

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PUNE BENCH
ORIGINAL APPLICATION NO. 171 OF 2017**

IN THE MATTER OF:

KASHINATH SHETYE & ORS.

z....APPLICANTS

VERSUS

PANAJI COMMUNITY CENTRE & ORS.

...RESPONDENTS

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Place: Delhi

Date: 09.12.2022

Recd on
09/12/22

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL*
PUNE BENCH

ORIGINAL APPLICATION NO. 171 OF 2017

IN THE MATTER OF:

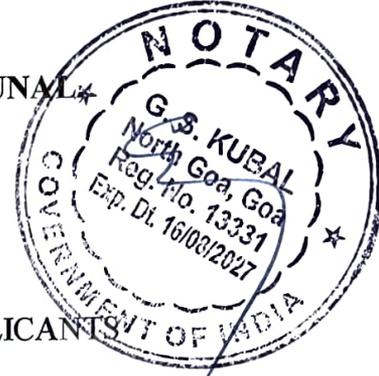
KASHINATH SHETYE & ORS.

...APPLICANTS

VERSUS

PANAJI COMMUNITY CENTRE & ORS.

...RESPONDENTS



**SHORT AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO.4,
GOA COASTAL ZONE MANAGEMENT AUTHORITY.**

I, Dasharath M. Redkar, son of late Shri. Mahadeo S. Redkar, aged about 56 years, r/o House no.816 Chon Waddo, Dhargal, Pernem, Goa, do hereby on solemn affirmation state as under:

1. That I am holding the post of Member Secretary, of Goa Coastal Zone Management Authority, Government of Goa and being well conversant with the facts of the present case, am competent to depose by way of the present affidavit.

2. I have gone through the list of dates and the Original Application filed by the Appellant and the Answering Respondent Authority denies each and every averment in the Appeal save and except what is specifically admitted herein. The Answering Respondent is filing the present Reply Affidavit to the present Appeal, without submitting any parawise reply and seeks liberty of this Hon'ble Tribunal to file a further affidavit, as and when directed.

3. That the Appellant filed the subject Original Application No. 171/2017(WZ) before this Hon'ble Tribunal, interalia, seeking the following reliefs:

- a. Order directing demolition of the Panaji Community Centre by Vistar Group as also by M/S Tarcar Real Estates Pvt. Ltd., Panaji and M/s Albuquerque Noronha in PT Sheet No. 106 of Chalta No. 37 and 37-A Mala on the tributary of River Mandovi in CRZ-II and in NDZ in total violation of CRZ Notification in CCP Area.

- b. Order directing no further construction by the concerned owner of Panaji Community Center by Vistar Group as also by M/S Tarcar Real Estates Pvt. Ltd., Panaji and M/s Albuquerque Noronha in PT Sheet No. 106 of Chalta No. 37 and 37-A Mala on the tributary of River Mandovi for gross violation in CRZ-II in total violation of CRZ Notification in CCP Area.
- c. Order directing to restore and restitution of the land to its original condition area by demolishing the alleged illegal construction by the Panaji Community Centre by Vistar Group as also by M/s Tarcar Real Estates Pvt. Ltd., Panaji and M/s Albuquerque Noronha in PT Sheet No. 106 of Chalta No. 37 and 37-A Mala on the tributary of River Mandovi in CRZ-II in total violation of CRZ Notification.
- d. Order directing the NGPDA and CCP to take action and revoke the licences given to the Construction if any.

4. That the present matter is with respect to complaint letter dated 07.03.2016 from Mr. Kashinath Shetye (Applicant herein) &ors. alleging CRZ Violation by Panaji Community Centre, i.e Vistar Group, M/s Tarcar Real Estates Pvt. Ltd, Panaji (**Respondent no. 1**) and M/s Albuquerque & Noronha (**Respondent No. 2**) in property bearing PT Sheet No. 106 of Chalta No. 37 and 37-A of Mala, Panaji, including construction of illegal structures in CRZ Violation without permission of GCZMA and GSPCB and other authorities by destroying mangroves.

5. That at the very outset, it is most respectfully submitted that in the 289th meeting of GCZMA held on 08.02.2022, it has been decided to discharge the proceedings against Respondent No. 1 M/s Tarcar Real Estate Pvt. Ltd. c/o "Panaji Community Centre" in respect of structures of Respondent in property bearing Chalta No. 37, Pt Sheet No. 106 of Panaji City since on site inspection and ground truthing of the property it was observed that (i) the Community Centre is on landward side of existing structure line; (ii) The buffer of 10 meters for Chalta No. 37, PT Sheet No. 106, Panaji City is maintained by the Respondent No. 1; (iii) the disputed structures in the 10m buffer zone were demolished by the Respondent no. 1. Thus, vide order bearing Ref. No. GCZMA/NGT-Matter/AppNo.171/2017/18-19/16/2186 dated 07.03.2022, the Answering Respondent Authority, in exercise of 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 3975 (E) dated 31.10.2019 issued by the Ministry of Environment & Forests, Government of India, discharged the proceedings pertaining to structures in property bearing Chalta No. 37, PT Sheet No. 106 of Panaji City, belonging to M/s Tarcar Real Estate Pvt. Ltd., Panaji Community Centre through Sanjeev Tarcar. Further, it was decided to proceed in the matter with regard to a 'gazebo' which is the only structure existing within 10 mts in Chalta 37-A, PT Sheet No. 106, Panaji belonging to M/s Albuquerque Noronha, in accordance with law. However, since Respondent No. 2 was not appearing before the Respondent Authority, despite issuance of notice, the Complainant was requested to furnish details of Respondent No. 2. It is also pertinent to note that in the subject matter, the details of the Respondent No. 2 have been furnished as Survey No. 37 & 37 A Mala, Panjim, Goa-403001. (Annexure R4/23)

6. That the relevant and necessary facts for adjudication of the present matter are being stated hereinbelow for ready reference.

7. That the Answering Authority received an application dated 02.07.2006, from Respondent No. 1 seeking CRZ clearance with respect to construction of workshop of their motor company, in the property bearing Chalta No. 37 of PT Sheet No. 106 of Panjim City, Goa. While deliberating on the application in the 28th GCZMA Meeting held on 10.01.2007, the GCZMA found that the structure has already been constructed and decided to issue show cause notice to Mr. Sanjeev Tarcar (Director of Tarcar Real Estate Pvt. Ltd.) with respect to the construction of a building in Chalta No. 37 of PT Sheet No. 106 of Panjim City, Tiswadi Taluka.

8. That in the 31st GCZMA Meeting held on 17.04.2007, GCZMA observed that if the last point of authorized structure in the adjacent property in Survey No. 13/73 is considered, then construction can be permitted on the landward side of a straight line drawn from the end

point of the authorized structures parallel to the submerged land in property No. 37/A. This is



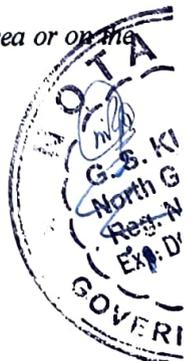
CRZ II area and as such construction of building is permitted on the landward side of authorized structures and thus, grant of Permission can be considered to the proposed project subject to maintaining a 10 m buffer from the edge of the water body so as to prevent the project from encroaching in to the water body. Therefore, the GCZMA, in its 31st GCZMA Meeting decided to grant permission to the proposed project by Respondent no. 1, subject to 10 m buffer zone from the edge of the water body and also subject to the compliance of building bye laws and obtaining all relevant permissions from the concerned Authorities. Accordingly, in aforementioned terms, vide letter bearing Ref. No. GCZMA/N/632/2365 dated 03.05.2007, the GCZMA granted CRZ Clearance to the project proponent in the property bearing Chalta No. 37 of PT Sheet No. 106 of Panaji City for the proposed workshop by observing *"It is seen that if the last point of authorized structure in the adjacent property in Survey No. 13/73 is considered, then construction can be permitted on the landward side of a straight line drawn from the end point of the authorized structures parallel to the submerged land in property No. 37/A. ...*

..
After due deliberation on the issue, GCZMA has been pleased to grant necessary clearance for the said project subject to maintaining of 10 mtrs buffer zone alongside your property which is adjacent to the property Survey No. 37/A which is currently filled with water. "

A true copy of the CRZ Clearance given to Respondent No. 1 by the Answering Authority dated 03.05.2007 is annexed herewith and marked as Annexure R4/1.

9. That it is submitted by the Answering Authority had granted the CRZ Clearance dated 03.05.2007 as per the provisions of CRZ Notification 1991, the relevant provision of which reads as under:

"CRZ II: (i) Buildings shall be permitted only on the landward side of the existing road (or roads approved in the Coastal Zone Management Plan of the area or on the



landward sided of existing authorized structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorized structures shall be subject to the existing Local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio ... ”

It is clear from the aforesaid provision that construction is subject to existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio. It is also a matter of record that the Respondent no. 1 after obtaining NOC dated 03.05.2007 issued from the Answering Authority has obtained subsequent construction license from Corporation of City of Panaji, Order from North Goa Planning and Development Authority and finally an occupancy Certificate from Corporation of City of Panaji. In the 30th GCZMA Meeting held on 13.03.2007 while granting the CRZ Clearance, it was decided as follows:

“It is decided that whenever applicants seeking to revise their construction plans for which CRZ Clearance has already been granted, then there is no requirement to approach the GCZMA again for clearance. They would need to obtain the requisite clearances from the TCP/Panchayat/Municipality concerned subject to the fact that the proposed changes are within the permitted requirement of CRZ guidelines. This should be determined by the Authority concerned who grants construction permissions.”

A true copy of the Relevant extract of 30th GCZMA Meeting held on 13.03.2007 is annexed herewith and marked as Annexure R4/2.

10. That the Answering Respondent Authority was in receipt of a complaint letter dated 07.03.2016 from Mr. Kashinath Shetye(Applicant herein) &ors. alleging CRZ Violation by Panaji Community Centre, i.e Vistar Group, M/s Tarcar Real Estates Pvt. Ltd, Panaji (**Respondent no. 1**) and M/s Albuquerque & Noronha (**Respondent No. 2**)in property bearing PT Sheet No. 106 of Chalta No. 37 and 37-A of Mala, Panaji, including construction of illegal structures in CRZ Violation without permission of GCZMA and GSPCB and other



authorities by destroying mangroves. A copy of the Complaint dated 07.03.2016 is annexed as Annexure A-1 of the Original Application.

11. That the North Goa Planning and Development Authority (NGPDA) issued a letter dated 11.03.2016 to GCZMA to intimate whether the said property is covered by CRZ regulation as per GCZMP which is in force at the earliest. The NGPDA, on the same day also forwarded the complaint of the Applicant to GCZMA/Answering Respondent Authority and sought reply within 7 days. A copy of the Letter dated 11.03.2016 is annexed with the Original Application as Annexure A-4.

12. That the Applicant filed the instant Original Application No. 171/2017 before this Hon'ble Tribunal seeking demolition of structure constructed by Panaji community Centre and M/s Albuquerque & Noronha in property bearing PT Sheet No. 106 and Chalta No. 37 and 37-A of Mala, Panaji.

13. That the Answering Respondent was in receipt of the letter dated 26.03.2018 and 09.07.2018 from the Corporation of the City of Panaji, in reference to the NOC granted by the Respondent Authority dated 03.05.2007, wherein it was stated that during the site inspection by officials of the Corporation, it was noted that within 10 m distance of the buffer zone, there are three non-habitable structures erected with M/S bracing member and GI Sheets, and therefore, the Corporation requested the Answering Authority to take appropriate action in this regard.

A true copy of the Letters dated 26.03.2018 and 09.07.2018 issued by office of Corporation of City of Panaji to the Answering Authority are annexed herewith and marked as Annexure R4/3.

14. Accordingly, the Answering Respondent, issued Notice bearing Ref. No. GCZMA/NGT MATTER/APPL no. 171/2017/18-19/16/721 dated 26.07.2018 for Site



Inspection of the subject property to the Respondents nos. 1 and 2. The Site Inspection was conducted on 01.08.2018 along with the officials of the DSLR, wherein it was observed that:

“iv. The Respondent (No. 1) purchased the site from M/s Albuquerque & Noronha, vide Sale deed dated 02.09.1992, for which Purchase Agreement was executed on 02.05.1990.

...

vi. There are three structures lying towards the boundary of the plot. Two structures are lying within 5m from the edge of the plot. Two structures are lying within 5 mts from the edge of the plot. One structure is totally a metallic structure made of G.I Pipes and steel angles with Mangalore tiles on top, erected over the two canoes at site. This structure is within 1.4m from the edge of the water body as per the DSLR measurements taken at site.

vii. Second one is a cemented laterite hexagonal pergola with blausters protection and Mangalore tiles roofing, located in the mid area and it is 3m away from land boundary as per DSLR measurements at site.

viii. Third structure is a wooden ply room with a rectangular shed having metallic sheets on top. The shed is supported on metallic poles and is lying in north-south direction, 8.7m away from the land boundary as measured by DSLR at site. The shed is also having cemented flooring. ...

...”

The officials conducting the Site Inspection on 01.08.2018 concluded as under:

- a. The area where Panaji Community Centre located is a CRZ II Area.*
- b. Away from Panaji Community Centre, in its north-east side is a tidally influenced Rua de Ourem Creek.*
- c. The creek originates from southern bank of Mandovi river near Patto, Panaji and extends straight southwards, but before reaching at the site at the Mala, the creek turns south-east, thereby giving rise to two directions to its banks.*
- d. One direction is the south direction giving rise to southern bank of the Creek extending up to the Department of Handicrafts and Textiles, and the other direction is a south-east direction thereafter.*
- e. Many structures, viz. Healthway Hospital, North Goa PDA Office, Department of Handicrafts and Textiles, Government of Goa, Sony Zeal Infotech Office, etc. constructed lie closer to the southern and south-eastern bank of the Creek. Whereas, Panaji Community Centre lies behind these structures.*
- f. As per CRZ Regulation, in CRZ II Area, the construction is permissible behind the old authorized structure closer to the tidally influenced water body/river and existing prior to 1991.*
- g. The closest structures recorded from site inspection and the survey map are the Department of Handicraft & Textiles by Government of Goa (Appx. 115m away from the bank of the Creek), followed by Healthway Hospital (appx. 121 m away from Creek Bank) and Sony Zeal Infotech office (appx. 187m away from Creek Bank).*



16. That the Commissioner, Office of Corporation of City of Panaji vide letter dated 23.08.2018 bearing Ref. No. F20/CCP/GOVT./2018-2019/SH/5119 requested the Answering Authority to furnish the Site Inspection Report of the inspection conducted on 01.08.2018.

A true copy of the Letter dated 23.08.2018 issued by Commissioner, Corporation of City of Panaji to the Answering Authority is annexed herewith and marked as Annexure R4/7.

17. That the Answering Authority was also in receipt of a letter dated 27.08.2018, bearing Ref. No. 19/DSLRL/Resurvey Cell/CRZ-Mapping/18/42/5789 from Directorate of Settlement and Land Records (DSLRL), in response to the letter dated 26.07.2017 sent by GCZMA, enclosing photocopy of the proceedings of site inspection, along with 2 sets of plan in respect of Chalta No. 37 and 37-A.

A true copy of the letter dated 27.08.2018 issued by DSLRL to the Answering authority is annexed herewith and marked as Annexure R4/8.

18. That the Answering Authority sent a Notice for personal hearing to Respondents Nos. 1 and 2 bearing Ref. No. GCZMA/NGT MATTER/APPL No. 171/2017/18-19/16/951 dated 03.09.2018 to appear before the Answering Authority in the 184th GCZMA Meeting to be held on 25.09.2018.

A true copy of the Notice dated 03.09.2018 sent by Answering Authority to the Applicant, Respondent nos. 1 and 2 is annexed herewith and marked as Annexure R4/9.

19. That the Respondent no. 1 sent a representation dated 18.09.2018 to the Answering Authority stating that in reference to the conclusion of the site inspection dated 01.08.2018 wherein it was stated that tidally influenced Rua de Ourem Creek is more than 500 mts. from the subject property and therefore, the buffer zone of 10 mts. stipulated in respect of the said property in the letter dated 03.05.2007 is erroneous and contrary to the CRZ Regulations and

Requested GCZMA to revise the permission dated 03.05.2007 or issue a fresh permission



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declaring that there is no requirement of maintaining the buffer zone in respect of the disputed property.

A true copy of the Representation dated 18.09.2018 sent by Respondent No. 1 to the Answering Authority is annexed herewith and marked as Annexure R4/10.

20. That in the 184th GCZMA Meeting held on 25.09.2018, no proceeding was held in the instant matter. Further, the matter was placed before 185th GCZMA meeting held on 04.10.2018 and 187th Meeting wherein the complainant was not present. The Respondent No.1 submitted the written synopsis of arguments dated 26.10.2018. In the 188th GCZMA meeting, held on 22.11.2018, the matter was placed for deliberation and personal hearing, wherein after hearing both the parties, the Answering Authority decided to carry out Joint Site Inspection with officials from Soil Conservation Division Department of Agriculture, Water Resources Department (WRD), from DSLR and Expert Members of the Answering Authority to confirm if the structures are beyond sluice gate or a creek.

A true copy of the synopsis of Written Arguments submitted by Respondent No.1 to the Answering Authority is annexed herewith and marked as Annexure R4/11.

A true copy of the Minutes of Meeting of 188th GCZMA Meeting held on 22.11.2018 is annexed herewith and marked as Annexure R4/12.

21. Accordingly, in terms of 188th GCZMA Meeting held on 22.11.2018, the Answering respondent Authority sent a Notice of Site Inspection dated 17.12.2018 to Respondent nos. 1 and 2, and the Joint Site Inspection was conducted on 26.12.2018, wherein it was observed as inter alia:

- a. *The location of the plot on the cadastral map was located.*
- b. *It was noted from the Cadastral Plan that Chalta No. 37 is land mass whereas 37-A is a water body, possibly being an earlier salt pan.*
- c. *One part of building is on Chalta No. 37, while the other part extends into Chalta No. 37-A, which is part of the water body.*
- d. *Absence of mangrove plants along the eastern boundary of the plot is noticeable since in the adjacent plots the mangrove is lush.*

- e. One mangrove tree is on a plot land in Chalta No. 37-A indicating reclamation of land.
- f. Bund and Sluice Gate at the eastern boundary of Chalta No. 37-A exist in dilapidated condition.

Conclusion: With reference to Cadastral Map, part of the plot under Chalta No. 37-A appears to be reclaimed and a large structure along with multiple small structures is standing on the reclaimed part. Legality of this reclamation needs to be verified. The Authority may deliberate and take appropriate action.

A true copy of the Notice issued by GCZMA to Respondent no. 1 and 2 dated 17.12.2018 is annexed herewith and marked as Annexure R4/13.

A true copy of the Site Inspection Report for the Joint Site Inspection conducted on 26.12.2018 is annexed herewith and marked as Annexure R4/14.

22. That in the 199th GCZMA meeting held on 14.05.2019, the Answering Authority decided to seek comments from DSLR on issue of reclamation of land. Accordingly, vide letter bearing ref. No. GCZMA/NGT MATTER/APPL No. 171/2017/18-19/16/866, dated 10.06.2019, the GCZMA requested Director, DSLR to submit comments on the same.

A true copy of the minutes of meeting of 199th GCZMA Meeting held on 14.05.2019 is annexed herewith and marked as Annexure R4/15.

A true copy of the Letter sent by GCZMA to DSLR dated 10.06.2019 is annexed herewith and marked as Annexure R4/16.

23. That the Answering Authority was in receipt of the letter dated 02.12.2019 from DSLR stating that they didn't have records regarding reclamation of land in Chalta No. 37 & 37-A PT Sheet No. 106, Panaji City. Hence the aspect of reclamation raised in the report was answered in the negative.

A true copy of the Letter received from DSLR to the Answering Authority dated 02.12.2019 is annexed herewith and marked as Annexure R4/17.

24. That the matter was placed before the 222nd GCZMA meeting held on 04.03.2020, wherein it was decided as follows:



“The Authority after going through records and upon having heard the parties was of the opinion that the inspection report dated 26.12.2018 makes a mention in the observation more specifically at ‘3’ that one part of the building is on chalta No. 37, while the other part extends into Chalta No. 37-A which is part of the water body. The DSLR has nevertheless ruled out any reclamation of land as per the conclusion in the said report of the Expert Committee but the observation made in the inspection report dated 26.12.2018 seems to be a part & parcel of the extension made of the so called authorized & approved construction. The Authority thus decided that the DSLR be directed to do ground truthing more specifically in view of observation made at ‘3’ of the inspection carried out on 26.12.2018.”

A true copy of Minutes of Meeting of 222nd GCZMA meeting held on 04.03.2020 is annexed herewith and marked as Annexure R4/18.

