

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Original Application No.: 103/2021 (WZ)

Inacio Dominic Pereira & Ors. Applicants

V/s.

Dwarka Eco Beach Resort & Ors. Respondents

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Date: 21/03/2022

Place: Pune



Respondent No. 1



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REPLY OF THE RESPONDENT NOS. 1 AND 2

MAY IT PLEASE THE TRIBUNAL: -

The Respondent Nos. 1 and 2 most respectfully states and submits as under:

1. The Respondent Nos. 1 and 2 are served with the Memo of Application along with the documents (pages 1-69). By the abovesaid application purportedly filed on 13/10/2021 under Section 18(1) read with Sections 14, 15 and 17 of the National Green Tribunal Act, 2010 on the claim that the cause of action having allegedly accrued on 25/09/2021 have sought for an order to

demolish alleged unauthorized construction in property bearing Survey No. 131/3 of Canacona Village, for restitution of the land Survey No. 131/3 of Canacona Village and to revoke the licenses given to the construction. I submit that the application / proceedings filed by the Applicants are thoroughly misconceived in law and on facts and is liable to be dismissed.



2. I submit that the present application is liable to be dismissed on the following amongst other preliminary objections which are taken without prejudice to one another:
 - a. The application is barred by limitation. The alleged cause of action referred to in para 22 of the application is thoroughly misconceived in law and on facts.
 - b. It is submitted that the Applicants neither have any locus to maintain the present proceedings nor are the Applicants person aggrieved, who can maintain

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the present proceedings. The contents of the application and more so paras 2, 3 and 4 will indicate that the Applicants are residents of North Goa whereas, the property bearing Survey no. 131/3 is situated at Cola Village, Canacona Taluka i.e. in South Goa. Filing of the present proceedings, which are otherwise frivolous is for extraneous reasons.

- c. The application is premised on the ground that the temporary shack / wooden huts have been erected in alleged violation of the CRZ notification and there are infirmities, as alleged in para 9 (i) to (vi) of the application. Similarly, the application filed by the Applicants proceeds erroneously that the temporary shack and wooden huts erected by the Respondent Nos. 1 and 2 is by cutting of hill, cutting of mangrove trees, by filling of creek / back water and in violation forest natural cover areas. It is respectfully submitted that the said



claims of the Applicants apart from being frivolous are thoroughly misconceived in law as well as on facts. The Respondent Nos. 1 and 2 specifically deny the said allegations as sought to be made by the Applicants in para 9 (i) to (vi) and para 10 of the application. The said contentions of the Applicants are misleading and are without any basis.

- d. The Applicants who have approached this Hon'ble Tribunal under Section 18 (1) read with Sections 14, 15 and 17 of the National Green Tribunal Act, 2010, by filing the application on 13/10/2021, ought to have disclosed all the facts as well as documents, relevant to the subject matter of the application. The Applicants are aware of the permission/s granted to the Respondent Nos. 1 and 2 by the Respondent No. 13 and the other Authorities and / or are bound to be aware of the said permission/s granted to these Respondents.



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The Applicants despite being aware and / or bound to be aware of the said permission/s have suppressed the said permission/s and further avoided making any reference to the said permission/s issued by the Authorities to / in respect of the temporary shack and wooden huts erected in the property bearing Survey no. 131/3 of Cola Village, Canacona Taluka. Omission in that regard is not only willful but is malafide and an attempt made by the Applicants to mislead this Hon'ble Tribunal.

- e. The Respondent Nos. 1 and 2 most respectfully submits that the temporary shack and wooden huts erected in the property bearing Survey no. 131/3 of Cola Village, Canacona Taluka are permissible and have been erected pursuant to the permission/s granted to these Respondents by the Respondent No. 13 vide Permission bearing No. GCZMA / S / SHACK-HUT-COTT-TENT/ 17-18/103/1104

A handwritten signature in black ink, appearing to be 'Rudra' or similar, with a long horizontal line extending to the right.

dated 26/09/2018. The temporary shack and the wooden huts erected by the Respondent Nos. 1 and 2 are in accordance with the said permission/s issued by the Goa Coastal Zone Management Authority. It is submitted that the Applicants have conveniently suppressed the said permission/s, despite being aware of the same and / or bound to be aware of the same, as the Applicants are conscious that challenge to the said permission/s would not be maintainable, the same being issued in accordance with law and at any rate, challenge, if any, by way of an appeal, to the said Permission dated 26/09/2018 as on the date of the Complaints dated 03/02/2020 and 08/02/2021 (Annexure A – 1 colly to the Application) would be hopelessly barred by law of limitation. The Applicants therefore by suppressing the said permission/s, intentions being to mislead this Hon'ble Tribunal have made an attempt to file the present proceedings under Section 18 (1) read with the



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Sections 14, 15 and 17 of the National Green Tribunal Act, 2010. It is submitted that the proceedings filed by the Applicants in the facts and circumstances of the present case is not maintainable.

Annexed hereto and marked as Annexure – 'R1/A' is the copy of the Permission bearing No. GCZMA / S / SHACK-HUT-COTT-TENT/ 17-18/103/1104 dated 26/09/2018 issued by the Respondent No. 13.

- f. The application is thoroughly misconceived in law and on facts.
- g. Any other objections that may be urged with the leave of the Court.

Without prejudice to the above

- 3. With reference to the contents of para 3 of the memo of application, it is denied that the present application has been filed in view of negligence and dereliction of



Statutory duty by the Member Secretary, GCZMA, Secretary / Sarpanch, Village Panchayat of Cola and other concerned Authorities. It is submitted that there is neither any negligence by any of the Authorities nor does the application indicate of any alleged negligence. The application is based on statements which are frivolous and without any material.

