

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE
ZONE BECH PUNE

MISC.APPLICATION NO. 95/2023

IN ORIGINAL APPLICATION NO. 42/2023

MR.OSWALD FERNANDES

...APPLICANT

VS.

THE GOA COASTAL ZONE MANAGEMENT AUTHORITY

AND ORS

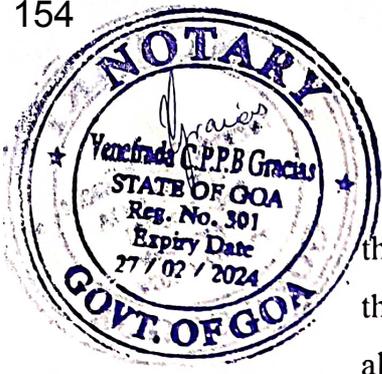
...RESPONDENTS

REPLY AFFIDAVIT OF THE RESPONDENT NO. 1

I, Dr. Sneha Gitte, IAS, adult, being the Member Secretary of the Goa Coastal Zone Management Authority, having my office at 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. That the Applicant has filed the present Original Application under Section 14 of the National Green Tribunal Act 2010 raising the non-inclusion of Khazan lands, consisting of low-lying paddy fields, salt pans, fish ponds and the sand dunes in village Cavelossim At Taluka Salcete, Goa.
2. The Respondent at the outset objects the Application under reply on the legal pretext. The Application under reply is not maintainable and deserves to be dismissed. The Applicant is challenging the CZMP finalized by the Respondent No. 1&2. The same has been approved by the Respondent no. 2 i.e. MoEF and CC on 06.09.2022. By challenging the same under section 14 of

Gitte



the NGT Act, the Applicant is trying to make a back door entry as the period of limitation for filing an Appeal under Section 16 has already been expired. The Applicant under the pretext of putting it as a “substantial question of environment arising out of implementation of the enactments ..” is indirectly challenging the approved CZMP of Respondent No. 2

3. I further say and submit that without prejudice to whatever stated herein above; the Respondent states that the Respondent no.1& 2 has followed due process of law before approving the CZMP wherein an opportunity to file objections to the draft of CZMP has been given to public at large. I say that Applicant just to avail the benefit of extended period of limitation filed the petition under Section 14 of NGT Act 2010 instead of challenging the CZMP under section 16 of NGT Act 2010.
4. I say and submit that perusal of the Original Application goes to show that the Applicant is challenging the CZMP which can be challenged only under the Appellate jurisdiction of this Hon'ble Tribunal under Section 16 of the NGT Act 2010 and the Application under Section 14 is not maintainable for the reasons mentioned herein above.
5. The Respondent therefore prays that the application for delay condonation may kindly be dismissed with costs.

Hence this Affidavit.

Solemnly affirmed before me

Dr Sneha Gite

Bitte

no is identified before me by

DEPONENT

At Panjim - Goa

Sr. No. 119/07/2023

Date. 14/07/2023

Gracias
Venefrada C.P.P.B Gracias
Advocate & Notary Goa State