Accordingly, the Ground Truthing was conducted by the DSLR officials along with the Expert Members of GCZMA, wherein reports were submitted by DSLR Office as well as Expert Members, which inter alia revealed that Community Centre is on landward side of existing structure line. The buffer of the 10 metres for Chalta No. 37, PT Sheet No. 106, Panaji City is maintained by the Respondent. Further, the latest DSLR mapping noted the demolition of structures 1 to 3 and portion identified as structure no. 4 which were earlier observed in the DSLR Plan forwarded to the Authority, vide letter dated 27.08.2018. Thus, it was observed that the disputed structures in the 10m buffer zone were demolished by the Respondent no. 1. **A true copy of the Report by the DSLR carried out as per notice of inspection bearing reference no.GCZMA/NGTMATTER APPL no.171/2017/18-19/16/1067 dated 11/10/2021 is annexed herewith and marked as Annexure R4/19.**

25. That along with the aforementioned reports, the matter was again placed before the Answering Authority in its 284th GCZMA Meeting, held on 06.01.2022 wherein the Answering Authority decided as follows:

“The Authority after hearing the parties at length directed the Complainant to file written arguments in 4 days by serving a copy in advance to the other side and posted the matter for order which is to be communicated to the parties.”



A true copy of the Minutes of Meeting of 284th GCZMA Meeting held on 06.01.2022 is annexed herewith and marked as Annexure R4/20.

26. That after the parties submitted their written arguments, the matter was placed before the Answering Authority in its 289th GCZMA Meeting held on 08.02.2022 wherein the Answering Authority decided to discharge proceedings pertaining to M/S Tarcar real Estate Pvt. Ltd. c/o "Panaji Community Centre" in respect of structures of respondent in property bearing Chalta No. 37, PT Sheet No. 106 of Panaji City and decided to grant liberty to the Complainant to furnish fresh address of Respondent No. 2 to this Authority and thereafter proceed in the matter with regard to "gazebo" which is the only structure existing within 10 mtrs in Chalta No. 37-A PT Sheet No. 106, Panaji City, in accordance with law. It is pertinent to note that the Authority, during the course of proceedings, has sent several communications to the respondent no. 2 M/s Albuquerque Noronha, however, the same come back as unserved.

A true copy of the Minutes of Meeting of 289th GCZMA Meeting held on 08.02.2022 is annexed herewith and marked as Annexure R4/21.

A true copy of the Notice being unserved on respondent No. 2 is annexed herewith and marked as Annexure R4/22.

27. Accordingly, vide order bearing Ref. No. GCZMA/NGT-Matter/AppI No.171/2017/18-19/16/2106 dated 07.03.2022, in view of the decision taken in 289th GCZMA Meeting held on 08.02.2022, the Answering Respondent discharged the proceedings against Respondent no.1 with respecting to property bearing Chalta No. 37, PT Sheet No. 106, Panaji and directed the complainant to furnish the fresh address for Respondent No. 2 with respect to property bearing Chalta No. 37-A, PT Sheet No. 106, Panaji.



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A true copy of the Order dated 07.03.2022 is annexed herewith and marked as Annexure R4/23.

28. That vide Corrigendum bearing ref No. GCZMA/NGT-Matter/AppI No. 171/2017/18-19/16/2273 dated 17.03.2022, the Answering Authority corrected the typographical error in the above Order dated 07.03.2022, stating inter alia:

“Therefore, you may read the said word “100 mts” in the said paragraph 5 at page 7 of the order as “10 mts”. Rest of the contents of the order remains the same.”

A true copy of the Corrigendum issued by Answering Authority dated 17.03.2022 is annexed herewith and marked as Annexure R4/24.

26. That in light of the submissions made hereinabove, the Answering Respondent Authority is proceeding in terms of the decision taken in 289th GCZMA Meeting held on 08.02.2022 and order dated 07.03.2022 read with order dated 17.03.2022. Thus, the present Appeal is liable to be dismissed.

27. That the annexures are true copies of their respective originals.

[Signature]
01/12/2022

RESPONDENT

MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA

VERIFICATION:

Verified at Panaji on this 01st day of December, 2022 that the contents of the above affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

[Signature]
01/12/2022

DEPONENT

MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA

Solemnly affirmed before me by

Dashrath M. Pedker

Reg. No: 04/4698 Date: 1.12.2022

known / Identified to me by.

[Signature]
G. S. KUBAL
Notary (Govt. of India)
Panaji-Goa, India



for annexure R-2

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,

Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa - 403 511

Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

REF NO.: GCZMA/N/632/2365

Date: 03/05/2007

To,
 Director,
 Tarkar Real Estates Pvt. Ltd.,
 Panaji-Goa.

Sub:- CRZ clearance for the proposed project in Chalta No. 37 of P.T. Sheet No. 106 of Panaji City.

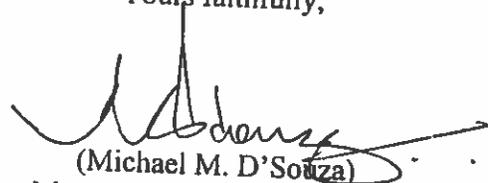
Sir,

With reference to the application dated 20/07/2006 seeking CRZ clearance to the proposed workshop in property bearing Chalta No. 37 of P.T. Sheet No. 106 of Panaji City, it is hereby informed that GCZMA in its 31st meeting held on 17/04/2007 has examined the matter. It is seen that if the last point of authorised structure in the adjacent property in Survey No. 13/73 is considered, than construction can be permitted on the landward side of a straight line drawn from the end point of the authorized structures parallel to the submerged land in property No. 37/A. This is CRZ-II area and as such construction of building is permitted on the landward side of authorised structures. The survey plan shows approved residential houses and the project is on the landward side of these structures.

After due deliberation on the issue GCZMA has been pleased to grant necessary clearance for the said project subject to maintaining of 10 mtrs buffer zone alongside your property which is adjacent to the property Survey No. 37/A which is currently filled with water. It should be ensured that the project is beyond this area of 10 mtrs. And this area of 10 mtrs should not be utilized for any activity and should be left free.

The approval is further subject to compliance all building byelaws / local laws and obtaining all relevant permission of other authorities concerned.

Yours faithfully,



(Michael M. D'Souza)
 Member Secretary (GCZMA)

Director/Ex-Officio, Jt. Secretary (STE)

Copy to:-

1. The Commissioner, Corporation of the City of Panaji, Panaji-Goa, for information.
2. The Addl. Collector, Collectorate of North Goa, Panaji-Goa, for information.

Relevant Extract of 30th meeting

GCZMA
document

INFORMATION ISSUED UNDER RTI ACT, 2005

Case No. 4.

Construction of Govt. Circuit House, in between existing SAG building and Youth Hostel at Campal, Panaji (CRZ II area)

Decision: Approved subject to the proposed structure meets the requirements of the TCP guidelines and that it should be consistent with the surrounding architecture and height.

Other matters.

- 1) It is decided that whenever applicants seeking to revise their construction plans for which CRZ clearance has already been granted, then there is no requirement to approach the GCZMA again for clearance. They would need to obtain the requisite clearances from the TCP / Panchayat / Municipality concerned, subject to the fact that the proposed changes are within the permitted requirements of CRZ guidelines. This should also be determined by the authority concerned who grants construction permissions.

Certified Copy of The Document
Available in Office Records

hsm
Public Information Officer
(GCZMA)



CORPORATION OF THE CITY OF PANAJI

Panaji - Goa 403 001 India.

Tel: (91-0832)-2223339 / 2422736 / 2423556 / 2237160 Fax: (91-0832) 2426998

E.mail: commissioner@ccpgoa.com | Web:www.ccpgoa.com

Member Secretary

G.C.Z.M.A.

Ins. No. 1668/L

Date 11-07-2018

REMINDER- I

Ref.F19/CCP/ENG/GOVT/2018-2019/SH/4217 Dated: 09/07/2018

To,

The Member Secretary (GCZMA) & Ex-Officio
Joint Secretary to Government
Department of Environment,
C/o. Goa Coastal Zone Management Authority,
1st Floor, Pt. Deendayal Upadhyay Bhavan,
Pundalik Nagar, Alto Porvorim, Bardez - Goa.

Sub : Reg...Violation of CRZ rules by Sanjeev Tarcar,
Director, Tarcar Real Estate Pvt. Ltd.

- Ref : 1) Your office issued NOC vide no. GCZMA/N/632/2365
dated 03/05/2017 to The Director, Tarcar Real
Estate Pvt. Ltd.
2) Our letter No.F19/CCP/ENG/GOVT/2017-18/
SH/1878 dt.26/03/2018

Sir,

With reference to the above cited subject, your office issued NOC vide no. GCZMA/N/632/2365 dated 03/05/2017 to The Director, Tarcar Real Estate Pvt. Ltd., and as regards to NGT Court matter (171/2017(WZ)).

During the course of site inspection by the officials of this Corporation it is noted that within the 10.00 mtr. distance of buffer zone there are 3 non-habitable structures erected with M/s. bracing member & G.I. Sheets.

Therefore you are requested to take appropriate action at your end.

Yours faithfully,

Inspection by Expert Member
after confirming previous
records on file



(AJIT ROY, IAS)
COMMISSIONER

SH/sf

12/7

LA



CORPORATION OF THE CITY OF PANAJI

Panaji - Goa 403 001 India.

Tel: (91-0832)-2223339 / 2422736 / 2423556 / 2237160 Fax: (91-0832) 2426998

E.mail: commissioner@ccpgoa.com | Web:www.ccpgoa.com

Ref.F19/CCP/ENG/GOVT/2017-2018/SH/1878 Dated: 26/03/2018

Member Secretary
G.C.Z.M.A.

Inward No. 6796/2

Date 28-03-2018

To,

The Member Secretary (GCZMA) & Ex-Officio
Joint Secretary to Government

Department of Environment,

C/o. Goa Coastal Zone Management Authority,

1st Floor, Pt. Deendayal Upadhyay Bhavan,

Pundalik Nagar, Alto Porvorim, Bardez - Goa.

Sub : Reg...Violation of CRZ rules by Sanjeev Tarcar, Director,
Tarcar Real Estate Pvt. Ltd.

Ref : Your office issued NOC vide no. GCZMA/N/632/2365
dated 03/05/2017 to The Director, Tarcar Real Estate
Pvt. Ltd.

Sir,

With reference to the above cited subject, your office issued
NOC vide no. GCZMA/N/632/2365 dated 03/05/2017 to The
Director, Tarcar Real Estate Pvt. Ltd., and as regards to NGT
Court matter (171/2017(WZ).

During the course of site inspection by the officials of this
Corporation it is noted that within the 10.00 mtr. distance of
buffer zone there are 3 non-habitable structures erected with M/s
bracing member & G.I.Sheets.

Therefore you are requested to take appropriate action at your
end.



Yours faithfully,

(AJIT ROY, IAS)
COMMISSIONER

SH/VV

SH/Govt.

Annexure R 4/4
806**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Science, Technology and Environment (Govt. of Goa)

1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,

Porvorim, Bardez- Goa-403 521

email:dir-ste.goa@nic.in, goacoastalzone@gmail.com

Ref. No. GCZMA/NGT MATTER/APPL no.171/2017/18-19/16/ 721 Date: 26/ 07/2017 2018

NOTICE OF SITE INSPECTION

Sub: Inspection of site pertaining to Panaji Community Centre and M/s Albuquerque Noronha in property bearing PT sheet no.106 and chalta no.37 and 37-A, Mala, Panaji.

**Ref: (1) Complaint dated 07/03/2016 filed by Kashinath Shetye & ors.
(2) Original Application no.171/2017 (WZ) filed by Kashinath Shetye & ors.
(3) Letter dated 11/07/2018 from the Commissioner of the Corporation of City of Panaji issued to GCZMA.**

WHEREAS, the GCZMA earlier was in receipt of an complaint dated 07/03/2016 filed by Kashinath Shetye & ors interalia alleging CRZ Violation carried out by Panaji Community Centre and M/s Albuquerque Noronha in property bearing PT sheet no.106 of chalta no.37 and 37-A, Mala, Panaji.

AND WHEREAS, Kashinath Shetye & ors also filed an Original Application no.171/2017 (WZ) before the Hon'ble NGT, Pune interalia alleging seeking prayers for demolition of structure constructed by Panaji Community Centre and M/s Albuquerque Noronha in property bearing PT sheet no.106 and chalta no.37 and 37-A, Mala, Panaji.

AND WHEREAS, the GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of City of Panaji interalia stating that during the course of site inspection by the officials of the Corporation it was noted that within the 10.00mts distance of buffer zone there are 3 non-habitable structure erected with M/s bracing member & G.I sheets.

AND WHEREAS, in this regard, a site inspection is fixed on 01/08/2018 from 11 am onwards.

NOW THEREFORE, you are required to take note of the date of site inspection and remain present during the site inspection or depute your duly authorised representative with all the requisite details/ documents, if any, failing which the inspection will be carried out in your absence.



(Ravi Jha, IAS)
Member Secretary (GCZMA)

o/c

To,

1. Panaji Community Centre
by Vistar Group
M/s Tarcar Real Estates Pvt Ltd,
Through Sanjeev Tarcar,
Near four pillars,
Mala, Panaji, Goa
403001.

2. M/s Albuquerque Noronha
Survye no.37 and 37-A,
Mala, Panaji, Goa 403001.

7910

Copy to:

1. **The Commissioner, Corporation of City of Panaji.....** with a kind request to depute representative or authorise person to attend the site inspection on the given date and time.
2. **The Chief Town Planner, having office at Panaji-Goa...** with a kind request to depute representative or authorise person to attend the site inspection on the given date and time.
3. **The Supt of Survey & land records, Directorate of Settlement and Land records, Panaji-Goa...** with a kind request to depute two surveyors at given date and time with total station machine and carry out mapping and submit necessary plan.
4. **Shri Audhut J Bhosle, r/o 790, opp Mapusa Urban Co-oprative bank, St Agustinho, Santa Cruz, Tiswadi-Goa....** with a request to make it convenient and attend the same.
5. **Dr. Prabhakar V. Shirodkar R/o flat no.3115/5, 1st floor, E -wing, Agnelo colony, Caranzalem, Tiswadi-Goa...** with a request to make it convenient and attend the same.
6. **Mr. Kashinath J.Shetye r/o A-102, Raj Excellency, Patto, Ribandar, Goa.** who is directed remain present in person or depute representative or authorised person to attend the site inspection on the given date and time.
7. **Dr. Ketan Govekar, Wadji Building, St.Inez, Panaji-Goa...** who is directed remain present in person or depute representative or authorised person to attend the site inspection on the given date and time.
8. **Mr. Desmond Alvares, Doxxosir Hno.470, Assagao, Bardez-Goa...** who is directed remain present in person or depute representative or authorised person to attend the site inspection on the given date and time.
9. **Sonia Saterdekar, Hno.605, Bhutki wada, Socorro, Porvorim-Goa...** who is directed remain present in person or depute representative or authorised person to attend the site inspection on the given date and time.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)

1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,

Porvorim, Bardez- Goa-403 521

email:dir-ste.goa@nic.in, goacoastalzone@gmail.com

Ref. No.GCZMA/NGT MATTER/APPL no.171/2017/18-19/16/721 Date:26/07/2017

NOTICE OF SITE INSPECTION

Sub: Inspection of site pertaining to Panaji Community Centre and M/s Albuquerque Noronha in property bearing PT sheet no.106 and chalta no.37 and 37-A, Mala, Panaji.

Ref: (1) Complaint dated 07/03/2016 filed by Kashinath Shetye & ors.
(2) Original Application no.171/2017 (WZ) filed by Kashinath Shetye & ors.
(3) Letter dated 11/07/2018 from the Commissioner of the Corporation of City of Panaji issued to GCZMA.

WHEREAS, the GCZMA earlier was in receipt of an complaint dated 07/03/2016 filed by Kashinath Shetye & ors interalia alleging CRZ Violation carried out by Panaji Community Centre and M/s Albuquerque Noronha in property bearing PT sheet no.106 of chalta no.37 and 37-A, Mala, Panaji.

AND WHEREAS, Kashinath Shetye & ors also filed an Original Application no.171/2017 (WZ) before the Hon'ble NGT, Pune interalia alleging seeking prayers for demolition of structure constructed by Panaji Community Centre and M/s Albuquerque Noronha in property bearing PT sheet no.106 and chalta no.37 and 37-A, Mala, Panaji.

AND WHEREAS, the GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of City of Panaji interalia stating that during the course of site inspection by the officials of the Corporation it was noted that within the 10.00mts distance of buffer zone there are 3 non-habitable structure erected with M/s bracing member & G.I sheets.

AND WHEREAS, in this regard, a site inspection is fixed on 01/08/2018 from 11 am onwards.

NOW THEREFORE, you are required to take note of the date of site inspection and remain present during the site inspection or depute your duly authorised representative with all the requisite details/ documents, if any, failing which the inspection will be carried out in your absence.


(Ravi Jha, IAS)
Member Secretary (GCZMA)

To,
1. Panaji Community Centre
by Vistar Group
M/s Tarcar Real Estates Pvt Ltd,
Through Sanjeev Tarcar,
Near four pillars,
Mala, Panaji, Goa

1/8/18

Report of Site Inspection Pertaining to Complaint Regarding Alleged Violation by Panaji Community Centre and M/s Albuquerque & Noronha in Property bearing PT Sheet No. 106 and Chalta No. 37 and 37-A of Mala, Panaji, Goa.

Background

GCZMA received a complaint letter dated 07/03/2016 from Mr. Kashinath Shetye & others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

Mr. K. Shetye & Others also filed an original application no. 171/2017 (WZ) before the NGT, Pune allegedly seeking demolition of structure constructed by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 and chalta no. 37 and 37-A of Mala, Panaji.

Whereas, the GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of the City of Panaji, stating that during ~~the course of site inspection by the Officials of the Corporation it was noted~~ that within 10m distance of the buffer zone, there are three non-habitable structures erected with M S bracing members and GI sheets. So, a site inspection was fixed to see the site, verify the structures, the CRZ area and the documents.

Inspection and Observation

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Eng. Audhoot Bhonsule along with the DSLR representatives Mr. Kiran Gawde and Mr. Pramod Naik. The members from CCP, Panaji present were Mr. Viraj Naik Bholnekar and Miss Shruti Harmalkar, whereas from the respondent's side the member present was Mr. Vishnu Kamat Tarcar, the Director of Panaji Community Centre. From the complainant's side, the representative present was Mr. Mukundraj Mudras. The details of site inspection are as follows;

- i) The site wherein the Panaji Community Centre is present is closer to the junction where three roads coming from Panaji, Mala and Santa Cruz meet each other.
- ii) The plot at site is having Sy. No. 37 and is abutting the eastern side of Panaji main road and extends further eastwards.
- iii) The plot is having a compound wall abutting the main Panaji road with an entry gate at the centre.
- iv) The respondent purchased the site from M/s Albuquerque & Noronha, vide sale deed dt. 02/09/1992, for which Purchase Agreement was executed on 02/05/1990.
- v) Panaji Community Centre within the plot is an elongated structure lying in east-west direction, behind which, there is an open space which ends at the water body with Sy. No.37- A in its east.
- vi) There are three structures lying towards the boundary of the plot. Two structures are lying within 5m from the edge of the plot. One structure is totally a metallic structure made of G.I. pipes and steel angles with Mangalore tiles on top, erected over the two Canoes at site. This structure is ~~within 1.4 m from the edge of the water body as per the DSLR~~ measurements taken at site.
- vii) Second one is a cemented lateritic hexagonal Pergola with balusters protection and Mangalore tiles roofing, located in the mid area and it is 3m away from land boundary as per DSLR measurements at site.
- viii) Third structure is a wooden ply room with a rectangular shed having metallic sheets on top. The shed is supported on metallic poles and is lying in north-south direction, 8.7m away from the land boundary as measured by DSLR at site. The shed is also having cemented flooring.
- ix) Respondent however does not agree with DSLR measurements and says that the present boundary line of land opposite the wooden room is straight and not curved one and therefore the wooden structure falls beyond 10m of the buffer zone.
- x) The ground area in between the three structures and the back wall of the Community Centre is provided with tiles.
- xi) Respondent also told that the metallic structure over the Canoes is recently constructed, whereas, the wooden room was constructed soon

after taking NOC from GCZMA and it was beyond 10m from the land boundary.

xii) Applicant showed the NOC issued by GCZMA dated 03/05/2007 (No. GCZMA/N/632/2365) for the construction of Workshop of their Motor Company, with a conditional buffer of 10m to be maintained from the edge of the water body.

xiii) Respondent also told that the pergola existed at site even in 1990 when the Purchase Agreement of the plot was signed between Mr. Albuquerque & Noronha and him. The pergola that time was in a dilapidated and damaged condition which the respondent renovated totally.

xiv) Respondent has produced a Sale Deed copy of the Plot, dated 02/09/1992, which includes mention of the terms of agreement for sale dated, 02/05/1990.

xv) He has also produced an Affidavit from the son of the previous owner, Mr. Joseph Noronha, to satisfy that the pergola was existing at site prior to 1991.

xvi) The water body formed in front of Sy. no 37 in the plot with Sy. no. ~~37 - A is provided with a sluice gate to the land in its east side. Sluice gate is~~ approximately 170 m away from the plot boundary.

xvii) Behind the sluice gate there is another water body, which is directly connected to Rua de Ourem Creek, whereas, the Creek is more than 500m away from the plot boundary.

xviii) The plot at site having Panaji Community Centre is a developed Municipal area and so is a CRZ II area.

xix) Many structures are present closer to the bank of tidally influenced Rua de Ourem Creek, while others are away from the bank of the Creek. Comparatively, the Panaji Community Centre is lying much away from the bank of the Creek.

xx) However, the Sy. map by DSLR does not show the presence of any structure at site.