4. With reference to the contents of paras 4, 5, 6, 7, 8, 9, 10 and 11 of the memo of application, these Respondents with utmost respect submit that the contents of the said paras are irrelevant and neither applicable nor attracted to the facts of the case. On the contrary the Applicants have conveniently avoided disclosing the fact that the Respondent No. 13 has issued Permission bearing No. GCZMA / S / SHACK-HUT-COTT-TENT/ 17-18/103/1104 dated 26/09/2018 to these Respondents for erection of temporary shack and wooden huts in Survey No. 131/3 of Village Cola, Canacona Taluka. Similarly, the Applicants have



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suppressed that the Goa State Pollution Control Board has issued consent to operate dated 01/10/2021 to these Respondents. The Applicants have further suppressed that the Department of Tourism has issued Registration Certificate for temporary shack in private property for the tourist season 01/10/2021 to 31/05/2023. The Applicants have avoided making reference to the Village Panchayat of Cola having issued provisional NOC to these Respondents for erection of temporary shack / wooden huts in the property bearing Survey no. 131/3 of Cola Village, Canacona Taluka. The Applicants apart from making reference to matters which are not related to the case in hand, have avoided disclosing the facts which would have been relevant to the subject matter. These Respondents submit that the Applicants who have approached this Hon'ble Tribunal were under a legal obligation to not only disclose the said facts but to further place the said documents before this Hon'ble Tribunal.



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Annexed hereto and marked as Annexure - 'R1/B'
colly are the copies of the consent to operate dated
01/10/2021 issued by the Goa State Pollution Control
Board and the Certificate for temporary shack in private
property issued by the Goa Tourism Department.

5. With reference to the contents of para 1 (under the heading facts in brief) of the memo of application, the statement that the Applicants are Social Activists and are interested in Environment Protection is denied. It is submitted that mere filing of petitions, would not entitle the Applicants to claim the status of Social Activists. Pertinent to note that the Applicants are residents of North Goa, whereas, the property bearing Survey no. 131/3 is situated in Cola Village, Canacona Taluka i.e. South Goa.
6. The contents of para 5 (under the heading facts in brief) of the memo of application are denied. The statement that the Applicants are nature lovers and try to curb



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illegal activities which destroy the environment within their limited capacities and resources is denied.

7. The contents of para 6 (under the heading facts in brief) of the memo of application are denied in the manner pleaded.
8. With reference to the contents of para 7 (under the heading facts in brief) of the memo of application, these Respondents state that the Complaints dated 03/02/2020 and 08/02/2021 are frivolous and baseless. The contents of the said complaint are without any substance and devoid of merits. A perusal of the Document dated 08/03/2021 would indicate that the same has been stereotyped. The contents even if taken into consideration, are bereft of any details. The contents of the Complaint dated 08/02/2021 are identical, stereotype without any substance. The contentions of the Applicants in the said Complaints dated 03/02/2020 and 08/02/2021 are denied. It is submitted that the intentions in filing the said



Complaints dated 03/02/2022 and 08/02/2021 is to create a false cause of action to maintain the present proceedings which otherwise are frivolous and not maintainable. The statement of CRZ violation by illegal construction by cutting the hills, cutting of mangroves and filling of creek back water in forest areas converting the same to commercial and encroaching in other properties in CRZ I and III and forest natural cover areas in total violation of CRZ notification and / or cutting hill and mangroves and filling of creek / back waters area of Cola beach Lagoon without permission/s, as claimed and contended is denied as being false. It is specifically denied that property bearing Survey no. 131/3 of Cola Village, Canacona Taluka is effected by mangroves and / or having mangroves. It is denied that there has been hill cutting. It is denied that there is encroachment in CRZ I and III. It is denied that there is violation of forest natural cover. The application is based on misrepresentations of facts. These Respondents state that the Respondent





No. 13 has issued Permission bearing No. GCZMA / S / SHACK-HUT-COTT-TENT/ 17-18/103/1104 dated 26/09/2018. The erection of temporary shack and wooden huts in property bearing Survey no. 131/3 of Cola Village, Canacona Taluka is permissible and the Authority has considered all the requirements of law and after having found the Respondents to be entitled, have issued the said permissions.

9. The contents of para 8 (under the heading facts in brief) of the memo of application are denied. It is denied that any substantial questions relating to the environment as alleged are involved. It is submitted that there is neither any question, much any substantial question relating to environment involved in the matter. The contents of the documents at Annexure – A1 i.e. Complaints dated 03/02/2020 and 08/02/2021 is sufficient to expose the falsity in the claims made by the Applicants. The contentions of the Applicants with regards to the construction of new structure of metal, concrete, illegal

construction by cutting hill in forest area, cutting mangrove trees and filling creek in eco sensitive CRZ III, etc. are specifically denied being false. The Applicants have made an attempt to misrepresent facts by alleging that there are mangroves and / or there is hill cutting.

10. The contents of para 9 (i) to (v) (under the heading facts in brief) of the memo of application are denied. It is denied that there is any violation or irregularities of law. It is denied that there is violation of CRZ notification. The contentions that property bearing Survey no. 131/3 of Cola Village, Canacona Taluka being no development zone and in forest natural cover is denied. The contentions of requirement of any permission/s from forest as alleged are denied. It is specifically denied that the Respondent No. 1 has encroached in creek area by filling the creek and building an illegal structure without taking permission/s from GCZMA, Forest and TCP. The contentions of the





requirement of permission/s from forest and TCP are denied as being fallacious. It is denied that the creek area which is a tributary of Cola is being destroyed by dumping construction debris thereby polluting the same. The contentions in para V and / or the claims of the requirement of permission/s as contended therein are denied. It is specifically denied that property bearing Survey no. 131/3 of Cola Village, Canacona Taluka is a forest cover. It is submitted that no permission/s were required from Forest Department. The contentions of the Applicants in para VI are specifically denied.

