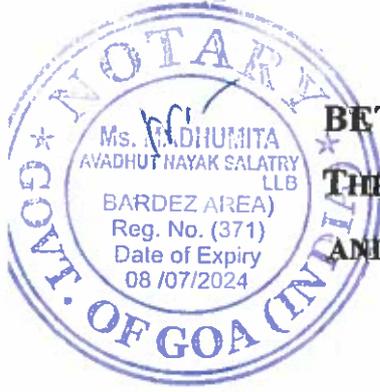


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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE**

Appeal No.07/2023(WZ)



**BETWEEN
THE COLVA CIVIC
AND CONSUMER FORUM**

..... APPELLANT

AND

**THE GOA COASTAL ZONE MANAGEMENT
AUTHORITY & ORS.**

..... RESPONDENTS

**RESPONSE ON BEHALF OF THE RESPONDENT TO THE
REJOINER DATED 09.08.2023 FILED BY THE APPELLANT**

1. I **MR. ABHAY PRABHU**, Son of Mr. Ramchandra Prabhu, 53 years of age, Indian National, office at Salcete Beach Resort, House no. 295/8, 3rd Ward, Colva, Salcete, Goa 403708 (“answering respondent”), the authorised representative of Respondent No.3 hereinabove on solemn affirmation state that I am filing the response to the Rejoinder dated 09.08.2023 filed by the Appellant which was served on the answering respondent on 10.08.2023.

myA

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2. I state that I am not replying to each and every statement and submission made in the said Affidavit in Rejoinder, and nothing may be deemed to be admitted unless the same is specifically admitted herein but should be treated as though the same has been set out in seriatim and denied and disputed specifically.
3. In respect of para 2 of the Affidavit in Rejoinder, it is reiterated that the Appellant is guilty of suppressing material facts and documents which were part of the proceeding before the Goa Coastal Zone Management Authority. It was imperative on the part of the Appellant to produce all the replies along with the permission/documents annexed thereto be produced on record inasmuch as the Appellant has alleged that the subject matter structures are without approval/permissions. Further, it is submitted that the Respondent No. 3 has duly complied with the Order dated 09.12.2022 passed by the Goa Coastal Management Authority and demolished the structures which were directed to be demolished in the said Order. It is specifically denied that the basement below the swimming pool deck and the interlocking pavers are yet to be demolished. In this Context, it is relevant to





note that the Hon'ble Tribunal vide Order dated 21.02.2023 constituted a Joint committee consisting of one members from a) Goa Coastal Zone Management Authority, b) Goa Pollution Control Board and c) District Magistrate, South Goa. The said Committee inspected the site and submitted the report dated 06.04.2023 which *interalia* pointed out that majorly all the structures as directed to be demolished were in fact demolished, however, certain structures still remain to be demolished. Subsequent to the inspection, Respondent No. 3 demolished the remaining structures and submitted compliance report to the Goa Coastal Zone Management Authority vide communication dated 17.04.2023 along with the Photographs demonstrating the compliance.

The copy of the Communication dated 17.04.2023 along with the Photographs are annexed hereto and marked as **Annexure A.**

4. In respect of para 3, the contents are denied. Further, it is submitted that the structures in respect of which the show cause notice is discharged are the structures which have required permission/approvals and in this regards, the contents of the reply dated 04.07.2023 are reiterated and the same are not reproduced



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for the sake of brevity. It is specifically denied that the structures of the answering respondent does not have permission from the authority. Further, the answering respondent has produced all the permission on record.

5. In respect of para 4, the answering respondent most respectfully state and submits that the activities carried out by the Respondent no. 3 is in compliance with all the provision of law and after obtaining all requisite permission/approvals. In respect of direction issued by the Goa State Pollution Control Board to rectify the STP, it is submitted that the same was duly rectified. In any event of the matter the same is not subject matter of the present proceeding. Further, it is stated that the answering respondent has presently a valid Consent to Operate in respect of the subject matter resort.