Conclusion and Recommendation

- i) The area where Panaji Community Centre is located is a CRZ II area.
- ii) Away from Panaji Community Centre, in its north-east side is a tidally influenced Rua de Ourem Creek.
- iii) The Creek originates from southern bank of Mandovi River near Patto, Panaji and extends straight southwards, but before reaching the site at Mala, the Creek turns south-east, thereby giving rise to two directions to its banks.
- iv) One direction is the south direction giving rise to southern bank of the Creek extending up to the Department of Handicrafts and Textiles, and the other direction is a south-east direction thereafter.
- v) Many structures, viz. Healthway Hospital, North Goa PDA Office, Department of Handicrafts and Textiles, Government of Goa, Sony Zeal Infotech Office, etc constructed lie closer to the southern and south-eastern bank of the Creek. Whereas, Panaji Community Centre lies behind these structures.
- vi) As per CRZ Regulation, in CRZ II area, the construction is permissible behind the old authorized structure closer to the tidally influenced water body/river and existing prior to 1991.
- vii) The closest structures recorded from site inspection and the survey map are the Department of Handicraft & Textiles by Government of Goa (appx.115m away from the bank of the Creek), followed by Healthway Hospital (appx. 121m away from Creek bank) and Sony Zeal Infotech Office(appx. 187m away from Creek bank).
- viii) Whereas, Panaji Community Centre is more than 500m away from the bank of the Creek and is much behind the existing structures.
- ix) The Department of Handicrafts and Textiles (DHT) by Government of Goa is nearest to the Creek whereas, Panaji Community Centre is lying much behind the DHT.
- x) Besides this, the water body in front of the plot, having Sy. no. 37-A, is not a natural water body but is an inundated land or a salt pan.

xi) The presence of sluice gate to the eastern boundary of water body, 170 m away from the said plot boundary, does not attract CRZ due to absence of tidal effect beyond sluice gate.

xii) The contention of the respondent is that, the wooden room presently lying 8.7m away from the plot boundary as measured by DSLR is not correct and the plot boundary being straight, the wooden room with shed falls beyond the 10m buffer zone.

xiii) Whereas, the pergola if really existed at site prior to 1991 as per the Affidavit, dated 09/08/2018 from Mr. Christopher Noronha, than the structure could be considered as legal.

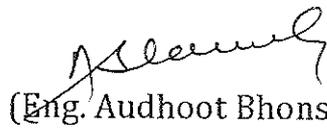
xiv) Lastly, the recently constructed metallic structure with Mangalore tiles roofing over the Canoes being within 2m from plot boundary is falling within the specified 10m buffer zone and is not as per the NOC issued by GCZMA in 2007 and so becomes illegal, so it demands removal from the site.

xv) Whereas, the distance between the back wall of the Panaji Community Centre and the plot boundary towards east is 15.6m, so, it is falling beyond the conditional 10m buffer.

~~This may be deliberated in the Authority meeting for a decision.~~



(Dr. Prabhakar Shirodkar)



(Eng. Audhoot Bhonsule)

Panjim Convention Centre

By Vistar Group
MALA - PANJIM

Date: 10th August, 2018

To

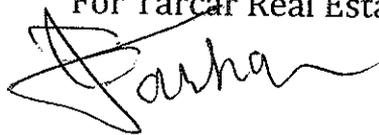
Member Secretary/ Expert Members/ Board Members/ Committee Members
Goa Coastal Zone Management Authority
Porvorim, Bardez, Goa

Sub: Ancestral laterite and baluster structure along the eastern boundary.

Dear Sir

We are enclosing the deed of sale which clearly indicates (on page no. 7, as underlined in red), the agreement for sale dated 02/05/1990. The ancestral structure made of laterite and baluster along the eastern boundary along the property existed in a dilapidated at the time of our purchase by agreement dated 02/05/1990 which is prior to 1991. We have also enclosed the affidavit from the previous owner with regards to existence of the said structure along the eastern boundary.

For Tarcar Real Estate Pvt. Ltd.



Director

Encl: 1) Original affidavit of the previous owner.

2) Sale Deed

Tarcar Real Estate Pvt. Ltd.

Office: Ground Floor, Vistar Estate Opp. Four Pillar Hotel, Near Mala Heritage Area, Panjim, Goa - 403 001.

Tel.: 7719035111, 9552502495 Email: vistargroup1905@gmail.com



गोवा GOA

Date 7/8/18 Sr No. 1010 Value 50
 Name of Purchaser Christopher Noronha B 015863
 Resident of
 Place of Vendor: Panaji
 Name: Jessica F. C. D'Souza
 Licence No. AC/STP/VER/01/2013 dt. 7/08/2013
 Sign of Vendor Sign of Purchaser Christopher Noronha

AFFIDAVIT

I, Shree Christopher Noronha, son of Shree Josheph Hyacinth Noronha aged 63 years r/o Julie Bagh, Pandeshwar Cross Road, Mangalore 575001, do hereby, solemnly affirm that there was an ancestral laterite structure with balusters in a dilapidated state on the eastern boundary of the property bearing PT Sheet No. 106 Chalta

Cont...2/-

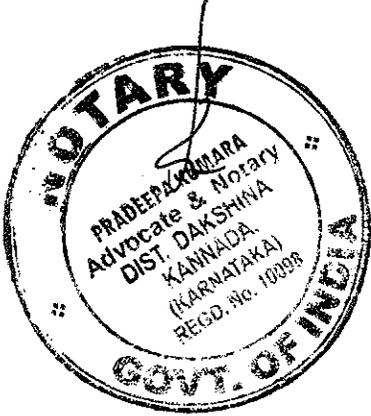


Christopher Noronha

Errors/Corrections Etc. Nil

No. 37. This structure has been there even before we sold the property to M/S
Tarcar Real Estate Pvt. Ltd. on 2nd May, 1990.

⊗ Deponent *[Signature]*
Date: 29-8-18^{7C}
Place: Mangalore²



NOTARIAL REGISTER No. 1336/18
9/8/18

Errors/Corrections Etc. *[Signature]* Only

[Signature]
PRADEEPA KUMARA BA(Law), LL.B
Reg. No. 10098
Advocate & Notary, Govt. of India
1st Floor, Royal Chambers
P.V.S. Circle, MANGALORE - 575003
Ph: 9889550333

CORPORATION OF THE CITY OF PANAJI
PANAJI GOA
REGISTERED A. D.

Ref.F20/CCP/ENG/GOVT./2018-2019/SH/ 5119

Dated: 23/08/2018

To,
The Member Secretary (GCZMA),
Goa Coastal Zone Management Authority,
C/o. Department of Science, Technology
and Environment (Govt. of Goa),
Dempo Towers, 3rd Floor,,
Patto , Panaji - Goa.
403001

LSZ
31/2
Dwkm
Prayan

Sub: Site Inspection Report pertaining to Panaji Community Centre
and M/s Albuquerque Noronha in property bearing P.T. Sheet
No.106 and Chalta No.37 and 37-A, Mala, Panaji.

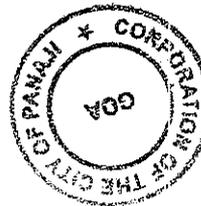
Ref : GCZMA/NGT MATTER/APPL No.171/2017/18-19/16/721 dated
26/07/2017.

Sir,

With reference to above cited subject and above referred letter you are
kindly requested to furnish to this office the detailed report of joint site
inspection carried on 01/08/2018 along with concerned officials of the
departments.

This report is needed to prepare reply to the matter filed by Shri
Kashinath Shetye & Others application No.171/2017 before National Green
Tribunal (W.Z) Pune against Panjim Community Centre and the Corporation of
the City of Panaji is Respondent No.7.

Yours sincerely,



(Ajit Roy, IAS)
Commissioner

SH/sf

L.
03/9

OSA



Member Secretary,
G.C.Z.M.A.
Inward No. 2553/L
Date 30-08-2018



GOVERNMENT OF GOA

DIRECTORATE OF SETTLEMENT AND LAND RECORDS, PANAJI - GOA.

Phone: (0832) - 2422036, 2422453 Fax: 2234360 Email: dir-land.goa@nic.in

No. 19/DSLRL/ Resurvey Cell/CRZ- Mapping/18/42 | 578/ Date:-27/08/2018.

To,

✓ The Member Secretary

Goa Coastal Zone Management Authority,

C/o Department of Science, Technology and Environment,

1st floor, Pt.Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,

Porvorim, Bardez-Goa-403521.

Sub:- Inspection of site pertaining to Panaji Community Centre and M/s Albuquerque Noronha in property bearing P.T Sheet no. 106 and Chalta no. 37 and 37-A, Mala, Panaji.

Sir,

With reference to your letter No.GCZMA/NGT MATTER/APPL no. 171/2017/18-19/16/721 dated 26/07/2017; please find enclosed herewith the photo copy of the proceedings of the site inspection along with 2 sets of plan in respect of Chalta Nos. 37 and 37-A of P.T.Sheet No.106 of Panaji City of Tiswadi Taluka for further necessary action.

On concerned file
L.
03/9

LSM

Yours faithfully,

Domiana Nazareth

(Domiana Nazareth)

Suptd. Of Survey & Land Records
Panaji-Goa.

OSA

Enclosed: As above

LA Vinit
Priyanka

GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT & LAND RECORDS

PANAJI-GOA

PROCEEDINGS FOR SITE INSPECTION

FILE NO:-19/DSLRL/Resurvey Cell/

/ /

DATE: 01/08/2018

SUB: 1) Survey/Mapping of Structures

REF: GCZMA/NGT/MATTE/APPL no. 171/2017/18-19/16/721

Village Panaji-Mala Taluka Tiswadi Prisheet 106 chattanas- 31831-A
-Survey- Sub.Div.No.

Parties/Officers Present:-

1) Dr. Prabhakar Shirodkar

2) Shri Audhud Bhosle

Parties Absent:-

Brief description of proceedings:-

We, undersigned visited the site in question on schedule date & time alongwith GCZMA expert members. The inspection was carried out & we were directed by the expert member GCZMA to carry out survey of property in question - by total station.

atures:-

Wd
01/08/2018

[Signature]
01/08/2018

Annexure R4/9 1881C

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)

1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,

Porvorim, Bardez- Goa-403 521

email:dir-ste.goa@nic.in, goacoastalzone@gmail.com

Ref. No. GCZM/NGT MATTER/APPL No. 171/2017/18-19/16/351 Date: 03/09/2018

NOTICE OF PERSONAL HEARING BEFORE THE GCZMA

Sub: Personal hearing with respect to the complaint pertaining to CRZ Violation carried out by Panaji Community Centre and M/S Albuquerque Noronha in the property bearing P.T.Sheet No. 106 of Chalta No.37 and 37-A, Mala Panaji.

Ref.: (1) Complaint letter dated 07/03/2016 received from Mr. Kashinath Shetye & ors.

(2) Site Inspection Notice bearing no. GCZM/NGT MATTER/APPL No. 171/2017/18-19/16/721 dated 26/07/2017.

(3) Site inspection Report by Expert Member.

WHEREAS, a Complaint letter as referred above at Sr. No. (1) has been filed by Mr.Kashinath Shetye & ors. pertaining to alleged CRZ Violation carried out by Panaji Community Centre and M/S Albuquerque Noronha in the property bearing P.T.Sheet No: 106 of Chalta No.37 and 37-A, Mala Panaji without obtaining prior permission /approval from the concerned authorities.

AND WHEREAS, upon receipt of the Complaint this Office issued a Notice of the Site Inspection vide letter bearing reference no. GCZM/NGT MATTER/APPL No. 171/2017/18-19/16/721 dated 26/07/2017; the Members of GCZMA fixed a site Inspection on 01/08/2018 at 11.00 am.

AND WHEREAS, a site inspection has been carried out by the Expert member of GCZMA.

NOW THEREFORE, you are hereby required to remain present for the personal hearing or depute your duly authorized representative with all the documents, relied upon in support of the legality of construction before the GCZMA in its 184th GCZMA

meeting to be held in the 2nd Floor, Conference Hall, Secretariat, Porvorim, Goa on 25/09/2018 at 4.30 p.m onwards.

TAKE NOTE THAT in case of failure on your part to attend the said personal hearing it will presumed that you have nothing to say in the matter and the GCZMA will proceed to decide the matter without any further notice to you.



(Ravi Jha)

Member Secretary (GCZMA)

o/c

To,

1. Panaji Community Centre, by Vistar Group, M/S Tarcar Real Estates Pvt Ltd, Through Sanjeev Tarcar, Near Four Pillars, Mala Panaji Goa. 403001.
2. M/s Albuquerque Noronha, Mala Panaji Goa.

9890182560

1986

From
The Director
M/S Tarcar Real Estate Pvt. Ltd.
Panjim Community Centre
Mala, Panaji, Goa - 403001

Member Secretary
G.C.Z.M.A.
Inward No. 2911/1
Date 24-09-2018

Annexure R4/10

Date: 18/09/2018

To,
Goa Coastal Zone Management Authority,
Through its Member Secretary,
C/o. Department of Science,
Technology and Environment (Govt. of Goa),
3rd Floor, Dempo Towers,
Patto, Panaji, Goa - 403 001.

24/9
OSD
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2018
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SUB : MODIFICATION/ REMOVAL OF THE BUFFER ZONE IN RESPECT OF PROPERTY BEARING P. T. SHEET NO. 106 AND CHALTA NO. 37 OF MALA, PANAJI - GOA

Sir,

1. Tarcar Real Estate Pvt. Ltd., hereinafter referred to is the "COMPANY", is the owner in possession of all that piece or parcel of land admeasuring an area of 5,000 sq. mts. recorded in the Records of the City Survey of Panaji under Chalta No. 37 of Plane Table Sheet No. 106 of the City Survey of Panaji, the same being a portion of the property known as "TERRENO LODACAL" or "SAPAL" described in Land Registration Office of Ilhas under No. 3502 at folio 193 v of Book B-9 New and the Taluka Revenue Officer under Matriz No. 1072, within the limits of the City of Panaji in the Taluka of Tiswadi, Sub-District of Ilhas in the State of Goa, hereinafter referred to as the SAID PROPERTY.
2. Vide Deed of Reconveyance of Mortgage dated 16/07/2006, the Company purchased the said property. Annexed hereto and marked as **Annexure R-1** is the copy of Deed of Reconveyance of Mortgage dated 16/07/2006.
3. After purchase of the said property, this Respondent obtained necessary permissions from the authorities and constructed a G+1 structure which was completed in the year 2007. The Company operates a Multipurpose Hall known as "Panaji Community Centre" in the said property.
4. In pursuance to the application dated 20/07/2006, Vide permission dated 03/05/2007, Goa Coastal Zone Management Authority granted CRZ Clearance for the said project by holding that the Company should maintain 10 meters buffer zone alongside the property adjacent to property Survey No. 37/A and that the project should be 10 meters beyond the said buffer zone and the said 10 meters shall not be utilized for any activity and should be left free. It was further stated in the said CRZ Clearance that it is a CRZ-II area and that construction is permitted on the landward side of a straight line drawn from



the end point of the authorized structures parallel to the submerged plan in property No. 37/A. Annexed hereto and marked as **Annexure R-2** is the copy of permission dated 03/05/2007 issued by Goa Coastal Zone Management Authority.

5. The Company constructed the said structure in terms of the approved plans and in pursuance thereto an Occupancy Certificate was issued by Corporation City of Panaji in the year 2007. It bears mentioning that the existing structure is beyond the 10 meters buffer zone directed by GCZMA by its letter dated 03/05/2007. Annexed hereto and marked as **Annexure R-3** is the copy of Occupancy Certificate dated 11/05/2007.

6. The Company intended to carry out additional construction by way of additional floors without in any way modifying or changing the footprint of the building. Accordingly, the company applied to the relevant authorities namely NGPDA and the Corporation of City of Panaji and vide approval dated 12/06/2012, NGPDA approved the plans and vide Construction Licence dated 01/01/2013, Corporation City of Panaji granted construction licence for the said additional construction.

7. The Company has commenced construction of the additional floor in terms of the approval granted by the NGPDA and Corporation of City of Panaji and has applied for necessary renewal of licences. There is no deviation in the footprint of the structure nor is the company carrying out any construction in the 10 meters buffer zone as directed by GCZMA.

8. The Company has maintained 10 meters buffer zone in terms of CRZ Clearance dated 03/05/2007 way back in the year 2007.

9. However Kashinath Shetye filed a complaint bearing No. 171/2017(WZ) against the Company before the NGT Pune which is pending adjudication.

10. In pursuance to the Complaint filed by Kashinath Shetye, the Expert Committee of GCZMA carried out site inspection pertaining to alleged violation by the Company in respect of property bearing P. T. Sheet No. 106 and Chalta No. 37.

11. In the site inspection, following observation was made by the Expert Committee: ***The plot at site having Panaji Community Centre is a developed Municipal area and so is a CRZ II area***

i. ***Many structures are present closer to the bank of tidally influenced Rua de Ourem Creek, while others are away from the bank of the Creek. Comparatively, the Panaji Community Centre is lying much away from the bank of the Creek***

12. Based on the above observations, the Committee arrived at the following Conclusion :

i. ***The area where Panaji Community Centre is located is a CRZ II area.***

ii. ***Away from Panaji Community Centre, in its north-east side is a tidally influenced Rua de Ourem Creek.***

- iii. *The Creek originates from southern bank of Mandovi River near Patto, Panaji and extends straight southwards, but before reaching the site at Mala, the Creek turns south-east, thereby giving rise to two directions to its banks.*
- iv. *One direction is the South direction giving rise to southern bank of the Creek extending up to the Department of Handicrafts and Textiles, and the other direction is a south-east direction thereafter.*
- v. *Many structures, viz. Healthway Hospital, North Goa PDA Office, Department of Handicrafts and Textiles, Government of Goa, Sony Zeal Infotech Office, etc. constructed lie closer to the southern and south-eastern bank of the Creek. Whereas, Panaji Community Centre lies behind these structures.*
- vi. *As per CRZ Regulation, in CRZ II area, the construction is permissible behind the old authorized structure closer to the tidally influenced water body/river and existing prior to 1991.*
- vii. *The closest structures recorded from site inspection and the Survey map are the Department of Handicrafts and Textiles by Government of Goa (appx. 115m away from the bank of the Creek), followed by Healthway Hospital (appz. 121m away from Creek bank) and Sony Zeal Infotech Office (appx. 187m away from Creek bank).*
- viii. *Whereas, Panaji Community Centre is more than 500m away from the bank of the Creek and is much behind the existing structures.*
- ix. *The Department of Handicrafts and Textiles (DHT) by Government of Goa is nearest to the Creek whereas, Panaji Community Centre is lying much behind the DHT.*
- x. *Besides this, the water body in front of the plot, having Sy. No. 37-A, is not a natural water body but is an inundated land or a salt pan.*
- xi. *The presence of sluice gate to the eastern boundary of water body, 170m away from the said plot boundary, does not attract CRZ due to absence of tidal effect beyond sluice gate.*

Annexed hereto and marked as **Annexure R-4** is the copy of Site Inspection report.

13. The above observations and conclusion of the Expert Committee of GCZMA clearly establishes that the tidally influenced Rua de Ourem Creek is more than 500mts. from the said property of the Company and the sluice gate which is close to the property of the Company is bereft of the tidal influence and does not attract CRZ Regulations.

14. In light of above, the buffer zone of 10 meters stipulated in respect of the said property in the letter dated 03/05/2007 is erroneous and contrary to the CRZ Regulations. Even otherwise in terms of the report the Panaji Community Centre and the said property is behind the existing structures namely Healthway Hospital, North Goa PDA Office, Department of Handicrafts and Textiles, Government of Goa, Sony Zeal Infotech Office, etc. therefore considering that the said property is situated in CRZ II, the Company is entitled to construct in the said property without any buffer zone since the entire property is on the landward side of the existing structure and is beyond 500 meters from the tidally influenced Rua de Ourem Creek.



In view of above, by this representation, the Company requests you to revise the letter dated 03/05/2007 and/or issue a fresh letter declaring that there is no requirement of maintaining the buffer zone in respect of the said property of the Company.

For Tarcar Real Estate Pvt. Ltd



Director



गोंय गोवा GOA

Mandir R. Jashni Copy Services Pvt. Ltd. Panaji, Goa 403001

1257
6/8/11
03AA 149346
Tarcas Real Estate P. Ltd.