11. The contents of para 10 (under the heading facts in brief) of the memo of application are denied. It is specifically denied that there is CRZ violation by illegal construction by cutting hill and by cutting of mangrove trees. It is denied that there is filling of creek / back waters of Cola river and converting forest area to commercial use. It is denied that there is encroachment

in properties in CRZ I and III. It is denied that there is encroachment in forest natural cover by violation of CRZ notification. The contentions / statements of the Applicants in the said para and the allegations of violation are baseless, without any substance and is an attempt to mislead this Hon'ble Tribunal.



12. The contentions of the Applicants with reference to the contents of para 11, 12, 13 and 14 (under the heading facts in brief) of the memo of application are denied. The contentions of the Applicants with regards to the Joint Site Inspection Report dated 08/09/2020 are denied. The said Joint Site Inspection Report is disputed.
13. The contentions of the Applicants by relying on google mapping and photographs are disputed.
14. The contents of para 17 (under the heading facts in brief) of the memo of application are denied as being baseless.

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15. With reference to the contents of para 19 (under the heading facts in brief) of the memo of application and the Grounds A to C are denied. The contentions in the said grounds are based on misinterpretation of law as well as on facts. The grounds sought to be urged are erroneous and / or based on assumptions, which are without any basis. The contentions of the Applicants with regards to the alleged hill cutting, cutting of mangrove trees, filling of creek, etc. as alleged in the said para is denied.

16. The submissions in para 20 (under the heading facts in brief) of the memo of application are denied. It is denied that there will be gross miscarriage of justice if the alleged illegalities are condoned. The contention of the Applicants with regards to the alleged illegalities is denied. There is no violation of any law much less CRZ law. The Applicants are not entitled to any reliefs. The judgment of the Hon'ble Supreme Court, this Hon'ble



Tribunal and / or the provisions as sought to be referred by the Applicants are not attracted to the case in hand. b7

17. The contents of para 22 (under the heading facts in brief) of the memo of application are denied. There is no cause of action to maintain the present proceedings. The cause of action is fictitious. The proceedings are barred by limitation.

18. The Applicants are not entitled to any reliefs much less any interim reliefs.

19. The Deponent of the verification and the affidavit has made false statements. None of the documents support the alleged case of the Applicants.

20. No case is made out to entertain the application, which otherwise is frivolous.

21. No case is made out by the Applicants to seek indulgence of this Hon'ble Tribunal. Filing of the application is an abuse of the process of law.



22.Nothing may be deemed to be admitted for want of specific denials.

23.The Applicants is not entitled to any reliefs.

It is therefore prayed that the application filed by the Applicants be dismissed.

Place: Pune, India

Date: 21/03/2022



Respondent No. 1



Respondent No. 2

AFFIDAVIT

I, Mr. Clement Rodrigues, 51 years of age, Son of Joseph Rodrigues, r/o 884/2, Near Holy Family School, Porvorim - Goa, the Respondent No. 1, do hereby on solemn affirmation state that the contents of paras 1,2(Part),3,4,5,6,7,8,9,10,11, 12,13,14,15,17,18, 19, 20, 21, 22, and 23 of the reply are true to my knowledge and the submissions contained in paras



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2(Part), and 16 of the reply are legal submissions, which I believe to be true.

Solemnly Affirmed at Panaji on this

21st day of March 2022

[Handwritten Signature]
Deponent



SOLEMNLY AFFIRMED AND VERIFIED
BEFORE / ME BY *[Signature]*
WHO IS IDENTIFIED BEFORE / ME
BY *Adh No 6297 1607 1402*
WHOM I KNOW
SERIAL No. *574* 2022
DATED *21/3/2022*

[Signature]
KUNDA R. NAIK GANTHE
NOTARY AT PANAJI
STATE OF GOA, INDIA

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)
 Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.
 Email: dir-ste.goa@nic.in, goacoastal zone @ gmail.com.

No. GCZMA/S/Shack-Hut-Cott-Tent/17-18/103/1104

Dated: 26/09/2018

To,

M/s. Dwarka Eco Beach Resort
 Mr. Clement Rodrigues,
 884/2, Near Holy Family School, Porvorim-Goa.

Sub: Permission/Approval for erection of temporary Shack and Wooden Huts in the property bearing Survey No. 131/3 of Cola Village, Canacona Taluka in terms of CRZ Notification, 2011 as amended.

**Ref: 1. Your application no. nil dated 01/11/2017.
 2. CRZ Notification, 2011 as amended from time to time.**

With reference to your application on the above mentioned subject, it is hereby conveyed that the Goa Coastal Zone Management Authority (herein after referred to as 'the GCZMA', in short) has examined your proposal in its 183rd GCZMA Meeting held on 31/08/2018 in accordance with the provisions of the clause 8 (v) (3) (iii) of CRZ Notification 2011 (as amended from time to time) for CRZ of Goa issued by the Ministry of Environment, Forests & Climate Change, Government of India. Accordingly, after detailed deliberation and discussion, the authority decided to grant approval for erection of temporary Shack & Wooden huts made of wood and or natural biodegradable material only in the property bearing Sy. No. 131/3 of Cola Village, Canacona Taluka, Goa for a total built up area of 201.67 sq.mtrs subject to the conditions as specified in the Beach Carrying Capacity Report and further compliance of following conditions:-

1. The provisions of the CRZ Notification 2011. (as amended). should be strictly adhered to by you. No activity in contravention to the provisions of the CRZ Notifications shall be carried out.
2. The applicant shall take all requisite environmental safeguard to ensure that there would not be any environmental degradation in this area.
3. The traditional access, right of way, easement shall not be blocked by the applicant.
4. The proposed temporary seasonal structure should be made of wooden material and as per the recommendation of Beach Carrying Capacity report. No cement / concrete should be used for flooring. No structure of permanent nature shall be erected/constructed.
5. In the event of any change in the project profile, a fresh reference shall be made to the GCZMA.
6. The GCZMA may stipulate any additional conditions subsequently if deemed necessary, for environmental protection which shall be complied with.
7. The office of the GCZMA reserves the right to revoke this recommendation / clearance without prior intimation of non compliance of any one or more of the aforesaid conditions.