6. In respect of para 5, the contents of para 5 of the reply dated 04.07.2023 of the respondent No. 3 are reiterated. It is stated that the Respondent No. 3 was served with the notice of personal hearing in which reference was made to the show cause notice and only thereafter the answering respondent having appeared before





the authority sought for the documents which were part of the proceeding.

7. In respect of para 6, it is reiterated that the Appellant is guilty of suppressing of material fact inasmuch as the replies along with the documents which were filed by the Respondent No. 3 was not produced on records whilst filing of the present Appeal. Such suppression are ground alone to dismiss the captioned appeal.
8. The contents of para 7, 8, 9 and 10 are denied.
9. In respect of para 11 and 12, it is stated that the Hon'ble Tribunal constituted a joint committee to ascertain the factual position in the context of the Order passed by the Goa Coastal Zone Management Authority and the Joint committee duly submitted the Report dated 06.04.2023 in compliance thereto. It appears that the Appellant was/is insisting to widen the scope of the present proceeding by alleging certain additional construction which is not permissible in law inasmuch as the same was not part o the proceeding before the Respondent No. 1 Authority. Further, the

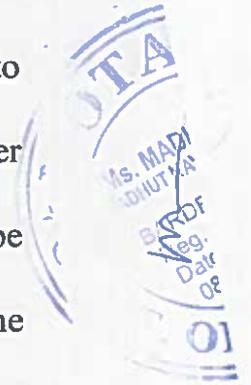


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Joint committee correctly prepared the report to the extent of the structures which were mentioned in the Order passed by the Goa Coastal Zone Management Authority.

10. In respect of para 13, it is denied that the Joint Committee for the reason best known to them disregarded the direction of this Hon'ble Tribunal. It is specifically stated that the Joint Committee prepared the report in terms of the direction of this Hon'ble Tribunal as contained in the Order dated 09.12.2022.

11. In respect of para 14, the reference made to the Order dated 14.01.2020 of the Hon'ble High Court of Bombay at Goa in Writ Petition NO. 1105/2019 is wholly out of context. It is relevant to note that the present proceedings are Appeal proceedings under section 16 of the National Green Tribunal Act, 2010 and the scope of the same cannot be extended beyond the proceeding before the Goa Coastal Zone Management Authority which culminated Order dated 09.12.2022.



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12. In respect of para 15, It is categorically denied that there are any additional violations/structures at the site. The Photographs sought to be relied upon do not relate to the actual site. It is once again reiterated that the structures directed to be demolished by the Goa Coastal zone Management vide Order dated 09.12.2022 have duly been demolished and compliance report to that extent has been duly filed the answering respondent.

13. I Say that what is stated by me in paragraphs 1, 3(part), 4(part), 6(part), 7(part), 8, 9(part) are true to my own knowledge and what is stated in the remaining paragraphs namely 2, 3(part), 4(part), 5, 6(part), 7(part), 9(part), 10(part) 11, 12(part), 13 in the nature of legal submissions and/or inferences of facts, which I believe to be true.

Solemnly affirmed at ~~Panaji~~ Goa on

This 19th August, 2023



Deponent

Identified by me



Advocate for the Respondent No. 3





Executed Before Me
Mapusa Dated 19/08/2023

Ms. Madhumita Avedhut Nayak Salaty
LLB

NOTARY
BARDEZ - TALUKA
MAPUSA - GOA
Reg. No. (371)
Sr. No.

3411/2023

O/o Member Secretary
Goa Coastal Zone Management Authority
C/o Department of Environment & Climate Change,
Dempo Tower 4th Floor,
Patto Plaza Panjim-Goa. 403001

Relk 17/4/23

To,
The Member Secretary,
Goa Coastal Zone Management Authority, Patto-Panaji, Goa
Date: 15/04/23

Ref: GCZMA/NGT matter/appeal no.07/2023/22-23/37/2797 dated 13/03/2023

Sub:- Complete compliance towards direction to demolish in property brg sry no.55/3 & 54/5 of Colva Village, Salcete Taluka, as per inspection dated 24/03/23.