Panaji

[Signature]
Sign. of Vendor

[Signature]
Sign. of Purchaser

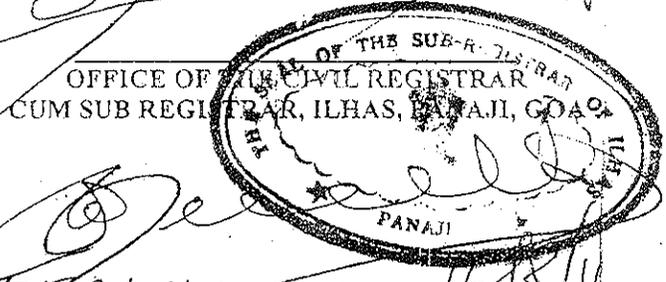
Sm No. 701

OFFICE OF THE CIVIL REGISTRAR CUM SUB REGISTRAR, ILHAS, PANAJI

CERTIFIED to be a true Xerox copy of deed of Recovery of Mortgage duly registered in this office under No. 19620 of Volume No. 1666 of Book No. I, pages 455 to 466 dated 31-7-2006.

Paid fees Rs. 210/-
Receipt No. 15/18
Dated: 04-8-11
Total Sheets: 6

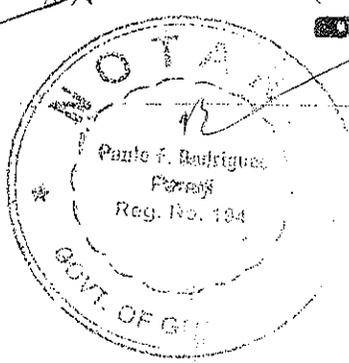
[Signature] 16/8/11



Panaji, Goa.
Dated: 16-8-11
Copy Applied on: 04-8-11
Copy Ready on: 16-8-11
Copy delivered on: 18-8-11

By: Tarcas Real Estate Pvt. Ltd.

(Savio)



OFFICE OF THE REGISTRAR ILHAS

1666
भारतीय गैर न्यायिक

पचास
रुपये

रु.50



FIFTY
RUPEES

Rs.50

INDIA NON JUDICIAL

DATE 20/06/2006 SER. NO. 024668 VALUE Rs. 50

NAME OF PURCHASER Sanjay P. Tarcar
RESIDENT OF ...
PLACE OF VENDOR ...

Copy of document No. 1923 of 2006
of Book I contains 5 sheets

ILHAS - REGISTRAR
ILHAS

SIG. PURCHASER

SIG. VENDOR
Mrs. Urmila S. Kamat Tarcar
Licence No. AC-STP-VEN/2000
dt 30-1-2001

Serial No. 1923/2006
Presented at the Office of the
Sub-Registrar of Ilhas
between the hours of 3.45 p.m.

and 4.00 p.m. on 18/7/2006

Sd - Illegible

| | |
|----------------------------|--------|
| Received fees for Rs. | ... |
| Registration | 50.00 |
| Copying (Folio) 40 | 60.00 |
| Copying Endorsements | 10.00 |
| Postage | ... |
| Total Rs. | 120.00 |

Sd - Asha S. Kamat
SUB-REGISTRAR
ILHAS

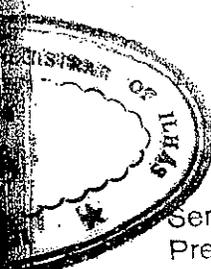
Sd - Asha S. Kamat
SUB-REGISTRAR
ILHAS

DEED OF RECONVEYANCE OF MORTGAGE

THIS DEED OF RECONVEYANCE OF MORTGAGE

Sanjay P. K. Tarcar
Tarcar
Miranbhai

S. Shetgaonkar



1823-24 400-6
of Book I contains..... sheets

SUB-REGISTRAR
ILHAS

Sub-Registrar

51 years, businessman, son of late Joseph Hyacinth
M Noronha, having his address at Julie Bagh,
Mangalwar, Mangalore, hereinafter referred to as the
"MORTGAGEE" (which expression shall unless repugnant
to the context or meaning thereof be deemed to mean and
include their successors-in-interest, executors,
administrators and assigns) of THE FIRST PART.



AND

TARCAR REAL ESTATES PVT. LTD., a Company
incorporated under the Indian Companies Act, 1956,
having their Office at Tarcar Mansion, Cortin, Panaji, Goa
and represented herein by their Director **SHRI. SANJEEV
PADMANABH KAMAT TARCAR**, major aged 52 years,
married, businessman, son of Shri Padmanabh Kamat
Tarcar, residing at Vishnu Smruti, Altinho Road, Panaji,
Goa hereinafter referred to as the "MORTGAGOR" (which
expression shall unless repugnant to the context or
meaning thereof be deemed to mean and include their
successors-in-interest, executors, administrators and
assigns) of THE SECOND PART.

Sanjeev P.K. Tarcar
Mansaray

3
S. Shetgaonkar



REGISTRAR
MORTGAGES
PANAJI

of Book I contains 5 sheets

Sub-Registrar

Book No. I Volume No. 219 on 2.3.1993, the MORTGAGEE sold unto the MORTGAGOR the SAID PROPERTY at or for the total consideration of Rs 25,00,000/- (Rupees Twenty five lakhs only) and on account of the MORTGAGOR being able to pay an amount of only Rs. 7,00,000/- (Rupees Seven lakhs only), the MORTGAGOR mortgaged the SAID PROPERTY unto the MORTGAGEE as a security towards the payment of the balance consideration of Rs. 18,00,000/- (Rupees Eighteen



AND WHEREAS the clauses in the Deed of Sale-cum-mortgage also prescribed for the regular payment of interest from time to time and on account of the failure of the MORTGAGOR to make timely payment of interest, the MORTGAGEE filed a Civil Suit against the MORTGAGOR before the Civil Judge, Senior Division at Panaji, for redeeming of the mortgage, the same being Special Civil Suit No. 65/2000/B.

AND WHEREAS at a later date, the parties settled the said Suit out of Court and filed Compromise Terms before the Court and the Civil Judge Senior Division, Panaji then vide Judgment

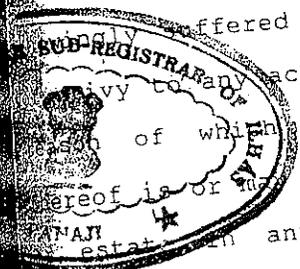
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Sargaw P.K. Tauler
S. Shetgaonkar
[Signatures]

Copy of document No. 123 of 1966
of Book I contains 5 sheets

ILHAS

Sub-Registrar

... and acknowledge and does hereby reconvey the
... mortgage, release, discharge and reassure unto the
... MORTGAGORS the SAID PROPERTY known as " TERRENO
... "ACAL " or " SAPAL " admeasuring an area of 5,000
... square metres bearing Chalta No. 37 of Plane Table
... Sheet No. 106 of the City Survey of Panaji
... described more particularly in the Schedule
... hereinafter written, from all Principal moneys,
... interest, costs, claims and demands secured by the
... said deed of Sale-cum-Mortgage AND the MORTGAGEE
... hereby covenants with the MORTGAGORS that the
... MORTGAGEE has not done, executed or performed or
... offered to the contrary or been a party
... to any act, deed or thing, whereby or by
... which the SAID PROPERTY or any part
... thereof is or may be affected or prejudiced in title
... in any manner whatsoever or that the
... MORTGAGEE may be hindered or prevented from
... releasing and reassuring the same in the manner
... hereinbefore stated.



SCHEDULE HEREINABOVE MENTIONED

ALL that piece or parcel of land admeasuring
an area of 5,000 square metres recorded in the

S. Shetgaonkar
S. Shetgaonkar
S. Shetgaonkar

SUB-REGISTRAR
ILHAS

1) Mrs. Albuquerque & Noronha, a partner
shop, concerned having office at Florje
Basar, Mangalore - represented by their
Managing partner Shri. Christopher No-
ronha, Secys, businessman, do late Joseph
Hyacinth Malcolm Noronha, do Felice
Bogh, Pandeshwar, Mangalore. -

2) Mrs. Tarcar Real Estates Pts Ltd; a
company having office at Benaji - repre-
sented by their Director Shri. S. G. Pad-
manabhan Banet Tarcar, Secys, married,
businessman, do Benaji - Goa. -

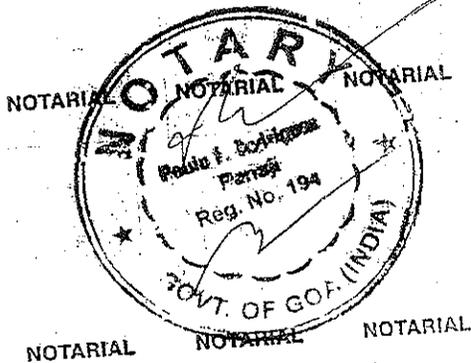
executing partner
execution of and of
Recovery

1) C. Noronha

Justice

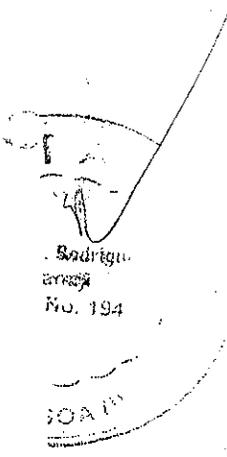
18th July 2006

SUB-REGISTRAR
ILHAS



Declarated to be the true Copy
 of the Original
 Reg. No. 6145 Date 28/12/2016

Paulo F. Rodrigues
 The Notary



+ Annexure R-2

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,

Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa - 403 511

Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

REF NO.: GCZMAN/632/2365

Date: 03/05/2007

To,
 Director,
 Tarkar Real Estates Pvt. Ltd.,
 Panaji-Goa.

Sub:- CRZ clearance for the proposed project in Chalta No. 37 of P.T. Sheet No. 106 of Panaji City.

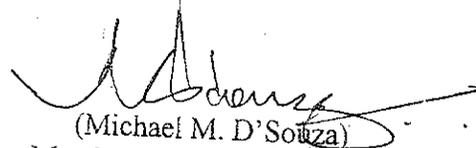
Sir,

With reference to the application dated 20/07/2006 seeking CRZ clearance to the proposed workshop in property bearing Chalta No. 37 of P.T. Sheet No. 106 of Panaji City, it is hereby informed that GCZMA in its 31st meeting held on 17/04/2007 has examined the matter. It is seen that if the last point of authorised structure in the adjacent property in Survey No. 13/73 is considered, than construction can be permitted on the landward side of a straight line drawn from the end point of the authorized structures parallel to the submerged land in property No. 37/A. This is CRZ-II area and as such construction of building is permitted on the landward side of authorised structures. The survey plan shows approved residential houses and the project is on the landward side of these structures.

After due deliberation on the issue GCZMA has been pleased to grant necessary clearance for the said project subject to maintaining of 10 mtrs buffer zone alongside your property which is adjacent to the property Survey No. 37/A which is currently filled with water. It should be ensured that the project is beyond this area of 10 mtrs. And this area of 10 mtrs should not be utilized for any activity and should be left free.

The approval is further subject to compliance all building byelaws / local laws and obtaining all relevant permission of other authorities concerned.

Yours faithfully,



(Michael M. D'Souza)

Member Secretary (GCZMA)

Director/Ex-Officio, Jt. Secretary (STE)

Copy to:-

1. The Commissioner, Corporation of the City of Panaji, Panaji-Goa, for information.
2. The Addl. Collector, Collectorate of North Goa, Panaji-Goa, for information.

Annexure R-3

CORPORATION OF THE CITY OF PANAJIPanaji-Goa 403 001 India. Tel: (91-0832) 2223339, 2237160 Fax: (91-0832) 2426998
E-mail: commissioner@ccpgoa.com www.ccpgoa.com**OCCUPANCY CERTIFICATE No. 4/02/TS/06-CCP/OC/07-08 | 06**

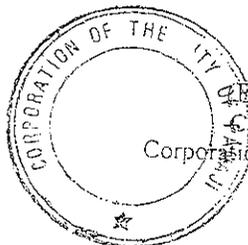
This Corporation having been satisfied with the completion of the house/Building details of which given are below, the undersigned hereby certifies as required under Section 263(a) of the City of Panaji Corporation Act 2002 (Goa Act 1 of 2003), that it may be occupied for the purpose indicated hereunder.

- | | |
|--|--|
| 1. Name and Address of the owner: - | SHRI SANJEEV TARKAR, C/O BRYAN DA SILVA, NEAR GOVT. HIGH SCHOOL, DONA PAULA GOA. |
| 2. Location of the Building: C-1. Commercial zone | CHALTA NO 37, P.T.S. NO. 106, AT NEUGI NAGAR PANAJI GOA |
| 3. Number and date of construction Licence | a) Original licence No. 4/02/TS/06-CCP/06-07/02 dated 05.04.06. b) Last renewal No. 4/02/TS/06-CCP/07-08/28 dt. 11.05.07. |
| 4. Details of portion of building Released for occupation. | GROUND & FIRST FLOOR O. SHOW- ROOM |
| 5. Purpose for which occupation is Meant: | COMMERCIAL PURPOSE. |
| 6. Clearance for occupation: | Dated 10.05.07. |
| 7. Total number of premises released | a) Ground & 1 st Floor <u>Built up area</u> 1207.11 m2 |
| 8. Other | |

- N.B. :- 1. The house tax will be levied from the date of issue of Occupancy Certificate and the exact amount of tax will be intimated to you in due course of time.
2. The licensee has paid the Goa Infrastructure Tax vide Chalan No. 03/2007 dated 10.05.07 amounting to Rs. 54,097=-00.

10. The following conditions should be strictly observed:
- The premises should not be used for purpose other than mentioned in this certificate except with due permission of the Corporation.
 - The owner/occupier should maintain the open spaces and footpaths clean.
 - The footpaths should be properly maintained and kept free from any obstruction or encroachment

Panaji-Goa.

11th May, 2007

(ELVIS GOMES)
COMMISSIONER.
Corporation of the City of Panaji.

VS/ln

INFORMATION REQUESTED UNDER RTI ACT, 2005

Report of Site Inspection Pertaining to Complaint Regarding Alleged Violation by Panaji Community Centre and M/s Albuquerque & Noronha in Property bearing PT Sheet No. 106 and Chalta No. 37 and 37-A of Mala, Panaji, Goa.

Background

GCZMA received a complaint letter dated 07/03/2016 from Mr. Kashinath Shetye & others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

Mr. K. Shetye & Others also filed an original application no. 171/2017 (WZ) before the NGT, Pune allegedly seeking demolition of structure constructed by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 and chalta no. 37 and 37-A of Mala, Panaji.

Whereas, the GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of the City of Panaji, stating that during ~~the course of site inspection by the Officials of the Corporation it was noted~~ that within 10m distance of the buffer zone, there are three non-habitable structures erected with M S bracing members and GI sheets. So, a site inspection was fixed to see the site, verify the structures, the CRZ area and the documents.

Inspection and Observation

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Eng. Audhoot Bhonsule along with the DSLR representatives Mr. Kiran Gawde and Mr. Pramod Naik. The members from CCP, Panaji present were Mr. Viraj Naik Bholnekar and Miss Shruti Harmalkar, whereas from the respondent's side the member present was Mr. Vishnu Kamat Tarcar, the Director of Panaji Community Centre. From the complainant's side, the representative present was Mr. Mukundraj Mudras. The details of site inspection are as follows;

GOVERNMENT OF GOA
 SECRETARIAT
 PANAJI
 17/07/2018
 M
 PANAJI COMMUNITY CENTRE
 (CCP)

INFORMATION REPORT UNDER RTI ACT, 2005

- i) The site wherein the Panaji Community Centre is present is closer to the junction where three roads coming from Panaji, Mala and Santa Cruz meet each other.
- ii) The plot at site is having Sy. No. 37 and is abutting the eastern side of Panaji main road and extends further eastwards.
- iii) The plot is having a compound wall abutting the main Panaji road with an entry gate at the centre.
- iv) The respondent purchased the site from M/s Albuquerque & Noronha, vide sale deed dt. 02/09/1992, for which Purchase Agreement was executed on 02/05/1990.
- v) Panaji Community Centre within the plot is an elongated structure lying in east-west direction, behind which, there is an open space which ends at the water body with Sy. No.37- A in its east.
- vi) There are three structures lying towards the boundary of the plot. Two structures are lying within 5m from the edge of the plot. One structure is totally a metallic structure made of G.I. pipes and steel angles with Mangalore tiles on top, erected over the two Canoes at site. This structure is ~~within 1.4 m from the edge of the water body as per the DSLR~~ measurements taken at site.
- vii) Second one is a cemented lateritic hexagonal Pergola with balusters protection and Mangalore tiles roofing, located in the mid area and it is 3m away from land boundary as per DSLR measurements at site.
- viii) Third structure is a wooden ply room with a rectangular shed having metallic sheets on top. The shed is supported on metallic poles and is lying in north-south direction, 8.7m away from the land boundary as measured by DSLR at site. The shed is also having cemented flooring.
- ix) Respondent however does not agree with DSLR measurements and says that the present boundary line of land opposite the wooden room is straight and not curved one and therefore the wooden structure falls beyond 10m of the buffer zone.
- x) The ground area in between the three structures and the back wall of the Community Centre is provided with tiles.
- xi) Respondent also told that the metallic structure over the Canoes is recently constructed, whereas, the wooden room was constructed soon

15/11/2014
 10/11/2014

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after taking NOC from GCZMA and it was beyond 10m from the land boundary.

xii) Applicant showed the NOC issued by GCZMA dated 03/05/2007 (No. GCZMA/N/632/2365) for the construction of Workshop of their Motor Company, with a conditional buffer of 10m to be maintained from the edge of the water body.

xiii) Respondent also told that the pergola existed at site even in 1990 when the Purchase Agreement of the plot was signed between Mr. Albuquerque & Noronha and him. The pergola that time was in a dilapidated and damaged condition which the respondent renovated totally.

xiv) Respondent has produced a Sale Deed copy of the Plot, dated 02/09/1992, which includes mention of the terms of agreement for sale dated, 02/05/1990.

xv) He has also produced an Affidavit from the son of the previous owner, Mr. Joseph Noronha, to satisfy that the pergola was existing at site prior to 1991.

xvi) The water body formed in front of Sy. no 37 in the plot with Sy. no. ~~37. A is provided with a sluice gate to the land in its east side. Sluice gate is~~ approximately 170 m away from the plot boundary.

xvii) Behind the sluice gate there is another water body, which is directly connected to Rua de Ourem Creek, whereas, the Creek is more than 500m away from the plot boundary.

xviii) The plot at site having Panaji Community Centre is a developed Municipal area and so is a CRZ II area.

xix) Many structures are present closer to the bank of tidally influenced Rua de Ourem Creek, while others are away from the bank of the Creek. Comparatively, the Panaji Community Centre is lying much away from the bank of the Creek.

xx) However, the Sy. map by DSLR does not show the presence of any structure at site.

15/11/2007
 Public Relations Officer
 GCZMA

INFORMATIONAL VALUE LOST AT THE END OF THE

Conclusion and Recommendation

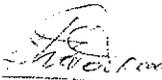
- i) The area where Panaji Community Centre is located is a CRZ II area.
- ii) Away from Panaji Community Centre, in its north-east side is a tidally influenced Rua de Ourem Creek.
- iii) The Creek originates from southern bank of Mandovi River near Patto, Panaji and extends straight southwards, but before reaching the site at Mala, the Creek turns south-east, thereby giving rise to two directions to its banks.
- iv) One direction is the south direction giving rise to southern bank of the Creek extending up to the Department of Handicrafts and Textiles, and the other direction is a south-east direction thereafter.
- v) Many structures, viz. Healthway Hospital, North Goa PDA Office, Department of Handicrafts and Textiles, Government of Goa, Sony Zeal Infotech Office, etc constructed lie closer to the southern and south-eastern bank of the Creek. Whereas, Panaji Community Centre lies behind these structures.
- vi) As per CRZ Regulation, in CRZ II area, the construction is permissible behind the old authorized structure closer to the tidally influenced water body/river and existing prior to 1991.
- vii) The closest structures recorded from site inspection and the survey map are the Department of Handicraft & Textiles by Government of Goa (appx.115m away from the bank of the Creek), followed by Healthway Hospital (appx. 121m away from Creek bank) and Sony Zeal Infotech Office(appx. 187m away from Creek bank).
- viii) Whereas, Panaji Community Centre is more than 500m away from the bank of the Creek and is much behind the existing structures.
- ix) The Department of Handicrafts and Textiles (DHT) by Government of Goa is nearest to the Creek whereas, Panaji Community Centre is lying much behind the DHT.
- x) Besides this, the water body in front of the plot, having Sy. no. 37-A, is not a natural water body but is an inundated land or a salt pan.

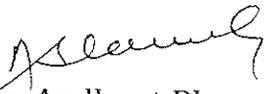

 SOLE EXTENSION OFFICER
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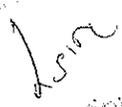
INFORMATION ACT, 2005

- xi) The presence of sluice gate to the eastern boundary of water body, 170 m away from the said plot boundary, does not attract CRZ due to absence of tidal effect beyond sluice gate.
- xii) The contention of the respondent is that, the wooden room presently lying 8.7m away from the plot boundary as measured by DSLR is not correct and the plot boundary being straight, the wooden room with shed falls beyond the 10m buffer zone.
- xiii) Whereas, the pergola if really existed at site prior to 1991 as per the Affidavit, dated 09/08/2018 from Mr. Christopher Noronha, than the structure could be considered as legal.
- xiv) Lastly, the recently constructed metallic structure with Mangalore tiles roofing over the Canoes being within 2m from plot boundary is falling within the specified 10m buffer zone and is not as per the NOC issued by GCZMA in 2007 and so becomes illegal, so it demands removal from the site.
- xv) Whereas, the distance between the back wall of the Panaji Community Centre and the plot boundary towards east is 15.6m, so, it is falling beyond the conditional 10m buffer.