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You are required to obtain all the requisite permissions / licences / NOC etc from the competent Authorities before actual operation of the said temporary structure/ enabling activities. This NOC is issued without prejudice to any other permission as required under the law including that of ownership of the property, property dispute, easement rights, court case etc. As such, prior to the erection and operation of the aforementioned 'temporary seasonal structures, it will be incumbent upon the applicant to obtain all the requisite permission / NOC / licences etc from the Authorities / Departments for any other authority as required under the law including from the local authority, Goa State Pollution Control Board, Revenue Authority, Department of Tourism, etc.

9. Regular site inspections shall be carried by the team comprises of the Expert Members of the GCZMA and or other Authorities / Departments to ensure compliance of aforesaid condition. In case of any non compliance of the terms and conditions stipulated above, the action as deemed fit including that of demolition of structure, disconnection of Power / Water supply will be taken.
10. The said structures should be one meter above the ground on stilts of wooden poles wherever possible. However the ground clearance should not be more than 1.5 m.
11. The applicant will not transfer by any mode his premises to any other person.
12. This permission stands automatically revoked in case of any illegal/unlawful/immoral acts done by the applicant/proponent and or agent, lawful power of attorney holder , authorized person. any person acting for on behalf of the applicant/proponent in the said structures.
13. Further this approval also shall stand automatically revoked in case of any standing order of court of law/tribunal. arbitrator, quasi-Judicial authority etc. in force and suppressed by the applicant/proponent or otherwise.
14. All temporary structures shall maintain a standard buffer of a minimum of 3 m from adjacent huts/tents/cottages.
15. Appropriate use of renewable energy such as solar and wind energy to be used wherever possible.
16. Potable water requirement for domestic and tourist population has to be made available. The quality of water to be supplied should meet the national standard. Measures like rain water harvesting should also be encouraged to have access to clean and potable water.

-4-

-3-

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17. Separate bins for different types of solid wastes(source segregation of solid wastes biodegradable and non bio-degradable) shall be provided by the operator. It will be the responsibility of the plot owner to dispose the waste generated from their plots to the respective bins. The Municipality/Village Panchayat or the contractor appointed by the Department of Tourism, as the case may be, shall collect waste from time to time and hand over the non- biodegradable waste to the Goa Waste Management Corporation. Solid waste to be transported to the solid Waste Management Facility at Calangute by the Village Panchayats in North Goa whereas in South Goa it will be responsibility of the owner/authorized representative to dispose the same by composting/biogas plant or to transport to the piggeries for the biodegradable waste.
 18. In case the property on which these structures are permitted to be erected has several title holders any *díspute/objection* to this permission by any such title holder/holders, this permission shall stand revoked. This permission would be withdrawn in case an objection from owners regarding lease is filed before GCZMA. No hearing in the matter shall be allowed.
 19. The validity of this permission is for 5 years from the date of issue or period of lease whichever is earlier. This permission should abide by the Notification dated 3rd May 2017 S.O 1393(E) issued by Ministry of Environment, Forests and Climate Change.
 20. The applicant has to pay annual fee of Rs. 10000 - for shack and Rs. 10000/- for huts to GCZMA at the beginning of the tourist season month of October every year during the validity of this NOC. The fee may be revised by GCZMA.
 21. All the structures shall be of ground floor in nature.
 22. For private plots abutting the beach, a minimum set back of 3 mts from the survey boundary shall be kept by the applicant.
 23. You should not barricade the proposed site.
 24. In case of lease, the permission is conditional on the period of lease only and on the consent of the land owner.
 25. All the other conditions as mentioned in Beach Carrying Capacity report w.r.t. FAR, construction material, spacing between huts, consent to establish from SPCB etc. shall have to be followed by the applicant.
 26. This permission is liable to be revoked, if it is found, at any stage, that the application contained false information / wrong plans / calculations / documents / misleading or false information, etc. or documents not submitted as called for in this application.
 27. The applicant shall submit a revised plan for an area not exceeding 201.67 Sq.mtrs. by 12/10/2018 to the Authority.

28. Any appeal against this provisional permission shall lie with the Hon'ble National Green Tribunal, if preferred within 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

Yours faithfully,

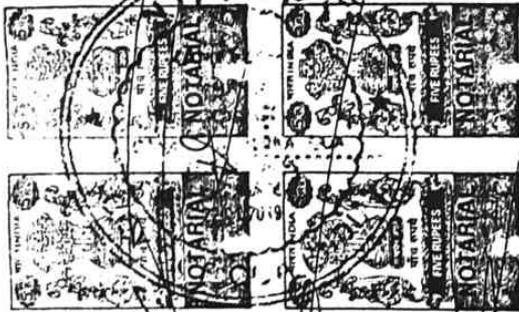
(Ravi Jha, IAS)

Member Secretary (GCZMA)

Encl: As above

Copy to:

1. P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information.
2. The Chairman, District Level Committee, (South Goa) Collectorate building, Margao-Goa for kind information.
3. The Director, Department of Tourism, Government of Goa, Patto Panaji Goa.... for information and necessary action.
4. The Member Secretary, Goa State Pollution Control Board, 1st floor, Dempo Tower, Patto Panaji Goa..... for information and necessary action.
5. The Commissioner of Commercial Taxes, Vikrikar Bldg. M.G. Road, Panaji-Goa.... for information and necessary action.
6. The Commissioner of Commercial Taxes, Vikrikar Bldg. M.G. Road, Panaji-Goa.... for information and necessary action.
7. The Dy. Collector & SDO, (Canacona), Canacona- Goa.... for information
8. The Secretary, Village Panchayat of Cola, Canacona Talukafor information and necessary action.



