter on 12/11/2024 at 3.30p.m for orders".

AND WHEREAS, the matter was placed in the 419th GCZMA Meeting held on 12/11/2024 the Proceeding at the hearing, "*Complainant present and stated that he has no objection in granting the Respondent time. He insisted that a Copy of the Replies filed by the Respondent be furnished to him. The Respondent sought time to file detailed reply.*".

AND WHEREAS, the matter was placed in the 419th GCZMA Meeting held on 12/11/2024 the decision at the hearing, "The Authority granted time and directed the Respondents to file reply by 13/11/2024 by 1.00p.m and remain present for Arguments on 14/11/2024 at 3.30p.m. "

AND WHEREAS, the matter was placed in the 420th GCZMA Meeting held on 14/11/2024 the Proceeding at the hearing, "*Adv for the Complainant present along with Complainant. Respondents present and filed reply. Adv for the Complainant sought for time to file rejoinder. The Complainant on the last date of hearing was categorically informed that he should collect the reply submitted by the Respondent on 13/11/2024 at 3.00p.m and the Respondent were also directed to file replies if any by 01.00p.m on 13/11/2024. However, it has been informed to the Authority that the Complainant did not collect all the replies on the 13/11/2024 after 3pm. The Complainant today i.e on 14/11/2024 submits that some of the replies filed by various respondents have been collected today i.e 14/11/2024 and that he seeks time of a period of one week to file rejoinder to the replies of the Respondent. Simultaneously the Advocate Amonkar appearing for some of the Respondents have stated that some of the structures are falling outside the CRZ area. The DSLR officials have been carrying out demarcation of the structures at loco because the structures which are a subject matter of this litigation are partly located within CRZ III and partly outside. The mapping of the structure are also essential to ascertain as to which are the alleged offending structure which are located outside the CRZ area.*"

AND WHEREAS, the matter was placed in the 420th GCZMA Meeting held on 14/11/2024 the decision at the hearing, "*The Authority also directed the DSLR to map the structures falling outside the CRZ area. The Authority decided to grant time to the Complainant to file reply by 21/11/2024 at 3.30p.m with a copy to be given to the Respondent and posted the matter for arguments on 26/11/2024 at 3.30p.m*"



AND WHEREAS, the matter was placed in the 421st GCZMA Meeting held on 21/11/2024 the Proceeding at the hearing, "*Adv for Complainant present along with Complainant. Respondent present. Adv for the Complainant files rejoinder. Copy of the Rejoinder furnished to the Respondent.*"

AND WHEREAS, the matter was placed in the 421st GCZMA Meeting held on 21/11/2024 the decision at the hearing, "*The Authority posted the matter for final arguments on the 26/11/2024 at 3.30p.m*"

AND WHEREAS, the matter was placed in the 422nd GCZMA Meeting held on 26/11/2024 the Proceeding at the hearing, "*Adv for Complainant present along with Complainant. Respondent present Adv Pankaj Vernekar for the Respondent argued the matter. Adv for the Complainant argued the matter.*".

AND WHEREAS, the matter was placed in the 422nd GCZMA Meeting held on 26/11/2024 the decision at the hearing, "*The Authority posted the matter for clarification / orders on the 10/12/2024 at 3.30p.m*"

AND WHEREAS, the matter was placed in the 424th GCZMA Meeting held on 10/12/2024, the Proceeding at the hearing, "*The Respondent has relied upon Form I & XIV, electricity bill, House tax Receipt Certificate of Registration of Fishing Vessel, and photos of a function which was conducted within the house in the late of 1980's*".

AND WHEREAS, the matter was placed in the 424th GCZMA Meeting held on 10/12/2024 the decision at the hearing, "*The Authority upon going the reply and documents presented by the Respondent was of the opinion that if there are 2 houses then there should have been a house nos. The applicant in the case at hand there are 2 structure identified as 'P' and 'Q' of Site Inspection Report R. the Structure identified as 'P' is ostensibly the house bearing No 1374 where as structure identified with alphabet 'Q' is an altogether a new structure. The Authority has identified the Structure 'P' to be of pre 1991 based on the pictorial evidence placed by the Respondent himself and there is no evidence to substantiate the fact that the structure identified at alphabet 'Q' is a structure which is of pre 1991. The Authority hence deems fit to partly confirm the Show Cause Notice by directing the Respondent to demolish the structure which is identified as alphabet 'Q' and retain the structure which is identified with alphabet 'P'*".