~~This may be deliberated in the Authority meeting for a decision~~


(Dr. Prabhakar Shirodkar)


(Eng. Audhoot Bhonsule)


Public Information Officer
(GCZMA)

Annexure 1
R4/11
212K

From,
Tarcar Real Estate Pvt. Ltd.
having office at Near Four Pillars,
Mala, Panaji,
Goa - 403001,

Date : 26/10/2018

To,
Goa Coastal Zone Management Authority,
Through its Member Secretary,
C/o. Department of Science,
Technology and Environment (Govt. of Goa),
3rd Floor, Dempo Towers,
Patto, Panaji, Goa - 403 001.

SUB : WRITTEN SYNOPSIS PERTAINING TO THE
COMPLAINT AGAINST TARCAR REAL
ESTATE IN PURSUANCE TO NOTICE OF
PERSONAL HEARING DATED 15/10/2018

Sir,

1. Tarcar Real Estate Pvt. Ltd., hereinafter referred to is the "COMPANY", is the owner in possession of all that piece or parcel of land admeasuring an area of 5,000 sq. mts. recorded in the Records of the City Survey of Panaji under Chalta No. 37 of Plane Table Sheet No. 106 of the City Survey of Panaji, the same being a portion of the property known as "TERRENO LODACAL"

or "SAPAL" described in Land Registration Office of Ilhas under No. 3502 at folio 193 v of Book B-9 New and the Taluka Revenue Officer under Matriz No. 1072, within the limits of the City of Panaji in the Taluka of Tiswadi, Sub-District of Ilhas in the State of Goa, hereinafter referred to as the SAID PROPERTY.

2. Vide Deed of Reconveyance of Mortgage dated 16/07/2006, the Company purchased the said property.
3. After purchase of the said property, this Respondent obtained necessary permissions from the authorities and constructed a G+1 structure which was completed in the year 2007. The Company operates a Multipurpose Hall known as "Panaji Community Centre" in the said property.
4. In pursuance to the application dated 20/07/2006, Vide permission dated 03/05/2007, Goa Coastal Zone Management Authority granted CRZ Clearance for the

said project by holding that the Company should maintain 10 meters buffer zone alongside the property adjacent to property Survey No. 37/A and that the project should be 10 meters beyond the said buffer zone and the said 10 meters shall not be utilized for any activity and should be left free. It was further stated in the said CRZ Clearance that it is a CRZ-II area and that construction is permitted on the landward side of a straight line drawn from the end point of the authorized structures parallel to the submerged plan in property No. 37/A.

5. The Company constructed the said structure in terms of the approved plans and in pursuance thereto an Occupancy Certificate was issued by Corporation City of Panaji in the year 2007. It bears mentioning that the existing structure is beyond the 10 meters buffer zone directed by GCZMA by its letter dated 03/05/2007.

6. The Company intended to carry out additional construction by way of additional floors without in any way modifying or changing the footprint of the building. Accordingly, the company applied to the relevant authorities namely NGPDA and the Corporation of City of Panaji and vide approval dated 12/06/2012, NGPDA approved the plans and vide Construction Licence dated 01/01/2013, Corporation City of Panaji granted construction licence for the said additional construction.
7. The Company has commenced construction of the additional floor in terms of the approval granted by the NGPDA and Corporation of City of Panaji and has applied for necessary renewal of licences. There is no deviation in the footprint of the structure nor is the company carrying out any construction in the 10 meters buffer zone as directed by GCZMA.
8. The Company has maintained 10 meters buffer zone in terms of CRZ Clearance

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dated 03/05/2007 way back in the year 2007.

9. However Kashinath Shetye filed a complaint against the Company before the NGT Pune which is pending adjudication.

10. In pursuance to the Complaint filed by Kashinath Shetye, the Expert Committee of GCZMA carried out site inspection pertaining to alleged violation by the Company in respect of property bearing P. T. Sheet No. 106 and Chalta No. 37.

11. In the site inspection, following observation was made by the Expert Committee:

- i. The plot at site having Panaji Community Centre is a developed Municipal area and so is a CRZ II area*
- ii. Many structures are present closer to the bank of tidally influenced Rua de Ourem Creek, while others are away from the bank of the*

Creek. Comparatively, the Panaji Community Centre is lying much away from the bank of the Creek

12. Based on the above observations, the Committee arrived at the following Conclusion :

- i. The area where Panaji Community Centre is located is a CRZ II area.
- ii. Away from Panaji Community Centre, in its north-east side is a tidally influenced Rua de Ourem Creek.
- iii. The Creek originates from southern bank of Mandovi River near Patto, Panaji and extends straight southwards, but before reaching the site at Mala, the Creek turns south-east, thereby giving rise to two directions to its banks.
- iv. One direction is the South direction giving rise to southern bank of the Creek extending up to the Department of Handicrafts and

2d/K

Textiles, and the other direction is a south-east direction thereafter.

- v. Many structures, viz. Healthway Hospital, North Goa PDA Office, Department of Handicrafts and Textiles, Government of Goa, Sony Zeal Infotech Office, etc. constructed lie closer to the southern and south-eastern bank of the Creek. Whereas, Panaji Community Centre lies behind these structures.
- vi. As per CRZ Regulation, in CRZ II area, the construction is permissible behind the old authorized structure closer to the tidally influenced water body/river and existing prior to 1991.
- vii. The closest structures recorded from site inspection and the Survey map are the Department of Handicrafts and Textiles by Government of Goa (appx. 115m away

25k

from the bank of the Creek), followed by Healthway Hospital (appz. 121m away from Creek bank) and Sony Zeal Infotech Office (appx. 187m away from Creek bank).

viii. Whereas, Panaji Community Centre is more than 500m away from the bank of the Creek and is much behind the existing structures.

ix. The Department of Handicrafts and Textiles (DHT) by Government of Goa is nearest to the Creek whereas, Panaji Community Centre is lying much behind the DHT.

x. Besides this, the water body in front of the plot, having Sy. No. 37-A, is not a natural water body but is an inundated land or a salt pan.

xi. The presence of sluice gate to the eastern boundary of water body, 170m away from the said plot boundary, does not attract CRZ due to absence of tidal effect beyond sluice gate.

204/c

13. The above observations and conclusion of the Expert Committee of GCZMA clearly establishes that the tidally influenced Rua de Ourem Creek is more than 500mts. from the said property of the Company and the sluice gate which is close to the property of the Company is bereft of the tidal influence and does not attract CRZ Regulations.

14. The CRZ Regulations are applicable only to water bodies which have tidal influence. In this respect, the Company seeks to rely upon the following extract of the CRZ Notification, 2011

"CRZ shall apply to the land area between HTL to 100 mtrs. or width of the creek, whichever is less on the landward side along the tidal influenced Water Bodies that are connected to the sea and the distance upto, which development along such tidal influenced Water Bodies is to be regulated shall be governed by the distance upto, which the tidal effects

are experienced, which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto, which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation :- For the purposes of this sub-paragraph the expression tidal influenced Water Bodies means the Water Bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds, connected to the sea or creeks and the like.

15. Even under the 1991 Notification, CRZ was applicable to tidally influenced creeks, backwaters and rivers. The report itself makes it clear that the sluice gate which is close to the property of the company is

not affected by tidal influence and is not connected to the sea or river or estuary or the like. On this count itself, the proceedings are liable to be dropped by concluding that the said property is not within the jurisdiction of CRZ Authorities.

16. Without prejudice to whatever is stated above, the CRZ Regulations are not applicable since it is behind the existing authorized structures.

17. Under the CRZ Notification, 2011 clause 8(i) and (ii) read as under :

"(i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;

(ii) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing Local Town and Country

Planning Regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio;"

18. Under the CRZ Notification, 1991 clause 6(2) reads as under :

"(i) Buildings shall be permitted only on the landward side of the existing road or roads proposed in the approved Coastal Zone Management Plan of the area) or on the landward side existing authorized structures. Buildings, permitted on the landward side of the existing and proposed roads/existing authorized structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio;

Provided that no permission for construction of buildings shall be given on landward side of any new roads (except road; proposed in the approved Coastal Zone Management Plan)

which are constructed on the seaward side of an existing road.

Provided further that the above restrictions on construction, based on existing roads/authorized structures, roads proposed in the approved Coastal Zone Management Plans, new roads shall not apply to the housing schemes of State Urban development Authorities implemented in phases for which construction activity was commenced prior to 19th February 1991, in at least one phase and all relevant approvals from State/Local Authorities were obtained prior to 19th February 1991; in all such cases specific approval of the Ministry of Environment and Forests would be necessary on a case to case basis.

19. The above provisions make it clear that buildings shall be permitted on the landward side of the existing authorized structures and the said structures shall

199/c

be governed by the local laws and CRZ Regulations do not govern the same.

20. In terms of the report the Panaji Community Centre and the said property is behind the existing structures namely Healthway Hospital, North Goa PDA Office, Department of Handicrafts and Textiles, Government of Goa, Sony Zeal Infotech Office, etc. therefore considering that the said property is situated in CRZ II, the Company is entitled to construct in the said property without any buffer zone since the entire property is on the landward side of the existing structure. Infact CRZ Regulations are not applicable to the said property. In light of above, the buffer zone of 10 meters stipulated in respect of the said property in the letter dated 03/05/2007 is erroneous and contrary to the CRZ Regulations and has to be ignored. In this respect a letter is also addressed by the Company highlighting that the buffer zone is erroneous and does not

198/c

15

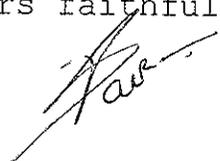
have any legal sanctity for which no response has been submitted.

21. Therefore the observation in the report at point No. XIV about existence of the structures has no bearing since GCZMA has no jurisdiction to pass any orders with regard to the said structures which structures are even otherwise temporary structures.

In view of above, the Company requests you to kindly dismiss the Complaint and discharge the notice against the Company.

Thanking you,

Yours faithfully



Authorized Representative of
Tarcar Real Estate Pvt. Ltd.

Annexure R4/19

**MINUTES OF THE 188th MEETING OF THE GOA COASTAL ZONE MANAGEMENT
AUTHORITY (GCZMA) HELD ON 22/11/2018 (THURSDAY) AT 3:30 P.M. IN THE
CONFERENCE HALL, 3rd FLOOR, DPSE DEPARTMENT, PT. DEENDAYAL
UPADHAY BHAVAN, PORVORIM – GOA.**

The 188th meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 22/11/2018 (Thursday) at 3:30 p.m. in the conference hall, 3rd floor, DSPE Building, Porvorim – Goa.

The following members were present for the meeting:

1. Principal Secretary (Environment) / Chairman (GCZMA).
2. Representative on behalf of Deputy Conservator of Forests, Department of Forests, Government of Goa.
3. Representative on behalf of Director, Directorate of Panchayat, Panaji, Goa.
4. Representative on behalf of Director, Department of Tourism, Panaji, Goa.
5. Representative on behalf of Director, Directorate of Settlement & Land Records, Panaji, Goa.
6. Representative on behalf of Chief Engineer Water Resources Department (WRD).
7. Dr. Prabhakar Shirodkar, Expert Member (GCZMA)
8. Shri. Suhas Godse ,Expert Member (GCZMA)
9. Member Secretary (GCZMA).

Item No. 1:

Case No. 1.1

To discuss and decide on a complaint filed by Goa Paryavaran Savrakshan Sangharsh Samiti dated 11/01/2018 regarding alleged illegal cottages and RCC buildings constructed by Bora Bora Restaurant at Vithaldaswado, Pernem, Goa.

Background

Goa Paryavaran Savrakshan Sangharsh Samiti filed a complaint dated 11/01/2018 to GCZMA regarding alleged illegal cottages and RCC buildings constructed by Bora Bora Restaurant at Vithaldaswado in Pernem Taluka, Goa. The complaint was also filed by Goa Paryavaran Savrakshan Sangharsh Samiti in Original Application before the Hon'ble NGT. The applicant has alleged that the structures are within No Development Zone and in close proximity of Turtle nesting sites. The Hon'ble NGT, Pune vide order dated 09/11/2017 granted liberty to pursue their earlier complaint made to GCZMA and take action against the proprietors of unlawful structures run under the name and style of Bora Bora Restaurant at Vithaldaswado in Pernem, Taluka. So, a site inspection was fixed to verify whether the structures erected at site are falling within the NDZ and are standing at the site or are removed.

Hon'ble NGT. The applicant has alleged that the structures are within No Development Zone and in close proximity of Turtle nesting sites. The Hon'ble NGT, Pune vide order dated 09/11/2017 granted liberty to pursue their earlier complaint made to GCZMA and take action against the proprietors of unlawful structures run under the name and style of Leela Cottages at Ashwem-Mandrem in Pernem, Taluka. So, a site inspection was fixed to verify whether the structures erected at site are falling within the NDZ and are intact or are removed from site.

The Authority during 185th meeting held on 04/10/2018, after perusing the report submitted by the Expert members (GCZMA) and after detailed discussion the Authority resolved to issue Show Cause notice to Leela Cottages at Ashwem-Mandrem, Pernem, Goa.

Proceeding: The Complaint was absent. The representative on behalf of respondent remained present.

Decision: The Authority heard the respondent and taken on record the submissions made by respondents. It also noted that the complainant not appeared. Therefore, GCZMA decided to grant another opportunity to the complainant to present its case. The matter was adjourned on 04/12/2018.

Case No. 1.5

To decide on a Complaint Regarding Alleged Violation by Panaji Community Centre and M/s Albuquerque & Noronha in Property bearing PT Sheet No. 106 and Chalta No. 37 and 37-A of Mala, Panaji, Goa.

Background

GCZMA received a complaint letter dated 07/03/2016 from Mr. Kashinath Shetye & others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

Mr. K. Shetye & Others also filed an original application no. 171/2017 (WZ) before the NGT, Pune allegedly seeking demolition of structure constructed by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 and chalta no. 37 and 37-A of Mala, Panaji.

Whereas, the GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of the City of Panaji, stating that during the course of site inspection by the Officials of the Corporation it was noted that within 10m distance of the buffer zone, there are three non-habitable structures erected with M S bracing members and GI sheets. So, a site inspection was fixed to see the site, verify the structures, the CRZ area and the documents. Accordingly site inspection was conducted by Expert member (GCZMA) and submitted detailed report.

Further, the said matter was placed before the Authority in its 185th meeting held on 04/10/2018 for grant of personal hearing to the parties wherein the Authority heard the respondent and taken on record the submissions made by the respondents. It also noted that the complainant was not appeared. Therefore, Authority decided to grant final opportunity to the complainant to present its case. The matter was adjourned for the next date.

the said matter was placed before the Authority in its 187th meeting held on 30/10/2018 for grant of personal hearing to the parties wherein the Authority heard the respondent and taken on record the submissions made by the respondents. It also noted that the complainant was not appeared. Therefore, Authority decided to grant final opportunity to the complainant to present its case. The matter was adjourned for the next date.

Proceeding: The Complaint Mr. Kashinath Shetye remained present in person. The respondent along with Advocate Shivan Dessai remained present.

The complainant read out the site inspection report by the Expert member (GCZMA) and pointed out that the width of the creek has to be the considered. The change in use is not permissible. Requested the authority to carry out demarcation by NCSCM as there is 10 mt buffer zone.

The respondent relied on observation 7 of the site inspection report by expert member (GCZMA). The respondent further submitted that structures are in line with the existing structures. Further there is no tidal influence and the structures are beyond buffer zone.

Decision: The Authority heard both the parties and taken on record the oral submissions made by the parties. The Authority after detailed discussion and deliberation decided to carry out joint inspection with officials from Soil Conservation Division Department of Agriculture, official from Water Resources Department (WRD), from DSLR and Expert members (GCZMA) to confirm if it is beyond sluice gate or a creek.

Case No. 1.6

To discuss and decide on a complaint dated 09/05/2018 from Mr. Sanjiv Simepurushkar regarding alleged illegal Construction Carried out in Sy. No. 201/13 in Calangute Village, Bardez, Goa by Indumati Simepuruskar .

Background: Mr. Sanjiv Simepurushkar from Umta Vaddo, Calangute complained to GCZMA on 09/05/2018 informing about the illegal construction in CRZ area of Sy. No. 201/13 of Calangute village. So, a site inspection was fixed to see the illegal construction done by Indumati Simepuruskar, verify the CRZ zoning and the documents.

The said matter was discussed during 178th GCZMA meeting held on 10/07/2018 wherein the Authority perused the site inspection report submitted by the expert member and noted that the alleged violator is carrying out the construction of house

Annexure 244
13

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)

1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,

Porvorim, Bardez- Goa-403 521

www.czma.goa.gov.in

Ref. No. GCZMA/NGT Matter/Apl.No. 171/2017/18-19/16/1744 Date: 17/12/2018

NOTICE OF SITE INSPECTION

Sub: Site inspection pertaining to Panaji Community Centre and M/s Albuquerque Noronha in the property bearing P. T. Sheet No. 106 of Chalta No. 37/37-A, Mala Panaji Goa within CRZ area.

REF: (i) Complaint dated 07/03/2016 filed by Mr. Kashinath Shetye and ors.

WHEREAS, the Office of the GCZMA has received complaint letter dated 07/03/2016 from Mr. Kashinath Shetye, r/o. 102, Raj Excellency, Ribandar, Goa & Ors. with regard to the alleged CRZ Violation carried out by the Panaji Community Centre and M/s Albuquerque Noronha in the property bearing P.T. Sheet No. 106 of Chalta No. 37/37-A, Mala Panaji Goa within CRZ area.

AND WHEREAS, upon receipt of the complaint this Office issued a Notice of the Site Inspection vide letter bearing reference No. GCZMA / NGT Matter / Appl. No. 171/2017/18-19/16/721 dated 26/07/2017; the Members of the GCZMA fixed a Site Inspection on 01/08/2018.

AND WHEREAS, the Site was inspected by the Expert members of GCZMA and submitted the Report

AND WHEREAS the matter was placed in the 185th GCZMA meeting held on 04/10/2018 wherein "the Authority heard the Respondent and taken on record the submissions made by Respondents. It also noted that the complainant did not appear. Therefore, GCZMA decided to grant final opportunity to the complainant to present its case. The matter was adjourned for the next date".

AND WHEREAS, the matter was placed in the 187th GCZMA meeting held on 30/10/2018 wherein, *"the Authority heard the respondent and taken on record the submissions made by respondents. It also noted that the complainant did not appear. Therefore, GCZMA decided to grant final opportunity to the complainant to present its case. The matter was adjourned on 04/12/2018"*.

AND WHEREAS the matter was placed in the 188th GCZMA meeting held on 22/11/2018 wherein, *"the Authority heard both the parties and taken on record the oral submissions made by the parties. The Authority after detailed discussion and deliberation decided to carry out joint inspection with officials from Soil Conservation Division Department of Agriculture, official from Water Resources Department (WRD), from DSLR and Expert members (GCZMA) to confirm if it is beyond sluice gate or a creek."*

AND WHEREAS, in this regard, the GCZMA has now fixed a site inspection of the above said area / site on 26 /12/ 2018 at 11.00 a.m onwards.

NOW THEREFORE, you are required to take note of the date of site inspection and remain present during the site inspection or depute your duly authorized representative with all the requisite details / documents, if any, failing which the inspection will be carried out in your absence.



(Ravi Jha, IAS)

Member Secretary (GCZMA)

o/c

To,

1. Panaji Community Centre, by Vistar Group,
M/s Tarcar Real Estates Pvt.Ltd, through Sanjeev Tarcar,
Near Four Pillars, Mala Panaji-Goa.
2. M/s Albuquerque Noronha, Mala Panaji-Goa.
3. Mr. Kashinath Shetye, r/o. 102, Raj Excellency, Ribandar, Goa

Copy to:

1. **Dr. Prabhakar V. Shirodkar**, R/o. Flat No. 311/5, 1st floor. E-wing, Agnelo Colony, Caranzalem, Tiswadi-Goa.....with a request to make it convenient and attend the same.
2. **Mr. Audhut J. Bhosle**, R/o. 790, Opp. Mapusa Urban Co-Operative Bank, St. Agostinho, Santa-Cruz, Tiswadi-Goa.....with a request to make it convenient and attend the same.
3. **Prof. Suhas Ghodse**, R/o. H.No. 5/25 A, Saket, near Pandurang Tulsi Mata Temple, Vodlem Bhat, Taleigao, Tiswadi-Goa...with a request to make it convenient and attend the same.
4. **Dy. Collector & S.D.O Tiswadi, Panaji, Goa...** with a kind request to depute your representative at given date and time for said site inspection along with Surveyor.
5. **Supt. of Survey & Land Records, Director of Settlement and Land Records, Panaji-Goa...** with a kind request to depute your representative at given date and time with total station machine and submit site inspection report along with necessary plan.
6. **The Executive Engineer, Soil Conservation Division Department of Agriculture, Krishna Bhavan, Tonca, Caranzalem,** with a kind request to depute your representative at given date and time to inspect the site and submit site inspection report along with necessary plan.
7. **The Executive Engineer, Water Resources Department (WRD), Porvorim** with a kind request to depute your representative at given date and time to inspect the site and submit site inspection report along with necessary plan.
8. **Scientific Assistant, GCZMA...** to upload copy of this order on GCZMA website immediately.