CERTIFIED TO BE TRUE COPY OF THE ORIGINAL

RAMKINHO S. KAMAL
NOTARY
CANACONA

STATE OF GOA, INDIA
R.F. NO. 2388 of 2018
DATE 06/10/2018

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001:2015, ISO 14001:2015, ISO 45001:2018 Certified Board)

Phone Nos: 0832- 2407700,
2407701, 2407702
Tel/Fax No: 0832- 2407700



Email Ids:
Chairman, GSPCB, chairman-gspcb.goa@nic.in
Member Secretary, GSPCB, ms-gspcb.goa@nic.in
Office, mail.gspcb@gov.in

No. 12/2021-PCB/891174/G0007098

Date: 1st October, 2021

Consent to Operate under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981
[To be referred as Water Act, Air Act respectively]

CONSENT TO OPERATE is hereby granted to:

M/s AFFAIRZ
(Unit: Dwarka Eco Beach Resort),
(Represented by: Mr. Clement Rodrigues),
(Green Category)

Located at Survey No: 131/3, Cola, Canacona – Goa.

Located in the area declared under the provisions of the Water Act, Air Act, subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

- As per the Board's circular dated 13th December 2018, the Consent to operate is valid up to **25th April 2026** OR upto the validity of the NOC issued by the Goa Coastal Zone Management Authority (GCZMA) OR the Village Panchayat concerned, **whichever is earlier**.
- This Consent to operate is valid for the operation of:

Sr. No	Description	Capacity
1.	Temporary Huts	10-nos
2.	Restaurant	30-person (Seating capacity)

3. **CONDITIONS REQUIRED TO BE COMPLIED UNDER THE WATER ACT:**

(i) The daily quantity of effluent from the shack (sewage & sullage) shall not exceed **03 K.L.D.**

(ii) **Domestic Effluent treatment and Disposal:-**

The domestic wastewater shall be disposed in DRDO-approved Bio-Digester of adequate capacity or equivalent technology for treatment of domestic wastewater, as is warranted with reference to influent quality and operate and maintain the same continuously. The outlet parameters of the Bio-Digester shall meet the standards as prescribed by the CPCB, for discharge of treated waste water on land.

Near Pileme Industrial Estate, Opp.- Saligao Seminary, Saligao-Bardez Goa-403511

-) The temporary huts cum restaurant unit shall install and maintain a proper 'Oil and Grease Trap for effluent arising from its kitchen', if *proposed*, and shall have to comply with the 'General Standards for Discharge of Environmental Pollutants Part-A: Effluents' notified under Shedule-VI within three months of issue of the consent.
- (iv) A good house-keeping shall be maintained within temporary huts cum restaurant unit's premises. All pipes, valves and drains shall be maintained in leak-proof condition. Floor washings shall be maintained to the effluent collection system only and shall not be allowed to find way in open areas.
- (v) **Non-Hazardous Solid Waste:**
All the Solid wastes arising in the restaurant unit shall be properly classified and disposed off to the satisfaction of the Board as follows:

Sr.	Type of segregated solid waste	Quantity	Disposal
1	Biodegradable (wet) waste	200 Kg/M onth	To be composted preferably on-site/ within the premises
2.	Non-biodegradable (dry) waste		To be disposed through Contractor appointed by the local Village Panchayat

- (vi) The applicant should upload monthly statement (below format) regarding the solid waste generation online.

Sr.	Date	Quantity of wet/dry waste	Name of agency collecting the wet/dry waste	Authorized Signatory

- (v) The hotel industry should maintain and operate machinery/equipment/facility for converting bio-degradable /organic waste generated from the hotel to compost so as to meet the standard for compost prescribed in the Solid Waste Management 2016

4. **CONDITIONS REQUIRED TO BE COMPLIED UNDER THE AIR ACT**

- (i) The temporary huts cum restaurant unit shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise. The limits are as follows-

Category of Area/ Zone	Limits in dB (A) Leq	
	Day time	Night time
Industrial Area	75	70
Commercial Area	65	55
Residential Area	55	45
Silence Zone	50	40

Day time is reckoned between 6 a.m. to 10 p.m. and night time is reckoned between 10 p.m. to 6 a.m.