Madam,

Inspection held on 24/03/23 at 11am onwards in presence of three member committee i) Expert Member, GCZMA, ii)GSPCB, iii) The District Magistrate, South Goa and the Complainant.

As per the order brg ref no.GCZMA/S/ILLE-COMLETE/18-19/58/2056 dated 09/12/2022, direction to demolish the pool side restaurant, stage, shower room, fountain, basement shed below swimming pool deck, interlocking pavers on concrete base, car porch, security cabin, cylinder shed erected in property bearing survey nos 55/3 & 54/5 of colva village, bardez-Goa been passed.

While the inspection dated 24/03/2023, 11am onwards the pool side restaurant, basement shed below swimming pool deck, car porch, cylinder shed & security cabin was found to be partially complied as per the three member committee.

Further to the partial compliance found, kindly find the complete compliance of the above locations with pictures enclosed for your kind perusal.

Requesting your good offices to kindly visit the site to confirm the same and issue me the report at your earliest. Further, report in the matter needs to be filed by the committee at ngt-pune@gov.in on or before next hearing on 25/04/23 respectively

Thanking you,

yours truly

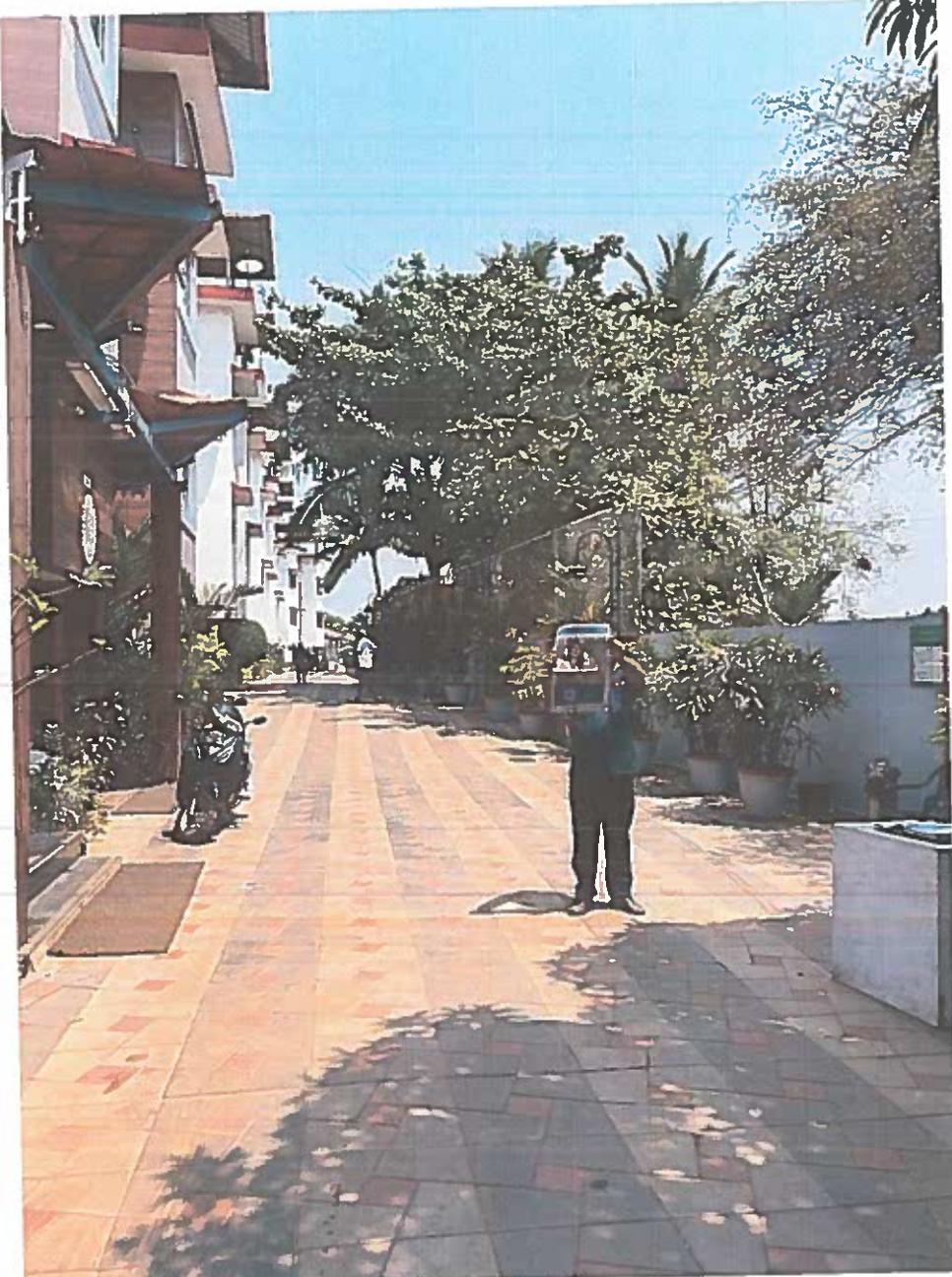
For,



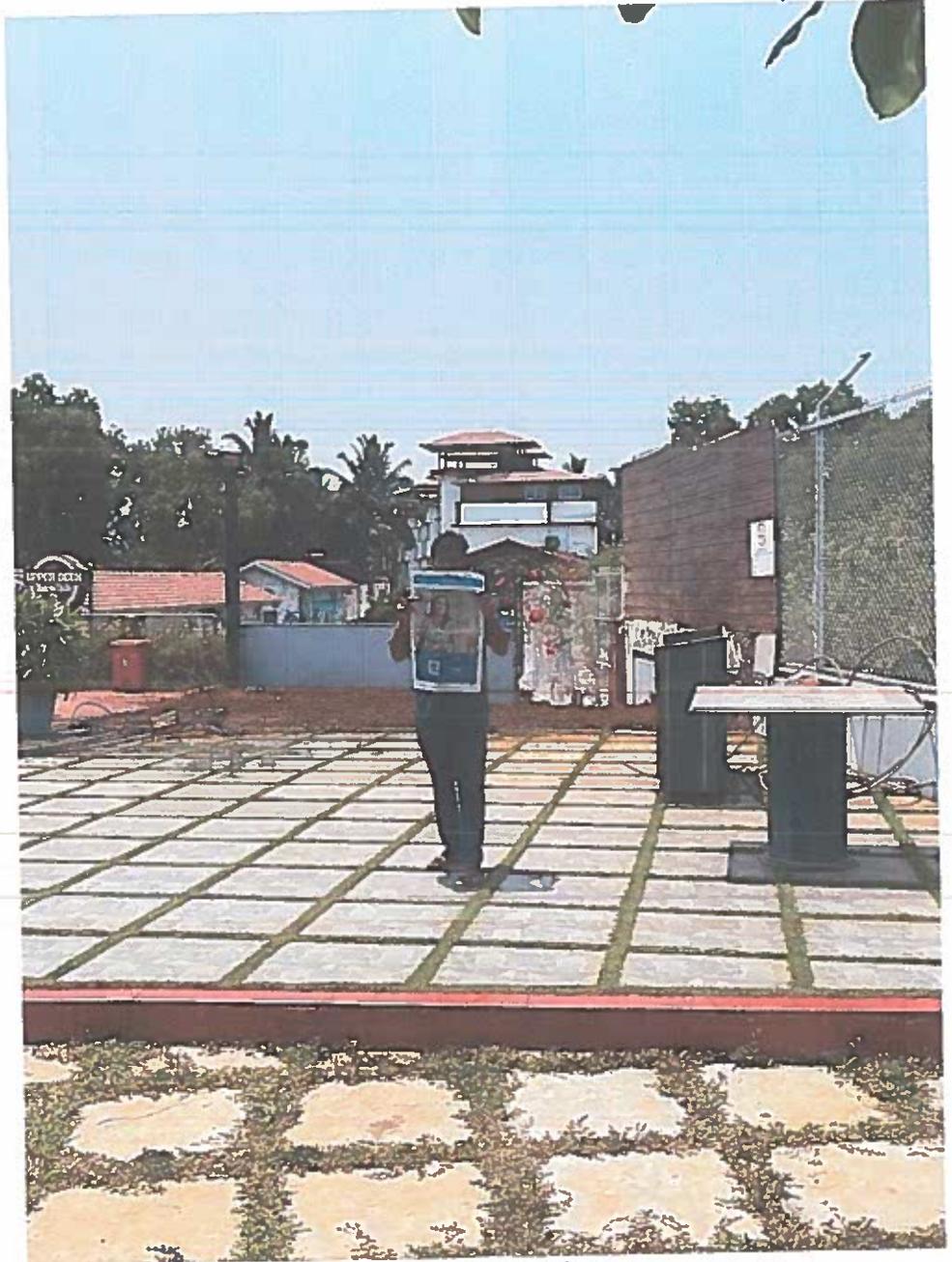
Salcete Beach Resort.