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 6071 (E) dated 27/12/2022; issued by the Ministry of Environment & Forests, Government of India, hereby discharges the Show Cause Notice bearing No GCZMA/N/Ille-comp/22-23/35/Part XI/2435 dated 29/10/2024 with regards to violation noted and identified as "P" with regards to **Load bearing structure covered with Mangalore tile roofing having permanent plinth** issued to **Mohan Pandurang Halarnkar** on account of the decision taken in the 424th GCZMA meeting held on 10/12/2024.

Subsequently in the same meeting the Authority decided to demolish the **Ground floor structure covered with flat roof RCC slab having permanent plinth which is identified as "Q"**, standing in the property bearing Sy No. 119/3 of Morjim Village, Pernem, Goa as decided in the 424th GCZMA meeting held on 10/12/2024 and further to restore the land to its original condition, within 30 days from the date of receipt of this order. The Dy. Collector & S.D.O, Pernem, Goa to verify if the said structures are demolished as per these directives failing which the concerned Deputy Collector/ S.D.O shall **demolish the Ground floor structure covered with flat roof RCC slab having permanent plinth which is identified as "Q"**, standing in the property bearing Sy No. 119/3 of Morjim Village, Pernem, Goa to enable restoration of land to its original state within 15 days and recover the expenses incurred from **Mohan Pandurang Halarnkar, r/o Piracho Khazan, Morjim Pernem Goa**, as the arrears of land revenue. Further, Dy. Collector & S.D.O, Pernem, Goa is required to submit a compliance report in respect of above directions to the GCZMA within next 3 days of expiry of the aforementioned time period of 30 days.

Proceedings closed.

For and on behalf of the
Goa Coastal Zone Management Authority

(Shri Sachin Desai)
Member Secretary (GCZMA)

o/c

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INFORMATION ISSUED UNDER RTI ACT, 2005

To,
Mohan Pandurang Halarnkar, r/o Piracho Khazan, Morjim Pernem Goa

Copy to:

1. The Collector & District Magistrate (North), Office of the Collector (North), Collectorate Building, Panaji-Goa... for information and necessary action.
2. The Dy. Collector & SDO of Pernem, Pernem Goa..... who is required to enforce these directions.
3. The Secretary, Village Panchayat of Morjim -Goa.....who is required to enforce these directions and initiate action under Goa Panchayat Raj Act.
4. Anil Prabhakar Naik, r/o H.No. 64/F, Parel Village, Parel, Mumbai



L. Mahajan/ILCE-Comp/22-23/35/Part 3/3962

आरूपी-54/R.P.-54/आरूपी-54

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

भारतीय टपाल खाते

प्राप्ति स्वीकृति/ACKNOWLEDGEMENT/ अभि स्वीकृति

रजिस्ट्री-पत्र/पार्सल प्राप्त हुआ।

Received Registered Letter/Parcel

पंजीकृत पत्र/पार्सल निम्नलिखिते

क्र. /No./ अ. क्र.	तारीख/ Dated/दिनांक	क/ol/चा
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* बीमे का मूल्य रुपये में

* Insured for Rupees

* विम्व्याची किमत रुपयात

पाने वाले

Addressed to Mohan Pandurang Halarnkar को/office

प्राप्तकर्ता:

R/o Piracho Khazan
Marjim, Pernem-Goa

वितरण डाकघर की तारीख-मोहर

Date stamp of office of delivery

वितरण पोस्ट ऑफीसचा दिनांक शिक्का

हस्ताक्षर और नाम/

Signature and Name/

सही व नाव

Mhalankar +



* अनवश्यक को काट दिया जाए
* Strike out if not relevant
* लागू नसलेले छोडावे



INFORMATION ISSUED UNDER RTI ACT, 2005



ID:655837391N INR:8277485483
 RL SECRETARIAT S.O (NORTH DIV)
 Counter No:1.05/05/2025,11:19
 To:MRAN P MALASHI,S.O,NORTH DIV
 PIN:403512, Pernew S.O
 From:O/U MEMBER ,C/O DEPT OF ENVY
 Dt:2005 Act Fee:3.00,REG=17.0
 Amt:0.00,SS:30,DLex:4.90,Def,Paid:0.00
 Direct on www.indiapost.gov.in
 <Dial 1800265888> Hear post -Stay safe>

Mohan Halorkar



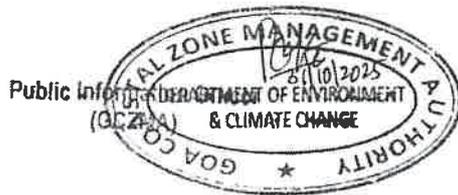
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Date of delivery 31/10/2025

Copy ready on 31/10/2025

Copying & xeroxing fees RS. 12/-

File No. 1206 Dated 31/10/2025



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