26/12/18

Annexure R 4/14

Site Inspection Report of Panaji Community Centre and M/s Albuquerque Noronha in the property bearing P.T. Sheet No 106 of Chalta No. 37/37-A, Mala, Panaji, Goa, within CRZ area

Background:

Office of GCZMA received a complaint dated 07/03/2016 from Mr. Kashinath Shetye, r/o 102, Raj Excellency, Ribandar, Goa & Ors with regard to the alleged CRZ violation carried out by Panaji Community Centre and M/s Albuquerque Noronha in the property bearing P.T. Sheet No. 106 of Chalta No. 37/37-A, Mala, Panaji. The site was inspected by two Expert Members of GCZMA on 01/08/2018. After hearing the Complainant and the Respondent in the 188th meeting of GCZMA held on 22/11/2018, it was decided by the Authority to conduct a joint inspection of the site.

Inspection:

Upon instructions of Member Secretary of GCZMA a site inspection was carried out by Engr Audhoot Bhonsule, Dr. Prabhakar Shirodkar and Shri. Suhas Godse, all Expert Members of GCZMA along with DSLR official Shri. Rajesh Harmalkar, Surveyor attached to Dy Collector's office Shri. Rajesh Patil and Circle Inspector from office of Mamlatdar of Tiswadi, Shri. Sanjeev Signapurkar. At the site, the Complainant was not present, whereas, from the alleged violators' behalf Mr. Vishnu Kamat Tarkar was present. Neither Soil Conservation Division of Department of Agriculture, nor Water Resource Department was represented by any officials of the respective Departments of Govt. of Goa.

Observation:

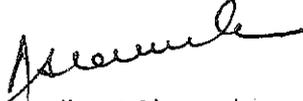
1. The location of the plot on the Cadastral map was located.
2. It was noted from the Cadastral plan that Chalta No. 37 is land mass whereas 37-A is a water body, possibly being an earlier salt pan.
3. One part of the building is on Chalta No. 37, while the other part extends into Chalta No. 37-A, which is part of water body.
4. Absence of mangrove plants along the eastern boundary of the plot is noticeable since in the adjacent plots the mangrove is lush.
5. One mangrove tree is on plot land in Chalta No. 37-A indicating reclamation of land.
6. Bund and Sluice gate at the eastern boundary of Chalta No. 37-A exist in dilapidated condition.

Conclusion:

With reference to Cadastral map, part of the plot under Chalta No. 37-A appears to be reclaimed and a large structure along with multiple small structures is standing on the reclaimed part.

Legality of this reclamation needs to be verified.

The Authority may deliberate and take appropriate action.



Engr. Audhoot Bhonsule



Dr. Prabhakar Shirodkar



Shri. Suhas Godse

**MINUTES OF THE 199th MEETING OF THE GOA COASTAL ZONE MANAGEMENT
AUTHORITY (GCZMA) HELD ON 14/05/2019 (TUESDAY) AT 04.00 PM IN THE
CONFERENCE HALL, 2nd FLOOR, SECRETARIAT, PORVORIM – GOA.**

The 199th meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 14/05/2019 (Tuesday) at 04.00 pm in the Conference hall, 2nd floor, Secretariat, Porvorim – Goa.

The following members were present for the meeting:

1. Secretary (Environment) / Chairman (GCZMA).
2. Director, Department of Tourism, Panaji, Goa.
3. Representative on behalf of Principal Chief Conservator of Forests, Department of Forests, Government of Goa.
4. Representative on behalf of Director, Directorate of Fisheries, Panaji, Goa.
5. Representative on behalf of Director, Directorate of Settlement & Land Records (DSLRL) Panaji, Goa.
6. Chief Engineer, Water Resources Department (WRD).
7. Shri. Srirang Jambhale, Expert Member (GCZMA)
8. Dr. Prabhakar Shirodkar, Expert Member (GCZMA)
9. Shri. Audhut Bhonsule, Expert Member (GCZMA)
10. Member Secretary (GCZMA).

Item No. 1:

Case No. 1.1

To decide on Order dated 04/05/2019 passed by the Hon'ble High Court of Bombay at Goa in M/s Adwalpalkar Constructions & resorts Pvt Ltd .

Background: the office of GCZMA in terms of decision taken in the 197th GCZMA meeting held on 26/04/2019 issued a demolition order dated 02/05/2019 to M/s Adwalpalkar Constructions & resorts Pvt Ltd for demolition of shacks and cottages in property bearing survey No.185/21 of Morjim Village, Pernem Taluka,. The said demolition order dated 02/05/2019 was challenged by the respondent in Writ Petition bearing Stamp main no.1832/2019 before the Hon'ble High Court of Bombay at Goa.

The Hon'ble High Court of Bombay at Goa vide order dated 04/05/2019 inter alia directed as follows: *"We, accordingly, direct respondent no.2 to carry out a joint inspection on 6th May, 2019 at 11.00 a.m. An authorised representative of the petitioners also shall remain present, with a copy of the plan which was enclosed to the permission dated 9th November, 2017 and any other proof showing the identification of those 11 temporary shacks and wooden cottages permitted by the said order dated 9th November 2017. The respondent no.2 shall also produce a copy of the report produced*

applicant was directed to remove all the structures latest by 10/06/2016. The applicant has not sought any permission thereafter and presence of existing structures is confirmation of violations of terms of GCZMA permission. The authority noted that the respondent has also not submitted any document permission/N.O.C from competent to justify concreted flooring, jetty and swimming pool. Therefore, authority resolved to issue demolition order to all the structures temporary or permanent structure along with concreted flooring, jetty and swimming pool erected in the name of Teso Waterfront by Mrs. Telma Desa Pinto in the property bearing Sy. No. 301/1 at Vaddy Siolim, Bardez, Goa.

Case No. 1.4

To decide on a Complaint Regarding Alleged Violation by Panaji Community Centre and M/s Albuquerque & Noronha in Property bearing PT Sheet No. 106 and Chalta No. 37 and 37-A of Mala, Panaji, Goa.

Background

GCZMA received a complaint letter dated 07/03/2016 from Mr. Kashinath Shetye & others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

Mr. K. Shetye & Others also filed an original application no. 171/2017 (WZ) before the NGT, Pune allegedly seeking demolition of structure constructed by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 and chalta no. 37 and 37-A of Mala, Panaji.

Whereas, the GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of the City of Panaji, stating that during the course of site inspection by the Officials of the Corporation it was noted that within 10m distance of the buffer zone, there are three non-habitable structures erected with M S bracing members and GI sheets. So, a site inspection was fixed to see the site, verify the structures, the CRZ area and the documents.

The said matter was placed before the Authority in its 188th meeting held on 22/11/2018 for grant of personal hearing to the parties wherein The Authority heard both the parties and taken on record the oral submissions made by the parties. The Authority after detailed discussion and deliberation decided to carry out joint inspection with officials from Soil Conservation Division Department of Agriculture, official from Water Resources Department (WRD), from DSLR and Expert members (GCZMA).

The site inspection was carried out by Expert Members and other officials on 26/12/2018 and submitted the report.

Decision: The Authority deliberated on the cadastral map submitted by DSLR and resolved to seek comments of DSLR on issue of reclamation of land.

Additional Agenda Items

Item No. 2

Annexure P4/16 2511

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)
1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,
Porvorim, Bardez- Goa-403 521

www.czma.goa.gov.in

Ref. No. GCZMA/NGT MATTER/APPL No. 171/2017/18-19/16/ 866

Date: 06/06/2018

2017

To,
The Director,
Directorate of Settlement and land
Records, Panaji-Goa

Sub: Comments on Reclamation of land Reg.
Ref.: 199th GCZMA meeting held on 14/05/2019.

Sir/Madam,

With reference to abovementioned subject matter, this is to inform you that GCZMA has initiated an inquiry pursuant to an complaint letter dated 07/03/2016 from Mr. Kashinath Shetye & others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37- A of Mala, Panaji.

In this regard the matter was discussed and deliberated in the 199th GCZMA meeting held on 14/05/2019 wherein the authority has decided as follows "*The Authority deliberated on the cadastral map submitted by DSLR and resolved to seek comments of DSLR on issue of reclamation of land*".

A copy of the relevant extract of minutes is annexed hereto and marked as **Annexure 'A'**.

In light of the above, you are hereby request to submit comments on the issue of reclamation of land pertaining to abovementioned subject matter at the earliest.



(Ravi Jha, IAS)

Member Secretary (GCZMA)

o/c

Copy to,

1. Panaji Community Centre, by Vistar Group, M/S Tarcar Real Estates Pvt Ltd, Through Sanjeev Tarcar, Near Four Pillars, Mala Panaji Goa. 403001...for information only.
2. M/s Albuquerque Noronha, Mala Panaji Goa...for information only.
3. Mr. Kashinath J. Shetye r/o A-102, Raj Excellency, Patto, Ribandar, Goa...for information only.

25510

EXTRACT OF MINUTES OF THE 199th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 14/05/2019 (TUESDAY) AT 04.00 PM IN THE CONFERENCE HALL, 2nd FLOOR, SECRETARIAT, PORVORIM – GOA.

Case No. I.4

To decide on a Complaint Regarding Alleged Violation by Panaji Community Centre and M/s Albuquerque & Noronha in Property bearing PT Sheet No. 106 and Chalta No. 37 and 37-A of Mala, Panaji, Goa.

Background

GCZMA received a complaint letter dated 07/03/2016 from Mr. Kashinath Shetye & others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

Mr. K. Shetye & Others also filed an original application no. 171/2017 (WZ) before the NGT, Pune allegedly seeking demolition of structure constructed by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 and chalta no. 37 and 37-A of Mala, Panaji.

Whereas, the GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of the City of Panaji, stating that during the course of site inspection by the Officials of the Corporation it was noted that within 10m distance of the buffer zone, there are three non-habitable structures erected with M S bracing members and GI sheets. So, a site inspection was fixed to see the site, verify the structures, the CRZ area and the documents.

The said matter was placed before the Authority in its 188th meeting held on 22/11/2018 for grant of personal hearing to the parties wherein The Authority heard both the parties and taken on record the oral submissions made by the parties. The Authority after detailed discussion and deliberation decided to carry out joint inspection with officials from Soil Conservation Division Department of Agriculture, official from Water Resources Department (WRD), from DSLR and Expert members (GCZMA).

The site inspection was carried out by Expert Members and other officials on 26/12/2018 and submitted the report.

Decision: The Authority deliberated on the cadastral map submitted by DSLR and resolved to seek comments of DSLR on issue of reclamation of land.

Member Secretary

No. 19/DSL/Resurvey Cell/CRZ-Mapping/18/42/3589

Date: 02/12/2019

4384/1

5/12



GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT AND LAND RECORDS,
PANAJI – GOA.

Phone: (0832) – 2422036, 2422453 Fax: 2234360 Email: dir-land.goa@nic.in

No.19/DSL/Resurvey Cell/CRZ-Mapping/18/42/3589 Date: 02/12/2019.

To
 The Member Secretary,
 Goa Coastal Zone Management Authority,
 C/o Department of Science, Technology and Environment (Govt. of Goa)
 1st Floor, Pandit Deendayal Upadhyay Bhavan,
 Pundalik Nagar, Porvorim, Bardez-Goa.403521

Sub:-Comments on Reclamation of Land Reg.

Ref: 199th GCZMA meeting held on 14/05/2019.

Sir,

With reference to your letter No.GCZMA/NGT MATTER/AAPL No.171/2017/18-19/16/866 dated 10/06/2018 received in this office on 13/06/2019, it is to inform that as per records of the office of City Survey, Panaji pertaining to ~~portion~~^{properties} bearing Chalta No. 37&37-A of P.T.Sheet No.106, it is found that no information regarding Reclamation of Land is available for the said properties.

This is for your kind Information.

Yours faithfully,

Domiana Nazareth

(Domiana Nazareth)
 Supdt. of Survey & Land Records
 Panaji-Goa.

MINUTES OF THE 222nd MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 04/03/2020 at 10.00 AM. IN THE CONFERENCE HALL, 2ND FLOOR, CONFERENCE HALL, SECRETARIAT, PORVORIM – GOA.

The 222nd meeting of the Goa Coastal Zone Management Authority was held under the Chairmanship of the Principal Secretary (Environment) on 04/03/2020 at 10.00 am in conference hall, second floor, Secretariat, Porvorim Goa.

The following members were present for the meeting held on 04/03/2020.

1. Principal Secretary (Environment)/ Chairman GCZMA
2. Representative on behalf of Principal Conservator of Forest, Department of Forest.
3. Director of Panchayat, Directorate of Panchayat, Panaji Goa.
4. Representative on behalf of Director, Department of Tourism, Panaji, Goa.
5. Representative on behalf of Chief Engineer, Water Resources Department, Porvorim.
6. Representative on behalf of Principal Chief Engineer, PWD, Panaji, Goa.
7. Shri. Savio Joaquim Filipe Correia, Expert Member GCZMA
8. Shri Flaviano Miranda, Expert Member GCZMA
9. Shri. Mahesh Patil Expert Member GCZMA
10. Member Secretary, GCZMA

Item No 1

Case 1.1

To decide on complaint letter dated 07/03/2018 from Mr. Niraj Kumar with regard to alleged illegal unauthorized construction in NDZ carried by Mr. Dayanand Krishna Naik in Sy. No.129/1, 129/5, 129/6, 129/9 of village, Candolim, Bardez-Goa

Background: The office of GCZMA was in receipt of complaint letter dated 07/03/2018 from Mr. Niraj Kumar with regard to alleged illegal unauthorized construction in NDZ carried by Mr. Dayanand Krihna Naik in Syno.129/1, 129/5, 129/6, 129/9 of village, Candolim, Bardez-Goa. The said complaint was forwarded to the office of Chairman District level Committee (North) vide letter dated 29/03/2018 for inspection and submission of report to this authority.

The DLC North Goa has conducted site inspection on and has submitted a report to this authority. The report has recorded observation interalia depicting violation of CRZ by the respondent without prior permission of this Authority. The Authority issued show cause notice and called the party for personal hearing before the Authority.

The said matter was deliberated during 215th GCZMA meeting held on 22/10/2019 for grant of personal hearing to the parties. The Authority heard both the parties and directed them to collect any document from the office with regards to the

said matter if required. Further authority decided to call both the parties for another hearing.

Now, this office was in receipt of reply to the Show Cause Notice from Dilip Sadashiv Naik dated 14/11/2019 and Dayanand Naik on 21/11/2019.

Proceedings:

Ld. Counsel for the Complainant stated that he is the owner of property bearing Survey Nos. 129/1, 129/5, 129/6 & 129/9 of Village Candolim having purchased the same vide Deeds of sale dt.02/06/2009, 14/10/10 & 26/10/07. He stated that the Respondent Dayanand Krishna Naik has carried out illegal construction & extensions within 200 to 500 mts in CRZ III area more specifically in property 129/1, 129/5, 129/6 & 129/9 of Village Candolim. He stated that pursuant to the complaint filed by him the Talathi of the Village along with the surveyor jointly carried out an inspection & the report clearly states that construction of structure 1 and two rooms was done in the year 2007 & part extension was carried out in the year 2017. As per the area of house on the gat book it was 235 sq.mts but as on date various structures exist on loco totalling to 575 sq.mts. he relied upon the sketch prepared by the field surveyor & compared the same along with the survey plan. In the letter only two structures are shown in property bearing Sy.No.129/9 but as on date there are structures in property bearing Sy.No.129/5, 129/6 & massive extension to the existing structures in Sy.No.129/9. All of these structures are not having any prior approvals of the PDA/TCP or of the Panchayat & more importantly the GCZMA. The Counsel for the Complainant also relied upon the show cause notice issued by the Authority on 12/10/04 on Krishna M. Naik for operating a guest house in property bearing Sy.No.129/5 whose son is Dayanand Naik & initially a demolition order was passed on 29/09/05 & executed in the year 2007. The Ld. Counsel for the Complainant further stated that the Respondent has carried out additional extensions & has also re-erected the structure which was already demolished. Based on the various reports that have been placed by different agencies, the complainant prayed to issue directions to demolish the illegal structures.

Ld. Counsel for the Respondent Dayanand Krishna Naik sought for time & also informed the Authority that various other interested parties which are well within the know-how of the Complainant has not been joined by him.

Another intervener by the name of Dilip Sadashiv Naik through his Counsel submitted that the complainant has been exerting influence on various agencies & he pointed out as to how a private surveyor could gain access to plans prepared by the DSLR. In this case he was referring to a plan signed by Prazeres A. Gonsalves which plan bears the names of Anand V. Vaigankar. ISLR but his signature isn't there & thus he questioned as to how could a private engineer sign this plan. This itself speaks of collusion between the complainant & the departments so as to procure reports favourable to him. He thereafter pointed out to the form I & XIV of property bearing Survey NO.129/9 which

has a stamp of section 18k of the Agricultural Tenancy Act 1964. He stated that agricultural tenanted properties cannot be put to use for any other purpose other than agriculture & that in this case the complainant has conveniently chosen to hide this aspect.

In this meanwhile, the Authority had also received applications from Mrs. Anuja Naik contending that the complainant has purposely not made her a party & she wished to get herself impleaded in the proceedings.

Decision: The Authority after hearing part arguments was of the opinion that the complainant ought to join all other interested parties so as to take a holistic decision instead of piecemeal complaints. The complainant should give the names of all the persons to the Authority so as to issue a notice/show cause notice on them.

Case 1.2

To decide on complaint from Mr. Agostinho Godinho, regarding alleged illegal construction of a Structure and extension of the same of an area of 81.25 + 115 m2 in the property bearing Sy. No. 12/7 of Sernabatim, Salcete, Goa by Mr. Lindo Furtado.

Background: The Office of the Goa Coastal Zone Management Authority (had received a complaint letter from Mr. Agostinho Godinho, with respect to the alleged illegal construction of a Structure and extension of the same of an area of 81.25 + 115 m2 within 200mt from HTL in the property bearing Sy. No. 12/7 of Sernabatim, Salcete, Goa within CRZ area carried out by Mr. Lindo Furtado, resident of house no 51, Copel Waddo, Sernabatim Colva Salcete Goa.

The incompliance with the decision taken by the Authority in its directions were issued by GCZMA to **MR. LINDO FURTADO**, to demolish the Structure under notice within 20 days from the date of receipt of this order bearing No. GCZMA/SAL/SENA/07/26/995 dated 31/12/2008.

The affected party approached Hon^{ble} High Court of Bombay at Panaji, bearing Writ Petition No. 145/2009 wherein the Hon^{ble} High Court disposed the matter by order dated 28/08/2009 with a direction to the GCZMA to pass speaking Order upon considering the reply and the documents furnished therewith by the Mr. Lindo Furtado.

The said matter was deliberated during 215th GCZMA meeting held on 22/10/2019 for grant of personal hearing to the parties. The Authority heard respondent and ask him to submit reply. Further authority decided to call the both parties for another hearing. No reply has been received from the respondent till date.

This office is in receipt of letter/intervention dated 31/12/2019 and reminder on 21/02/2019 in Suo Moto Writ Petition 02/2006 from Secretary, Colva Civic and Consumer Forum, Colva, salcete, Goa.

Proceeding: Both complainant and respondent remained absent.

Decision: Matter is adjourned to give another date of hearing.

Case 1.3

To decide on complaint dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa.

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, all residents of Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa. The complainant further requested immediate action in the matter. Copy of the said complaint dated 15/01/2019.

Based on the said complaint the expert members of the Authority conducted a Site Inspection on 08/04/2019 and submitted a report stating the various illegal constructions are carried out by Mr. Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry in Sy. no. 94/13, of Verem Village, Reis Magos, Bardez Goa.

The said complaint letter dated 15/01/2019 jointly made by Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, and the Site Inspection Report of the Expert Members of the GCZMA dated 08/04/2019 was placed for discussion and deliberation in the 196th meeting of the authority held on 16/04/2019. In the said 196th meeting it was decided as follows *“The Authority perused the complaint and site inspection report from the Expert members (GCZMA) and the findings therein. Accordingly the Authority after detailed discussion decided to issue Stop Work Order cum Show Cause Notice to Mr. Charanjeet Siddhu and Mrs. Geeta Chowdhry for carrying illegal constructions in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa”*. In terms of decision taken in 196th GCZMA meeting held on 16/04/2019, a Show Cause Notice cum Stop Work Order under section 5 of the Environment (Protection) Act, 1986; was issued to Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry, with a direction to file an appropriate reply. {Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/18-19/146/485 dated 14/05/2018.the said notice was duly replied by the Respondent Mrs. Geeta Chowdhry, on 29/05/2019.