S.Nos 55/3&54/3.

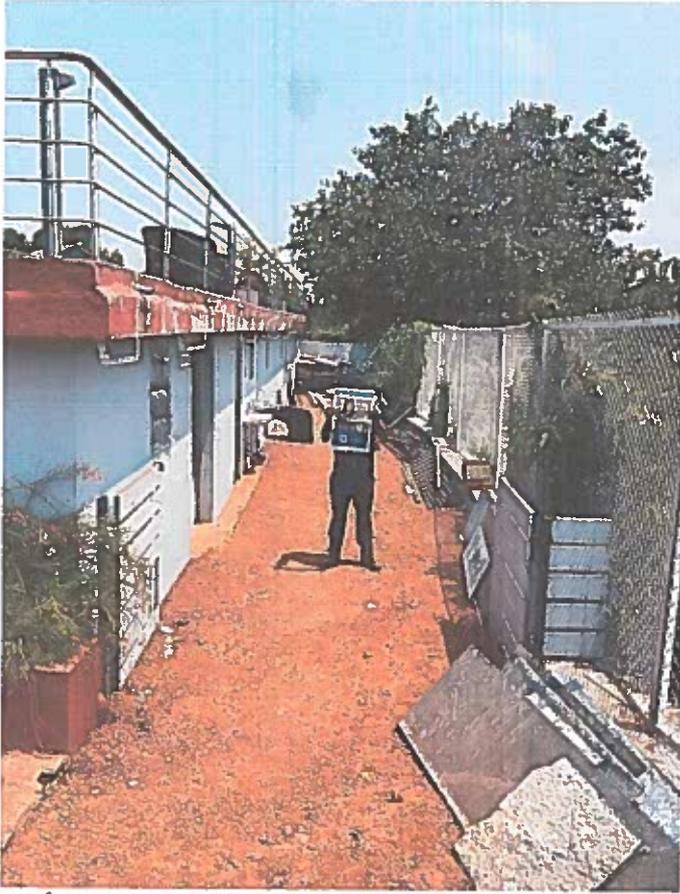
Colva- Bardez, Goa.