GENERAL CONDITIONS:

- i) The temporary huts cum restaurant unit shall not change or alter the quantity, quality of discharge, temperature or the mode of the effluent/ emission or hazardous wastes or control equipments provided for without previous permission of the Board.
- (ii) The temporary huts cum restaurant unit shall provide facility for collection of samples of effluent, air emissions and hazardous wastes to the Board staff.
- (iii) An application in prescribed form along with the prescribed fees for renewal of Consent shall be submitted at least 60 days before the expiry of validity of this Consent. An application for renewal of Consent submitted after expiry of the validity shall accompany with penalty of 50% of the Consent fees in addition to the prescribed consent fees.
- (iv) The Board shall be forthwith informed of any accident or unforeseen event involving discharge of any poisonous, noxious or polluting matter into a stream or well or on land or into the atmosphere, as result of such discharge water/ air is being polluted.
- (v) This Consent to operate is granted without any prejudice to any of the permission(s) required under any law, by laws and regulations in force. **The Consent to Operate is confined to matters arising out of the Air Act and Water Act only.**
- (vi) The Board reserves the right to amend or add any conditions in this consent and the same shall be binding on the applicant.
- (vii) The temporary huts cum restaurant unit shall submit to this office, the Environmental Statement Report in Form V for the Financial Year ending April to March by 30th September of the succeeding year as per the provisions of the rule 14 of the Environment (*Protection*) (Second Amendment) Rules, 1992.
- (viii) The temporary huts unit shall bear the cost of analysis / monitoring in case of complaints received by the Board / reinspections due to non compliances observed by the Board & monitoring carried by the Board during the consent validity or otherwise.
- (ix) The temporary huts **cum** restaurant unit shall submit the details of the Public Liability Insurance Policy under the PLI Act 1991, to the Board office as applicable.
- (x) The temporary huts **cum** restaurant unit shall submit returns for disposal of batteries under the Batteries (*Management & Handling*) Rules 2001, if applicable.
- (xi) The temporary huts unit shall submit returns for disposal of e - waste under the E- Waste Management Rules 2016 as amended thereafter, if applicable.
- (xii) The temporary huts cum restaurant unit shall submit returns for disposal of plastic waste under the Plastic Waste Management Rules 2016 as amended thereafter, if applicable.

Near Pileme Industrial Estate, Opp.- Saligao Seminary, Saligao-Bardez Goa-403511

- (iii) The temporary huts cum restaurant unit shall comply to the Guidelines and DUST Mitigation measures in handling Construction material and C & D waste issued by Central Pollution Control Board and are placed on Board website – www.goaspcb.gov.in
- (xiv) **The unit shall comply to the Circular issued by the Board regarding “Mechanism/Guidelines for Control of Pollution and Enforcement of Environment norms at individual establishments and the area/cluster of Restaurants/hotels/motels/banquets etc. in view of the NGT Order in OA No 400/201 dated 10/06/2021 and as amended thereafter.**

To,
M/s AFFAIRZ
(Unit: Dwarka Eco Beach Resort),
(Represented by: Mr. Clement Rodrigues),
Located at Survey No: 131/3, Cola, Canacona – Goa.

Copy to –

1. **The Member Secretary, Goa Coastal Zone Management Authority, C/o. Department of Science, Technology & Environment, 1st Floor, Pandit Deendayal Upadhyay Bhavan, Behind Pundalik Devasthan, Porvorim Goa.**
2. **The Director, Directorate of Food & Drugs Administration, Bambolim – Goa.**
3. **The Director, Department of Tourism, Paryatan Bhavan, Patto, Panaji – Goa.**
4. Accounts Section.
5. Concerned File.
6. Guard File

Received Consent fee of: **The capital Investment of the unit is Rs. 30,50,000/-**

Challan no.	Amount	Date
1498	Rs. 19,000/- (Air and Water Consent fees)	12/04/2021

NANDA Digitally signed
 by NANDAN
N PRABHUDESSAI
 Date:
PRABHU 2021.10.01
 16:14:53
DESSAI +05'30'

(Nandan V. Prabhudesai)
(Assistant Environmental Engineer)
For Goa State Pollution Control Board

 Near Pilerne Industrial Estate, Opp.- Saligao Seminary, Saligao-Bardez Goa-403511



GOVERNMENT OF GOA
DEPARTMENT OF TOURISM

Block No. 43, Ground floor,
Mathany Saldanha Administrative
Complex, Margao Goa
Tel. 0832 – 2715204

Email: deptgoatourismsouthzone@gmail.com Web : www.goatourism.gov.in

No.: Pvt Huts-Tents/2021-22/SHAS000071

Dated: 22-Feb-2022

To,
Clement Rodrigues
DWARKA ECO BEACH RESORT
H.No. 884/2 Nr Holy Family School
Porvorim, Mapusa,
Bardez, North Goa,



Ref: Approval of GCZMA No. GCZMA/S/SHACK-HUT-COTT-TENT/17-18/103/1104 dated 26-Sep-2018

Sub: Registration Certificate for Temporary Huts/Tents in Private Property in Goa for the Tourist Season 01-Oct-2021 to 31-May-2023.

Sir,

This has reference to your application dated 23-Dec-2021 addressed to Director of Tourism on the above cited subject.

In the above context, it is informed that this Department has **No Objection** for Registration of Temporary **Non Ac Huts-10 Nos.** in Private property bearing Survey No. 131/3 of village **Cola** to cater the tourists /locals for the Tourist Season 01-Oct-2021 to 31-May-2023 subject to compliance with the directives issued by the Hon'ble High Court of Bombay at Goa from time to time and with the directions issued by the Goa Coastal Zone Management Authority (GCZMA) and Tourism Policy for Registration of temporary seasonal structures for Tourist Season from 01-Oct-2021 to 31-May-2023 for strict compliance:-

1. The Temporary **Non Ac Huts-10 Nos.** shall be put up only in the Survey No. 131/3 situated at **Cola**.
2. The Registration granted shall be valid for current Tourist Season i.e. from the date of issue of registration upto 31-May-2023 and shall be subject to the applicant obtaining the required licenses/permissions from the Village Panchayat/Municipality, Fire Services, Commercial Taxes Department and other concerned authorities.
3. The Temporary Shack/Hut/Tents shall be made out of eco-friendly materials like bamboos/wooden poles with thatched palm leaves/thatched bamboo mat roofing and **NO TIN or PLASTIC SHEETS shall be used. No permanent construction materials nor iron structures or iron sections of any nature shall be allowed to be used. The floor at the maximum can be of wooden planks. No cement/khadappa floor shall be allowed. The instructions issued by the GCZMA in these regards shall have to be strictly followed. The concerned Village Panchayat/Municipality Shall prevent permanent construction in the**



Temporary Shack/Huts/Tents.