The said matter was placed for hearing during its 205th GCZMA meeting held on 25/06/2019 wherein respondent and complainant sought additional time. Accordingly Authority decided to grant another opportunity to both the parties and asked them to file documents before the Authority. Notice of personal hearing is waived off during the meeting.

The Authority during 208th GCZMA meeting held on 24/07/2029 heard both the [parties and taken on record the submissions made by the parties. Further the authority after detailed discussion and deliberation decided to adjourn the matter and give another hearing to the respondent to reply to the contentions raised by the complainants.

Proceeding: Advocate H D Naik appeared along with complainants. Advocate Shivan Dessai appeared on behalf of respondent & pleaded for time.

Decision: The Authority decided to give time so that the Respondent could file reply & properly defend the case of the Respondent.

Case 1.4

To decide on a Complaint from Alex Fernandes from Saunta Waddo, Calangute Alleging Illegal Construction by Hotel Mayflower within 200m from the HTL of Calangute Village, Bardez-Goa.

Background: The Office of the GCZMA has received complaint letter dated 21/08/2019 from Alex Fernandes, with regard to the illegal construction of hotel Mayflower, Illegal construction of a reception room of the hotel which has glass partitioned room, Illegal construction of Ground Plus two structure permanent nature which houses the reception on the ground floor, Illegal construction of swimming pool, Illegal shade texted for housing Power Generator, Illegally erected Metallic Bridge from reception to Main Hotel, Hotel has ground plus four floors, Area used for the construction of the hotel is 75% of the plot area, within 200 sq mts of Sea and in No Development Zone (NDZ) in CRZ III area. Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/N/ILLE- Compl/19-20/79/1396 dated 06/09/2019 a site Inspection was carried out on 17/09/2019.

The said Site Inspection of the Expert Member dated 17/09/2019 the Expert Member stated the illegalities carried out by the alleged violators.

Inspection and Observation

Under instruction from the Member Secretary of GCZMA, a site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Prof. Suhas Godse on 17/09/2019. At site, the complainant was not present, neither the respondent was present but his receptionist Mr. Francis Borges was present, who permitted to do the site inspection. The details are as follows:

- i) The site within which the Hotel Mayflower has been constructed is lying towards the east of the internal road which is extending in southward direction from the main road going to Titos and Mambos in Calangute.

- ii) The site is entirely falling within 200m from the HTL and therefore it is the NDZ area of CRZ III at Calangute village.
- iii) Abutting the said internal road is the Reception Room of the hotel which has a glass partitioned room. Behind the reception area lies the main hotel building.
- iv) The reception itself is a lateritic G+2 structure.
- v) Towards south of the Reception a Swimming Pool has been constructed, whereas, in front of the Swimming Pool there is a Shade erected for housing the Power Generator.
- vi) The Reception Room is connected to the first floor of the main Mayflower hotel by a metallic bridge.
- vii) The Mayflower hotel is constructed as a G+4 structure and occupies approximately 75% of the plot area.
- viii) No respondent was present to provide any details regarding the date of construction of the hotel, to show the documents such as the permissions obtained from the concerned Authorities for its construction, etc.
- ix) So, the Receptionist Mr. Borges was told inform the hotel owner to submit the documents to the Authority's Office.

Conclusion and Recommendation

- i) The construction of Hotel Mayflower has been done in NDZ of CRZ III area of Calangute Village.
- ii) Besides the main building of Mayflower hotel (G+4 structure), there is a G+2 permanent structure made of laterite stones of which the ground floor is used as a Reception. There is a metallic bridge right from the reception to the main hotel.
- iii) Also, there is a Swimming pool constructed within the NDZ area and a Shade for keeping the generator.
- iv) It is not known whether any of these structures are constructed/erected with proper permissions from GCZMA.
- v) As per the CRZ Regulation, within the NDZ area, no new construction is permissible, except a reconstruction is permissible on the plinth of the old structure existing prior to February 1991, with proper permission from GCZMA.
- vi) However, it is also not known whether the construction is done on the existing old plinth after 1991 or prior to 1991.
- vii) In any case, the construction of multi-storied structures is not permissible within the NDZ area.
- viii) Hence, it is recommended that a Show Cause Notice should be issued by GCZMA to the owner of Mayflower hotel to submit the documents to establish legal nature of the structures to the Authority, in the absence of which the structures erected at site become illegal structures and should be demolished following due procedure.

The GCZMA issued a Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/19-20/79/1570 dated 10/10/2019; the Respondent did not file his reply to the Show Cause Notice dated 10/10/2019.

The alleged violator filed an application dated 16/10/2019 stating that the copy of the complaint was not furnished to them as a result of which they were not in a position to file their reply.

The GCZMA vide letter dated GCZMA/N/ILLE-COMPL/19-20/79/2061 dated 02/01/2020, again furnished copy of the complaints based on which the Show Cause Notice was issued and directed the alleged violators to file their reply on 15/01/2020.

The alleged violator has filed yet another letter stating to furnish the copy of the complaint. The Authority hereby informs you that there is only one complaint dated 21/08/2019; wherein the Complainant has captioned as Reminder I, the Authority has considered this Complaint captioned as Reminder I dated 21/08/2019 as a complaint and has verify the complaint by conducting a Site Inspection by the expert Members of the Authority. However, Show Cause notice is issued to the alleged violators based on the Site Inspection report drawn by the Expert Members. (*Enclosed copy of the Site Inspection Report dated 17/09/2019*).

Proceeding: Both complainant and respondent remained absent.

Decision: Matter is adjourned because the Authority was not in the know-how as to whether the parties are served or not because acknowledgement haven't been received & hence it decided to issue fresh notices.

Case 1.5

To decide on a complaint from Mr. John Fernandes with respect to the illegal construction of a structure carried out by Mrs, Conceicao Misquita r/o, H.No. 912/D, Camotim Vaddo, Candolim, Bardez, Goa.

Background: the Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA in short) had received a complaint letter dated 21/05/2012 from Mr. John Fernandes and was inwards in the office of GCZMA on the 21/05/12, with respect to the illegal construction of a structure situated within 500mts from HTL carried out by Mrs, Conceicao Misquita r/o, H.No. 912/D, Camotim Vaddo, Candolim, Bardez, Goa.

The GCZMA issued a Show Cause Notice bearing No. GCZMA/BAR/CAN/12-13/17/497, dated 23/07/2012; the Respondent did not file her reply to the Show Cause Notice dated 23/07/2012.

Proceeding: Both complainant and respondent remained absent.

Decision: Matter is adjourned because the Authority did not know if the parties adequately served or not & hence decided to issue fresh notice.

Case 1.6

To decide on a complaint from Mr. Inacio Anthony Correia, with respect to the alleged illegal construction of a building and illegal shack operating a Bar, Restaurant and shops carried out in the property bearing Sy. No. 201/1 of Umta Vaddo, Calangute, Bardez, Goa by Mr. Francis Correia.

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA in short) had received a complaint letter dated 20/07/2019 from Mr. Inacio Anthony Correia, and was in ward in the office of the GCZMA on the 23/07/2019; with respect to the alleged illegal construction of building and illegal shack operating a Bar, Restaurant and shops carried out in the property bearing Sy. No. 201/1 of Umta Vaddo, Calangute, Bardez, Goa within 90 mts from HTL carried out by Mr. Francis Correia resident of H.No. 5/202, Umta vaddo, Calangute, Bardez Goa.

The GCZMA had issued a Show Cause Notice bearing no GCZMA/H.C.M/C.P. No. 32/19/W.P.No.126/1996/19.20/02/1722 dated 06/11/2019; the Respondent did file his reply to the Show Cause Notice on the 20/11/2019.

Proceeding: Advocate Pranay Kamat appeared on behalf of complainant. Advocate Leeandro Correa appeared on behalf of respondent.

Decision: Matter is adjourned for next meeting due to paucity of time by issuing fresh notice of hearing.

Case 1.7

TO DISCUSS NGT ORDER DATED 17th OCTOBER 2019 PASSED BY HONBLE NGT , PRINCIPAL BENCH, NEW DELHI THROUGH VIDEO CONFERENCE.

Background: Goa Paryavaran Savrakshan Sangharsh Samitee had filed application before the National Green Tribunal seeking enforcement of the order of the Honble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

The Honble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast.

The Honble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

The Goa Paryavaran Savrakshan Sangharsh Samitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

Vide said order the Hon^{ble} NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

After conduction an inquiry an order of demolition dated 02/05/2019 was issued against the alleged violators by GCZMA.

A show cause notice cum hearing notice was issued to various alleged violators by GCZMA directing the respondent to file reply before taking any decision.

The Hon^{ble} High Court of Bombay at Goa vide common order dated 28th June 2019 while disposing all the matters filed against demolition orders passed by Goa Coastal Zone Management Authority (GCZMA) against shack/huts/cottages interalia directed as follows: *“The petitions are accordingly disposed of by reserving liberty to the petitioners to make written representations to the respondent within a period of two weeks from today. Respondent No.1 shall pass final orders on the Show Cause Notices after considering such representations. It is also agreed by the respondents that, in the event, the orders to be passed on the Show Cause Notices are adverse to the petitioners; they shall not be enforced for a period of 15 days from the communication of the orders. The statements of all parties are accepted and the petitions are disposed of in the above Terms”.*

All the representations filed by petitioners were placed for final decision in various the GCZMA Meetings.

GCZMA vide order dated 15/07/2019 directed the respondent to demolish the illegal construction stated above within a period of 15 days Further, recover the expenses incurred for the same as the arrears of Land Revenue. The Alleged Violator has approached the Hon^{ble} High Court and Hon^{ble} National Green Tribunal wherein the Hon^{ble} Courts have in some matters stayed the Order and in some matters have set aside the Orders passed by the GCZMA with directives to hear the parties and reconsider the case and pass respective orders in terms of law.

In this regard, the GCZMA has now fixed a personal hearing for the below mentioned matters on the date and time specified in the chart below:

NORTH GOA

| Sr. No. | Names of Parties | Village |
|----------------|---|-----------------|
| 1. | Hotel Mid Guard, Mr. Sandeep shetgaonkar, Near Raj Super Market. | Morjim |
| 2. | Sandhya P Chitnis Mourya | Morjim |
| 3. | Xavier Britto Sky Club | Ashvem, Mandrem |
| 4. | Silent Beach Face Huts and rooms | Mandrem |
| 5. | Rococo Restaurant /Rocollo Restaurant | Mandrem |
| 6. | Yab Yum Beach Resort1) through its owner Ramesh Shetgaonkar/ Lakhan Kharbe 7507369520 | Mandrem |
| 7. | D'Soule Lounge & Bar through Francis Britto | |

Proceeding: Advocate Abhijit Dessai, Jeetendra Supekar and advocate Parag Rao appeared on behalf of respondent.

Decision: Matter is adjourned for next meeting due to paucity of time.

Case 1.8

To discuss and decide on Hon'ble National Green Tribunal order dated 20/12/2018 regarding restoration of land in property bearing survey No.16/4A of Sernabatim Village, Salcete Taluka.

Background: The original complainant Mr. Suvarn Bandekar had filed an application bearing no.23/2013 (renumbered to 480/2018) before the Hon'ble Green Tribunal, Pune interalia seeking restitution of damaged sand dunes and removal of structures belonging to the violator in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

the office of GCZMA after holding inquiry in the matter had issued a demolition order dated 05/12/2014 to heirs of Mr.Armando Cardozo i.e a) Leticia Cardozo,b) Jovek Cardozo c)Maria Sunifer Cardozo d)Maria Sweta Cardozo e)Audrey Cardozo Fernandes f)James Sebastiao Fernandes for all the structures(except one structure) identified in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

The said demolition order dated 05/12/2014 was challenged by the respondent in appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appealno.43/2014) before the Hon'ble National Green Tribunal.

vide order dated 19/03/2016 both the appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appealno.43/2014) and application bearing no.23/2013 (renumbered to 480/2018) were tagged together heard before the

Honble NGT, Pune. The said the application and appeals were detached vide order dated 16/11/2018 by the Honble NGT, New Delhi. The Honble NGT, New Delhi vide order dated 13/12/2018 in Application no.23/2013 decided as follows *%after making submission for some time, the learned counsel for the applicant submits that he may be permitted to withdraw this original application with liberty to seek redress before the appropriate forum.*

Consequently, the original application (480/2018) is dismissed as withdrawn”.

vide representation dated 14/01/2019 the original complainant is interalia seeking recovery of the cost of removal of illegal (new) road from the heirs of Armando Cardozo, directions towards execution of order dated 24/05/2012 regarding restoration of land in property bearing survey No.16/4A of Sernabatim Village, Salcete Taluka and recovery of cost of restoration of land from the heirs of Armando Cardozo.

the Honble National Green Tribunal has vide order dated 20/12/2018 in said appeals interalia directed as follows : *“In these circumstances and the contentions raised by the learned counsel for the parties we are of the considered opinion that it would be appropriate and is a fit case which be remanded to the GCZMA for considering it afresh, after taking into consideration the material on record and considering the contentions of these parties.*

Consequently, we allow the appeals and set aside the order dated 5 th December, 2014 and remind the case to Goa Coastal Zone Management Authority to reconsider the same and pass a reasoned order, after hearing both the parties and material on record”.

The said matter was deliberated during 202nd GCZMA meeting held on 29/05/2019. Respondent sought additional time to argue the matter. Accordingly the Authority decided to place the said matter on 11/06/2019. Personal hearing notices were waived off.

Authority during its 204th meeting heard both the parties and took on record the submissions made by both the parties. The Authority decided to defer the matter prior to take any decision in the matter.

The matter was placed before the Authority for personal hearing to the parties during 219th GCZMA meeting held on 29/01/2020 wherein the respondent sought additional time for arguments. The authority decided to give final opportunity to both the parties and adjourned the matter on 5th February 2020.

Proceedings (1)

Two aspects which are primarily to be decided in the current case is on the aspect of the application dt.11/06/2019 filed by the Complainant seeking for execution of the directions passed by the Authority in ensuring that the sand dune is restored AND the second aspect is on the issue of proceedings being remanded back by the Honble NGT

in relation to the offending structures located in property bearing Sy. No. 16/7 of Village Sernabatim in Salcete Taluka.

Ld. Adv. For the Respondent submitted that the complainant has in the first place not replied his application dated & what the Complainant seeks to do is re-write the order of demolition that has been passed by this Authority on 24/05/12 which has already attained finality. He stated that when the orders have been executed the question of modifying the same by making an application on 11/6/2019 does not arise. Ld. Adv. for the Respondent thereafter requested the Authority to go through the prayers made by the Complainant which is seeking for a direction to restore the area/property as directed in orders dt.24/8/11 & 24/05/12. He also stated that apart from this the other prayer of the Complainant is that while upholding the orders dated.05/12/2014 & modifying the same to demolish structure Bqas the Respondents have failed to produce any license/permissions/approvals for any structure admeasuring 80 sq.mts or thereabout. According to the Respondent the reliefs prayed for cannot be granted because all that the Complainant was left to do was to file an appeal before the NGT & obtain the reliefs & not at least before this Authority. He further stated that the principles of Res Judicata would be applicable to the current case because when the Authority has already decided on the subject matter in finality, it cannot re-decide the same be sitting in review because neither the NGT nor any other appellate forum has given any directions to this Authority to do so. He stated that the order passed by this Authority on 24/05/12 has also already been complied with.

Ld. Adv. for the Respondent thereafter adverted to Section 14 of the NGT Act & stated that it is only the NGT that has the jurisdiction to decide upon substantial question relating to environment & in terms of section 15(1) (b) it also has the powers for restitution of damaged property. He strenuously argued to say that this Authority does not have the jurisdiction to decide disputes between two parties. He also questioned as to how the Authority would be in a position to decide upon recovery of costs from the heirs of Armando & that too after 8 years. He thus stated that the Authority should not go back & revisit its orders that had been passed & executed in the past.

The Counsel for the Complainant through his arguments brought to the notice of this Authority the contents of the order dt.24/05/12 whereby it has been categorically directed to restore the land to its original condition & if that be the case mere removal of the road is not enough but restoration of the destroyed sand dune shall also form a part of it. This order of 24/05/12 makes a mention of an earlier order dt.24/08/11 whereby Armando Cardozo was directed to demolish the illegal road which in other words indicted him of having done the road & that the legal heirs today cannot get themselves absolved. He further stated that if the Respondent had not developed the road, then why had he to go the Honble High Court of Bombay at Goa in W.P. 606/2011. He submitted

that even the Hon'ble High Court in WP. 606/2011 has reiterated the fact that the land should be restored to its original condition which means restoration of the sand dune.

The Counsel of the Respondent thereafter pointed out to the order passed by the NGT(WZ) dt.15/01/14 whereby the Authority was directed to examine the issue regarding existence of sand dune & if so to place on record relevant material pertaining to the same in order to fix liability for the restoration, compensation etc. & that in furtherance to that the Expert Members have given their report dt.17/02/14 confirming the existence of sand dune & steps to be taken for restoration. He thereafter stated that when the proceedings were pending before the NGT, the Hon'ble NGT itself directed the Complainant to point out this aspect before to this Authority & hence he sought liberty of the Hon'ble NGT to seek redress before the appropriate forum which was granted on 13/12/18 in OA No.480/2018 & hence the question of review as propounded by the Respondent does not arise. He further stated that there are two reports of the experts which has suggested as to how & in what manner the sand dunes could be restored. The report placed before the NGT clearly established the existence of sand dune & all what the Complainant is seeking is only for enforcement of the directions which has been passed by this Authority.

In reply to these arguments the respondent submitted that the order passed by this Authority was not as against the Respondent per se but it has directed the Dy. Collector of Salcete to undo the Kuccha road & hence the liability to restore the land does not vest on him. He pointed out to the order passed by the Hon'ble NGT on 13/12/18 which doesn't speak about giving any leverage to the Complainant to approach this Authority for seeking reliefs as claimed for by him for which purpose there was a need to seek for specific relief from the NGT. The withdrawal of petition before the Hon'ble NGT is made unconditionally & he questioned as to under what provision of law that he has made an application before this Authority. The Respondent denied of having constructed the said road. He thereafter pointed out to the complaints made by the Complainant himself on 29/11/2000 where he alleges that the Panchayat has done the construction & subsequently the Complainant in his complaint dt.6/9/2010 has not named any individual as having constructed the road. Under these circumstances, the Respondent stated that there is no cause to attribute the damages to be recovered from him.

The Authority during previous (220th) meeting held on 05/02/2020 after hearing the arguments of the parties & upon going through the records have decided on two factors i.e. whether the Authority becomes functus officio after implementation/execution of the orders & secondly whether the Respondent should have been penalized for the act of construction of a road in the property bearing Sy. No. 16/4A of Village Sernabatim. As per Rule 5 of the Environment Protection Rules 1986 it clearly mentions that any direction issued under section 5 of the EP Act shall be in writing & the direction shall specify the nature of action to be taken & the time within which it should be complied

with by the person, officer of the authority to whom such direction is given. The CRZ Notification of 1991 & 2011 has to be read in consonance with the provisions of E.P. Act 1986, as it has been issued in terms of sub-section(1) and clause (v) of sub-section(2) of section 3 of the said Act. The preamble of the Notification also seeks to conserve & protect coastal stretches, its unique environment & its marine area. In short it only means to say that if there has been any damage/destruction than restoration would be part of the conservation ethos of the CRZ Notification.

In the current case, there is no doubt to the fact that a road was constructed through properties bearing Sy.Nos16/4 & 16/4A of Village Sernabatim. Although the Respondent has denied that he has done the same, during the proceedings conducted earlier which culminated into passing of orders dated.24/08/2011& 24/05/2012have unrivalled the fact that the said road was a new road. To add to it, the Respondent whilst replying to our Show Cause notice dt.20/10/2010 has categorically mentioned that the Kuccha road of rubble stones & red mud is being repaired from time to time by them by dumping red mud to fill up the potholes which develop during the monsoons. It is this very road that was ordered to be demolished as it was freshly/newly done & the admission on the part of the Respondent goes to the root of the case that it was indeed he who had done the road.

Coming to the first aspect as to whether the Authority becomes functus officio once the orders are executed of demolition, we are of the opinion that the mandate of the Authority is to ensure compliance to directives which means it is not limited only to demolition but it also has mandate to ensure conservation & that is what was directed to be done in the orders passed on 24/08/2011 & 24/05/2012 whereby the land was supposed to be restored back to its original condition. If that be the case, mere removal of the kuccha road would not be the end of the directives but restoration of the damaged portion would also be a part of it. The Authority cannot be a mute spectator to the damage done & hence the principle of functus officio would not be applicable.