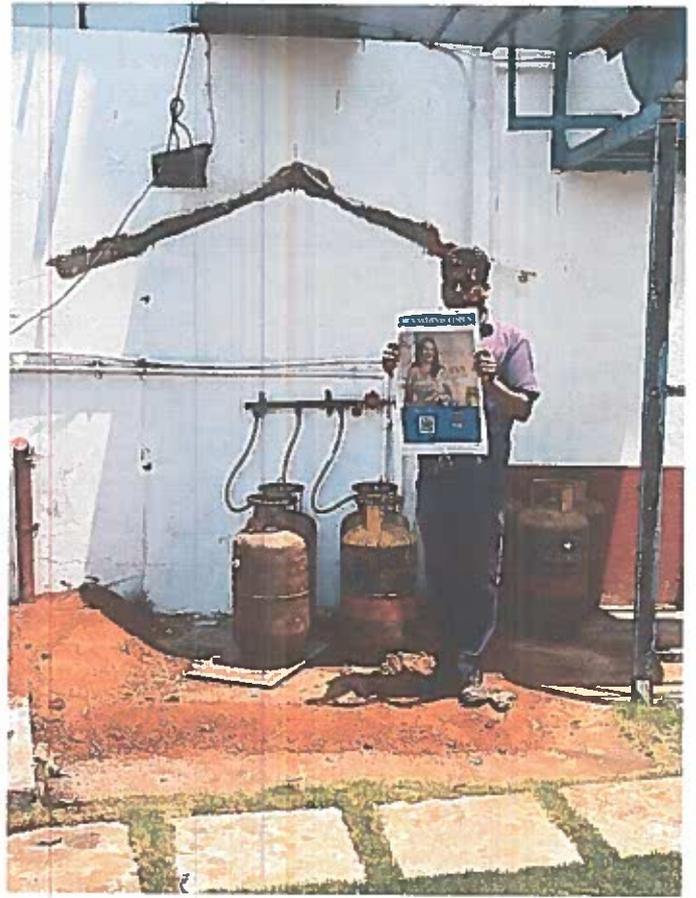
1) complete car porch completed



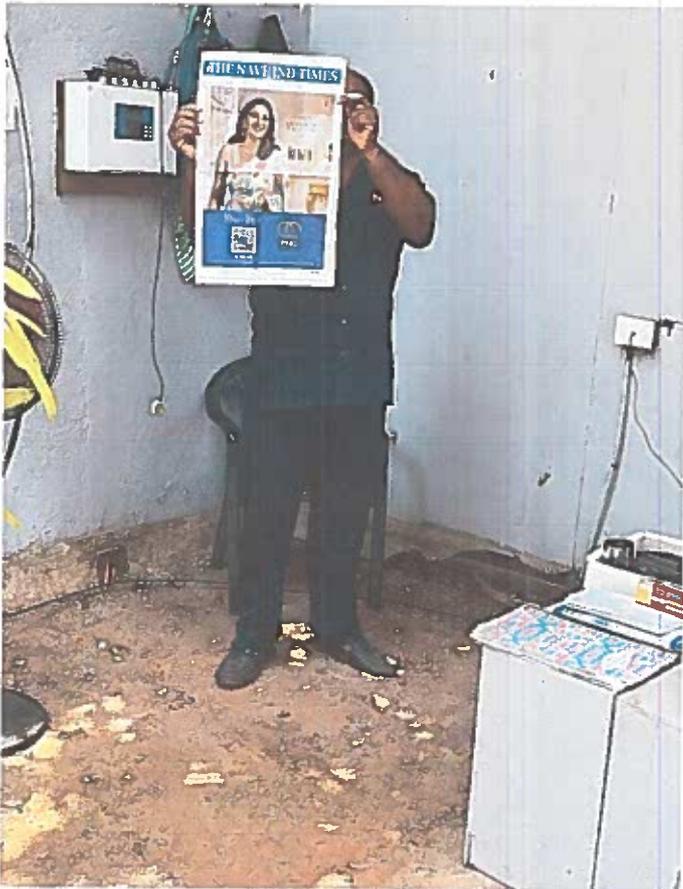
2) Pool side Restaurant



3) Basement shed below swimming pool deck



4) Cylinder shed



5) Security cabin