4. **This Registration is issued subsequent to the payment of fees by the applicant of Rs.7500 vide Card dated 22-Feb-2022.**
5. The applicant shall not sublet the Shack/Hut/Tents. Association with Lamanis, Masseurs and Hawkers shall not be permitted.
6. The applicant should not have any criminal record nor involve in any illegal activities, including trafficking in drugs, immoral activities, paedophilia, etc.
7. The applicant shall not discharge dirty water, liquid, sewage from the toilets, garbage or any dry waste on the beach, or into the sand. **The applicant will be required to maintain two dust bins, one for biodegradable waste with a lid and the other for non-biodegradable waste.** Each applicant will also maintain a container to collect the waste water generated from washing, etc and it shall be disposed off by applicant at its own risk and cost.
8. The applicant will be required to compulsorily provide toilet facility which as far as possible should be eco-friendly for their respective Shack/Huts/Tents. The toilet facility should be either of Bio toilet/Chemical mobile toilet.
9. Area surrounding the temporary Shack/Hut/Tents must be kept clean. Burning or buying of waste/garbage in any form is not allowed. In case, any dirt/garbage, fire wood, charcoal, etc. is found behind the Shack/Hut/Tents or nearby or in the bushes/vegetation/sand dunes, the N.O.C of the applicant will be cancelled.
10. **No foreigners shall be permitted to work in any temporary Shack/Hut/Tents without work Visa.**
11. **'No smoking' and 'No spitting'** board has to be displayed by each applicant within his/her temporary Shack/Hut/Tents and shall observe the rules and regulations under the Goa Prohibition of Smoking and Spitting Act, 1997 and the central act i.e. Cigaretts and Other Tobacco products Act. Further, the N.O.C issued by the Department of Tourism should be displayed within the Shack/Hut/Tents premises which should be visible to the Guests/Authorities.
12. The applicant shall take due care not to disturb any existing sand dunes and pioneer beach vegetation covering the sand dunes and they shall be protected and conserved. Failure to protect and conserve the same, the applicant will be held responsible for violation of CRZ Notification, 1991 and CRZ notification 2011 and action initiated against the violators.
13. The applicant have no right to object any Shack permitted by the Department of Tourism on identified beaches of Goa in front of the Private Property.
14. In case it is proved that the ownership of the land is not in the name of applicant/land owner who issues the Registration with the photography identity as proclaimed in the application form, the Registration shall stand cancelled/revoked forthwith without any further Notice. The Department may also file criminal cases if necessary.
15. In case of failure to abide any conditions as applicable under this Certificate of Registration he/she shall be **debarred** from applying for Shack/Hut/Tents in private property for the next three years/tourist season.
16. In the event of any complaint received against the applicant with documental proof, the N.O.C granted shall be cancelled/revoked.
17. **Site clearance certificate shall indicate the date of clearance of the site which shall not be beyond the 10th day of June 2022.**
18. The applicant shall follow any other instruction/order issued by this Department from time to



NOTE:

1. Necessary ownership Title/Form I & XIV to be scrutinized & verified by the respective Village Panchayat/Municipality before granting of license for Registration of Temporary Shack/Hut/Tents.
2. This is only a No objection Certificate from the Department of Tourism and the Permission letter/License to operate the Shack/Hut/Tents shall be issued by respective Village/Panchayat/Municipality.
3. In case of any illegality, this Department shall not be held responsible in any manner.



Copy to:

- 1)The Sarpanch/Chief Officer, Village Panchayat/Municipal Council Cola.
- 2)The Collector, South-Goa.
- 3)The Superintendent of Police, South-Goa.
- 4)The Chief Electrical Engineer, Panjim-Goa.
- 5)The Chief Electrical Engineer,Public Works Department, Panjim-Goa.
- 6)The Commissioner, Commercial Taxes, Vikrikar Bhavan, Panaji - Goa.
- 7)The Director, Fire & Emergency Services, Santa Inez, Panaji - Goa.
- 8)The Police Inspector, Tourist Police Cell, Panaji - Goa.
- 9)Guard file.
- 10)O/c.

Yours faithfully,

Ganesh Teli
 Prescribed Authority &
 Deputy Director of Tourism
 (South Zone Office)



GOVERNMENT OF GOA
DEPARTMENT OF TOURISM

Block No. 43, Ground floor,
Mathany Saldanha Administrative
Complex, Margao Goa
Tel. 0832 – 2715204

Email:deptgoatourismsouthzone@gmail.com Web : www.goatourism.gov.in

No.: Pvt Shack/2021-22/SHAS000072

Dated: 22-Feb-2022

To,

Clement Rodrigues
DWARKA ECO BEACH RESORT
H.No. 884/2 Near Holy Family School
Porvorim, Mapusa,
Bardez, North Goa,
Pincode - 403521



Ref: Approval of GCZMA No. GCZMA/S/SHACK-HUT-COTT-TENT/17-18/103/1104 dated 26-Sep-2018

Sub: Registration Certificate for Temporary Shack in Private Property in Goa for the Tourist Season 01-Oct-2021 to 31-May-2023.

Sir,

This has reference to your application dated 23-Dec-2021 addressed to Director of Tourism on the above cited subject.

In the above context, it is informed that this Department has **No Objection** for Registration of Temporary **Shack-1 No. (7.33 x 2.8)** in Private property bearing Survey No. 131/3 of village **Cola** to cater the tourists /locals for the Tourist Season 01-Oct-2021 to 31-May-2023 subject to compliance with the directives issued by the Hon'ble High Court of Bombay at Goa from time to time and with the directions issued by the Goa Coastal Zone Management Authority (GCZMA) and Tourism Policy for Registration of temporary seasonal structures for Tourist Season from 01-Oct-2021 to 31-May-2023 for strict compliance:-

1. The Temporary **Shack-1 No. (7.33 x 2.8)** shall be put up only in the Survey No. 131/3 situated at **Cola**.
2. The Registration granted shall be valid for current Tourist Season i.e. from the date of issue of registration upto 31-May-2023 and shall be subject to the applicant obtaining the required licenses/permissions from the Village Panchayat/Municipality, Health Department, Food & Drugs Administration, Fire Services, Commercial Taxes Department and other concerned authorities.
3. The Temporary Shack/Hut/Tents shall be made out of eco-friendly materials like bamboos/wooden poles with thatched palm leaves/thatched bamboo mat roofing and **NO TIN or PLASTIC SHEETS shall be used. No permanent construction materials nor iron structures or iron sections of any nature shall be allowed to be used. The floor at the maximum can be of wooden planks. No cement/khadappa floor shall be allowed. The instructions issued by the GCZMA in these regards shall have to be strictly followed. The concerned Village Panchayat/Municipality Shall prevent permanent construction in the temporary**



Shack/Huts/Tents.

4. **This Registration is issued subsequent to the payment of fees by the applicant of Rs.37500 vide Card dated 22-Feb-2022.**

5. The applicant shall not sublet the Shack/Hut/Tents. Association with Lamanis, Masseurs and Hawkers shall not be permitted.

6. The applicant should not have any criminal record nor involve in any illegal activities, including trafficking in drugs, immoral activities, paedophilia, etc.

7. The applicant shall not discharge dirty water, liquid, sewage from the toilets, garbage or any dry waste on the beach, or into the sand. **The applicant will be required to maintain two dust bins, one for biodegradable waste with a lid and the other for non-biodegradable waste.** Each applicant will also maintain a container to collect the waste water generated from washing, etc and it shall be disposed off by applicant at its own risk and cost.

8. The applicant will be required to compulsorily provide toilet facility which as far as possible should be eco-friendly for their respective Shack/Huts/Tents. The toilet facility should be either of Bio toilet/Chemical mobile toilet.

9. Area surrounding the temporary Shack/Hut/Tents must be kept clean. Burning or buying of waste/garbage in any form is not allowed. In case, any dirt/garbage, fire wood, charcoal, etc. is found behind the Shack/Hut/Tents or nearby or in the bushes/vegetation/sand dunes, the N.O.C of the applicant will be cancelled.

10. **No foreigners shall be permitted to work in any temporary Shack/Hut/Tents without work Visa.**

11. **'No smoking' and 'No spitting'** board has to be displayed by each applicant within his/her temporary Shack/Hut/Tents and shall observe the rules and regulations under the Goa Prohibition of Smoking and Spitting Act, 1997 and the central act i.e. Cigaretts and Other Tobacco Products Act. Further, the N.O.C issued by the Department of Tourism should be displayed within the Shack/Hut/Tents premises which should be visible to the Guests/Authorities.

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13. The applicant have no right to object any Shack permitted by the Department of Tourism on identified beaches of Goa in front of the Private Property.

14. In case it is proved that the ownership of the land is not in the name of applicant/land owner who issues the Registration with the photography identity as proclaimed in the application form, the Registration shall stand cancelled/revoked forthwith without any further Notice. The Department may also file criminal cases if necessary.

15. In case of failure to abide any conditions as applicable under this Certificate of Registration he/she shall be **debarred** from applying for Shack/Hut/Tents in private property.

16. In the event of any complaint received against the applicant with documental proof, the N.O.C granted shall be cancelled/revoked.

Site clearance certificate shall indicate the date of clearance of the site which shall not be beyond the 10th day of June 2022.

The applicant shall follow any other instruction/order issued by this Department from time to



NOTE:

1. Necessary ownership Title/Form I & XIV to be scrutinized & verified by the respective Village Panchayat/Municipality before granting of license for Registration of Temporary Shack/Hut/Tents.
2. This is only a No objection Certificate from the Department of Tourism and the Permission letter/License to operate the Shack/Hut/Tents shall be issued by respective Village/Panchayat/Municipality.
3. In case of any illegality, this Department shall not be held responsible in any manner.

**Copy to:**

- 1)The Sarpanch/Chief Officer, Village Panchayat/Municipal Council Cola.
- 2)The Collector, South-Goa.
- 3)The Superintendent of Police, South-Goa.
- 4)The Excise Commissioner, Panjim-Goa.
- 5)The Chief Electrical Engineer, Panjim-Goa.
- 6)The Chief Electrical Engineer,Public Works Department, Panjim-Goa.
- 7)The Director, Food & Drugs Administration, Panaji - Goa.
- 8)The Commissioner, Commercial Taxes, Vikrikar Bhavan, Panaji - Goa.
- 9)Directorate of Health Services, Panaji - Goa.
- 10)The Director, Fire & Emergency Services, Santa Inez, Panaji - Goa.
- 11)The Police Inspector, Tourist Police Cell, Panaji - Goa.
- 12)Guard file.
- 13)O/c.

Yours faithfully,

A handwritten signature in black ink, appearing to be "Ganesh Teli".

Ganesh Teli
**Prescribed Authority &
 Deputy Director of Tourism
 (South Zone Office)**