As regards the second aspect, the discussions made supra have clearly indicated the Respondent of having constructed the road as there has been a categorical admission & he cannot shy off & raise his hands saying that he is not the one who has done the road work. Para 8 of the judgment passed in W.P .No.606/2011 also makes a mention that if any new road is constructed by the Petitioner in breach of the provisions of CRZ Notification it can be ordered to be removed. This re-affirms the position taken by this Authority in the deliberations that are mentioned supra merely because the second order dt.24/05/12 has given directives to the Dy. Collector of Salcete to remove the kuccha road, that by itself doesn't mean that the Dy. Collector has to pay for the sins committed by the Respondent. Finally because the original Respondent Mr. Armando Cardozo has expired the legal heirs would not stand to get exonerated.

The Authority thus decided to obtain report from the Goa State Bio Diversity Board to know the costs of restoration of the sand dune & upon receipt of the same the Respondent shall be responsible to deposit the costs of restoration with the GSBB which will be communicated to the Respondent.

Proceedings (2):

The other issue that was canvassed across the members of the Authority was on the aspect of remand to rehear the parties & to pass speaking order. The Authority has issued orders of demolition on 05/12/14 against the Respondent which demolition was to be done against all structures (except one) identified in property bearing Sy.No.16/7 of Village Sernabatim. The said order was challenged by the Respondent before the Hon^{ble} NGT & vide order dt.20/12/18 directions have been given to us to reconsider the case. It is on this factor that past arguments were heard by the Authority.

Ld. Adv. for the complainant commenced arguments by first relying upon Form I & XIV of property bearing Sy. No.76/1 of Village Sernabatim by saying that the name of the property is Ambea Shir & in the other rights column of the said property the name of Armando Cardozo is figuring who is the predecessor in title of the Respondent. He thereafter stated that the offending structures are located in property bearing Sy.No.16/7 & the name of the property is Praya. He stressed on this two aspects of names of properties because the documents which the Respondent is relying upon to prove that the offending structures were of a place named Ambea Shir & not of Praya. He thereafter pointed out to the survey plan of property 16/7 which shows two structures & a well but as per the plan prepared by the Authority a number of structures are plotted in this property which according to him are new structures built much after the CRZ Notification of 2011. He emphasized on this aspect of the structures being built much after 1991 by relying upon an order passed by the Dy. Collector of Salcete in Case No.LRC/COR/29/2000 dated 5/7/2001. This order has been passed in terms of section 103 of the Land Revenue Code to correct the area of the property including these structures located in property bearing Sy.no.16/7. The area of the house is shown to be just 25 sq.mts as late as in the year 2001 & if at all the structures as shown in the plan prepared by DSLR were in existence than the same would have reflected in the correction order passed by the Dy. Collector.

Ld. Counsel for the Complainant thereafter pointed out to an application made by the Respondent on 29/03/1985 to the Excise Dept Seeking for sale of liquor license & in reply to this letter the Excise Dept has stated that the place where the license is sought is located at a distance of 400 mts away from the beach. In other words the said premises were located in property bearing Sy.No.76/1 & not 16/7. The documents as relied upon by the Respondent to prove the existence of structures in property bearing Sy.No.16/7 gets belittled is what the Counsel of the Complainant said. The certificates which the Respondent seeks to rely upon are in respect of the structure located at Ambea Shir & not Praya & this structure at Ambea Shir is far away from the offending

structures located at Praya. The documents such as license of the Excise dept. dt.25/08/1986, License from the FDA dt.27/03/1996, sale deed dt.03/01/1977, NOC issued by V.P. of Sernabatim for repairs dt.22/10/1986, electricity bill dt.12/12/1986, trade tax receipt dt.09/05/1988 are of the structures located at Ambea Shir which are in Sy.no.76/1 & not of the illegal & unauthorized structures located at Praya in Sy.No.16/7. He also submitted that there has been a categorical admission made by the Respondent during the course of personal hearing held on 06/10/04 & 22/04/05 that the structures have exceeded the plinth. He hence prayed that all of the offending structures located in property bearing Sy.No.16/7 should be ordered to be demolished as they are of the period post 1991.

Ld. Adv for the Respondent seeks time to file reply & to argue the matter.

The Authority after hearing the Counsel of the complainant decided to give time to the Respondent to reply & to argue the matter on merits.

Proceeding: Advocate Parag rao appeared on behalf of respondent. Advocate N Vaze appeared on behalf of complainant.

Decision: Matter is adjourned for next meeting due to paucity of time.

Case 1.9

To decide on order passed by Honble High Court of Bombay on 02/05/2019 in writ petition 387/2019 in the matter challenged by Mr.Cholu Dias.

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA in short) was in receipt of a complaint letter, dated 11/05/2018 from Adv. B. P. Natekar of M/s S. N. Joshi & Associates, Panaji on behalf of his client Mr. Ulhas Divkar from Odxel, Taleigao, Goa with regard to alleged illegal construction coming up in Sy. No. 235/1 within NDZ of CRZ area of Village Taleigao. A site inspection was carried out by the Expert Members of GCZMA along with DSLR representative on 31/05/2018.

The said matter was discussed and deliberated in the 178th GCZMA meeting held on 10/07/2018 wherein it was decided as follows *“The Authority noted the site inspection report submitted by the expert member and noted that there is ongoing reconstruction of a house without prior permission within CRZ area (35mt from HTL of Zuari river) in Sy. No. 235/1 of village Taleigao which is a violation of CRZ Notification 2011. Accordingly, the authority decided to issue Show cause Notice cum Stop Work order to Mr. Cholu Dias alias Divkar”.*

Accordingly a show cause cum stop work order bearing no.GCZMA /N/ILLE/COMPL/18-19 /15/607 dated 11/07/2018 was issued by this authority. The said show cause cum stop work order was duly replied by Mr. Cholu Dias vide reply dated 24/07/2018.

The said matter was placed before the authority in its 182nd GCZMA meeting held on 28/08/2018 for grant of personal hearing. The proceeding of the said hearing can be seen as follows : *“ Adv. Sunanda Surlikar appeared on behalf of complainant to defend the matter. Advocate Laxmi Sawant appeared on behalf respondent to defend his matter. At the outset the respondent made a request before authority to grant*

additional time stating she was handed over the brief yesterday and couldn't get a time to go through the case”.

During the 182nd GCZMA meeting held on 28/08/2018 the authority decided as follows *“The authority after detailed discussion and deliberation decided to grant adjournment and final opportunity to the respondent and the matter fixed for final hearing on 31/08/2018. Personal hearing notices were waived off.”*

The matter was finally heard in the 183rd GCZMA meeting held on 31/08/2018. The proceedings in the matter in 183rd GCZMA meeting held on 31/08/2018 can be seen as follows:- *“Adv. SunandaSurlikar appeared on behalf of complainant to defend the matter. Advocate LaxmiSawant appeared on behalf respondent to defend his matter. The advocate on behalf of complainant pointed out photographs showing new foundation at site. Reiterated complaint filed before GCZMA. The advocate on behalf of respondent submitted that structure is old house; mud structure was being repaired by plastering. The foundation was laid down as the structure collapsed during repair. Application was made before the Authority for regularisation. Due to lack of knowledge the respondent could not apply for repair permission.”*

During the 183rd GCZMA meeting held on 31/08/2018 the authority meeting after discussion and deliberation decided as follows:- *“ The authority noted that structure in question falls within No Development Zone (NDZ). It is a fact that no prior permission for such construction has been obtained from GCZMA by the respondent. This has been established by the site inspection report and also accepted by the Respondent. The authority perused the reply and documents filed by respondent. The operation of CRZ Notification 2011 mandates necessary N.O.C/permission from GCZMA for any construction/ repair /reconstruction to structures. The authority observed that respondent violator had obtained an N.O.C dated 23/02/2018 from village panchayat of Taleigao for minor repair of house. The authority directed that coastal panchayats in general and in this particular case, the village panchayat of Taleigao, should exercise caution while granting N.O.C/permission for construction/ repair /reconstruction for structures within coastal belt. Such N.O.C for minor repairs is likely to be misused to circumvent the CRZ Notification 2011. The said N.O.C dated 23/02/2018 issued by concerned panchayat is otherwise also bad in law in as much as the structure which is subject matter of N.O.C lies in NDZ of river Zuari and the GCZMA is the competent authority to grant the necessary N.O.C/permission. Therefore, the authority decided to issue directions under Section 5 of the Environment Protection Act, 1986 to demolish the structure/plinth constructed by Mr.Cholu Dias alias Divkarin survey no. 235/1 of Taleigao Village.”*

In terms of decision taken in the 183rd GCZMA meeting held on 31/08/2018 the authority issued demolition order bearing no. GCZMA/N /ILLE/COMPL/18 -19/15/1055 dated 19/09/2018.to demolish the structure/plinth constructed in the property bearing Sy.no. 235/1, Taleigao, Tiswadi-Goa .

The affected party Mr. Cholu Dias has challenged the above order passed by GCZMA before Hon^{ble} High Court of Bombay at Goa bearing writ petition 1033/2018 wherein the Hon^{ble} court disposed of the said petition by order dated 22/11/2018 stating *“GCZMA as regards the disposal of the application for regularisation within a period of six weeks from the submission of plan.”*

The said application was placed in the 190th GCZMA meeting held on 18/12/2018 wherein the authority decided as follows: *“The authority perused the application along with documents and plans annexed thereto. The authority noted that while submitting the proposal the applicant has preferred not to invoke /mention any provision of CRZ*

Notification 2011 under which such relief is sought. The plan submitted by the applicant seeking repairs of the house no.22/456 in Syno.235/1 (Part), Odxel, village Taleigao, Tiswadi is also not signed by the applicant. The authority noted that the supporting documents submitted are Xerox copies of the document and not even notarized/true copies/certified copies. The authority also observed that that as per order dated 22/11/2018 passed by the Hon^{ble} High Court in Wpno.1033/2018, the applicant was required to tender plan for proposed construction/reconstruction before the authority. Further, authority noted that it is clear from site inspection of its expert members that there is construction beyond the plinth of existing structure. IT is a settled position of law that reconstruction/ repair/ renovation upto original plinth can be done only after obtaining necessary prior permission from the GCZMA. It is as per this conclusion that the authority has passed a demolition order dated 19/09/2018 in the present case. The Provision for regularization as envisaged in Clause 6(d) of the CRZ notification, 2011 provides for regularization of construction done by traditional coastal communities including fisher folk, tribals as were permissible under the provisions of the CRZ notification, 1991 but which have not obtained formal approval from concerned authorities under the aforesaid notification. This provision is available for traditional coastal communities including fisher folk, tribals only and for the construction done by them prior to enforcement of CRZ Notification, 2011. This provision cannot be interpreted to for regularization of violations done subsequently. Therefore, the authority resolved to reject the application filed by the applicant and direct the applicant to comply with demolition order dated 19/09/2018.

The authority also decided to consider the fresh application from the applicant for reconstruction of structure, if any, after submission of compliance report of the demolition order bearing no. GCZMA/ ILLE/COMPL/18-19/15/1055 dated 19/09/2018, along with duly signed plan and authentic/certified/true copies of the document depicting exact plinth areas of existing structure.+

The said decision taken by authority in its 190th GCZMA meeting held on 18/12/2018 was communicated to the concerned party vide letter bearing no. GCZMA/ H.C.M/ Wp no. 1033/2018/18-19/1901 dated 16/01/2019.

The aggrieved party Mr.Cholu dias challenged the above order passed by GCZMA before Hon^{ble} High Court of Bombay at Goa bearing writ petition 387/2019 wherein the Hon^{ble} court vide order dated 02/05/2019 observed as follows %The learned Advocate General for the respondent states that the order/resolution dated 16/1/2019 passed by the Goa Coastal Zone Management Authority stands withdrawn. The said Authority will pass fresh order in terms of order dated 22/11/2018 passed by this Court after hearing the petitioner.

2. The statement is accepted.

3. The order shall be passed within eight weeks from today. Incase the order is adverse to the petitioner, the same shall not be enforced for a period of two weeks thereafter.+

During 205th GCZMA meeting the authority heard the applicant at length the Authority decided to re- examine the documents submitted by the applicant and take final decision in the matter in its subsequent meeting. The authority decided to seek further time in the matter before the Hon^{ble} High Court of Bombay at Goa.

The said matter was deliberated during 210th GCZMA meeting held on 07/08/2019 wherein the Authority perused the documents and after detailed deliberation decided to carry out site inspection along with mapping of the proposed plot through Expert member (GCZMA) along with officials from DSLR.

Accordingly the site inspection was conducted by Expert Member and submitted the report.

During 211th GCZMA meeting held on 07/08/2019 Pursuant to the directions of the Hon^{ble} High Court in W.P. No.387/2019 the application for regularization of the suit structure of the Petitioner Mr. Cholu Dias was referred to the Expert Members to inspect and to verify as to whether the structure in question located in property bearing Survey No.235/1 of Village Taleigao was in consonance with the plans submitted by him. As per the plan submitted for the purpose of regularization viz a viz the mundkarial structure plan the tabulated sheet would throw light as to what was the earlier structure and the one which is currently under dispute is.

| | |
|-------------------------|---|
| Mundkarial Structure | Structure as per proposed plan for regularization |
| Structure A 126 sq. mts | Structure A 117.21sq.mts |
| Structure B 42 sq.mts | Structure B 42.sq.mts |
| Structure C 19 sq.mts. | Structure C 18 sq.mts |

The Experts Members who had visited the site to verify as to whether the construction undertaken by the said Petitioner is in consonance with the plans placed for regularization has vide their inspection held on 19/08/2019 have informed that the plinth area of structure ~~A~~ which was of 126sq.mts has been increased by another 9 sq.mts. i.e. it currently holds the plinth area to be of 135sq.mts. The plan for regularization shows the structure to be of 117sq.mts but on the contrary at site it is having an area of 135sq.mts. If the Petitioner is limiting himself to the original area of 126sq.mts or in the alternative if he is abiding by the plan given for regularization then some leverage can be given to him. The Authority hence decided to call upon the Petitioner to limit his construction to 126sq.mts by placing revised plans of such area and then upon reverification of the position or loco the Authority would decide the plea for regularization afresh. The same has been communicated by authority on 06/09/2019.

The authority was in receipt of legal notice on behalf of Ulhas Divkar dated 23/12/2019 raising objections against alleged construction carried out by Mr. Cholu Dias.

A site inspection was carried out by Expert member (GCZMA) to verify position at loco.

Site inspection report

The site inspection of the House belonging to Mr. Cholu Dias, resident of Odxel, Village Panchayat, Talegao, Tiswadi Taluka was conducted on 3rd February 2020 at 3.30 p.m. along with the GCZMA, Field Surveyor Mr. Devendra Gaonkar. Mr. Cholu Dias showed the site / location of the house bearing 22/456, located in survey number 235/1 (Part), of Odxel village, Talegao, Tiswadi. The house was constructed up to plinth. Mr. Devendra Gaonkar measured the dimensions of the plinth, which were as per the dimensions showed in the plan. Field surveyor demarcated the plot as per the plan. The old mundkarial house was measuring 126 sq. mts but what was constructed by the Applicant was much more than that and hence the order of demolition was passed by the Authority.

The Applicant had thereafter approached the Hon'ble High Court which had directed the Authority to consider his application for regularization. Regularization is permissible only if the construction is done on the very same plinth area without any further extensions and since the present condition on location is limited to the old mundkarial house of 126 sq. mts. It could be regularized by giving him proper approvals.

Proceedings :

This matter pertains to regularization of the structure belonging to Cholu Dis & family which was an age old mundkarial structure that had been demolished & reconstructed without prior approval of the Authority & hence demolition was ordered that came to be challenged by way of W.P. No.1033/18. The Hon'ble High Court vide order dt.22/11/2018 had directed the Authority to decide upon the application for regularization. Pursuant to the said order, the Authority through its expert members had conducted inspections & had observed that the Respondent Cholu Dias had extended the plinth area by 9 sq. mts i.e. the mundkarial house was of 126 sq.mts & the extension was totalling to 135 sq.mts. The Respondent has filed revised plans by showing the structure to be 117 sq.mts. The Expert Member visited the site & the report is as under.

The Authority deemed it fit to issue notices to the complainant Ulhas Divkar & to the Respondent Cholu Dias because before taking any decision it would be wiser to hear both the parties & thereafter take a final call. Ld. Adv. for the Respondent stated that pursuant to the orders passed by the Hon'ble High Court the Respondent has placed revised plans limiting the structure to be constructed to 117 sq.mts instead of the original plinth area of 126 sq mts. She stated that the Expert Member has also not found any faults in the construction to be carried out & hence she prayed that approved be given to carry out the construction by means of regularization.

The Complainant Ulhas Divkar who was present in person submitted that they are not averse to any construction but all what they are seeking is an access through the property which gets blocked due to the construction done by the Respondent. His only prayer is to ensure that his pathway is not getting blocked.

Decision: The Authority after hearing both the parties decided to defer the matter because they needed clarifications in respect of the inspection done by the Expert

Member who was not present at the time when this proceedings were taken up for the discussion & it decided to give them a fresh date of hearing.

Case 1.10

To decide on a Complaint Regarding Alleged Violation by Panaji Community Centre and M/s Albuquerque & Noronha in Property bearing PT Sheet No. 106 and Chalta No. 37 and 37-A of Mala, Panaji, Goa.

Background

GCZMA received a complaint letter dated 07/03/2016 from Mr. Kashinath Shetye & others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

Mr. K. Shetye & Others also filed an original application no. 171/2017 (WZ) before the NGT, Pune allegedly seeking demolition of structure constructed by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 and chalta no. 37 and 37-A of Mala, Panaji.

Whereas, the GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of the City of Panaji, stating that during the course of site inspection by the Officials of the Corporation it was noted that within 10m distance of the buffer zone, there are three non-habitable structures erected with M S bracing members and GI sheets. So, a site inspection was fixed to see the site, verify the structures, the CRZ area and the documents. Expert member (GCZMA) conducted site inspection of the proposed site and submitted a detailed report. Accordingly the said matter is placed for the grant of personal hearing. Proceeding for the said hearing may be read as below:

During 185th GCZMA meeting the Authority heard the respondent and taken on record the submissions made by respondents. It also noted that the complainant not appeared. Therefore, GCZMA decided to grant final opportunity to the complainant to present its case. The matter was adjourned for the next date.

The said matter was placed before the Authority in its 188th meeting held on 22/11/2018 for grant of personal hearing to the parties wherein The Authority heard both the parties and taken on record the oral submissions made by the parties. The Authority after detailed discussion and deliberation decided to carry out joint inspection with officials from Soil Conservation Division Department of Agriculture, official from Water Resources Department (WRD), from DSLR and Expert members (GCZMA).

The site inspection was carried out by Expert Members and other officials on 26/12/2018 and submitted the report.

The said matter was placed before the Authority in its 199th meeting held on 14/05/2019. The Authority deliberated on the cadastral map submitted by DSLR and resolved to seek comments of DSLR on issue of reclamation of land.

This office is in receipt of letter from DSLR dated 02/12/2019.

Proceedings:

The Complainant submitted that the offending structure that has been constructed by the Respondent is in a ecologically sensitive area which comes within the purview of CRZ-I area as per CRZ Notification, 2011. He stated that mangrove area, salt pans, mudflats etc are ESA's & the construction carried out by the Respondent is in this ESA. The complainant thereafter pointed out to the inspection report prepared by the Expert Members which mentions in the observation that one part of the building is on chalta No.37 & the other part of the building constructed by the Respondent is in chalta No.37A of City survey Panaji which is part of the water body. If that be the case than the construction carried out by the Respondent which is in the water body needs to be demolished is what the complainant strenuously harped upon. He further pointed out that the report of the Expert Member also makes a mention that property bearing chalta No.37A has been reclaimed & a large structure along with multiple structures exist on the reclaimed land. Assuming without admitting that the structure constructed by the Respondent is not in CRZ area the provisions of the wetland Rules would nevertheless get attracted because there ought to be a buffer for the wetland. He relied upon the Google imagery map of the offending structure & prayed that orders be passed to demolish the same belonging to the Respondent.

Ld. Adv. for the Respondent submitted that the alleged offending structure is located in CRZ . II area & as per the provisions of section 8 II of the CRZ Notification it has been clearly held that buildings shall be permitted. Only on the landward side of the existing road or on landward side of existing authorized structure. He thereafter pointed out to an inspection report of the Expert Member which is part & parcel of the 185th GCZMA meeting of the GCZMA held on 04/10/18 clearly makes a mention that the so called offending structure is more than 500 mts away from the bank of Rua de Ourem Creek & is much behind existing authorized structure. He stated that the entire structure of his is legal having the requisite permissions which structure is located in survey no.37 & that he has got nothing to do with property bearing survey No.37-A. Even if a buffer of 10 mts has to be kept from any water body, the Respondent stated the inspection report of the Expert Member itself suggests that the alleged offending structure is 15.6 mts away. Thereafter the Respondent submitted that vide letter dt.03/05/07, the Authority itself has cleared the project specifying that the same is in CRZ-II area & the purported building is located on the landward side of an existing authorized structure. He stated that he has not deviated in any manner the construction which possesses all of the requisite permissions & approvals. He thus prayed that the proceedings initiated as against him be withdrawn/dropped as there is no substance in the complaint filed by the complainant.

Decision: The Authority after going through the records & upon have heard the parties was of the opinion that the inspection report dt.26/12/18 makes a mention in the observation more specifically at ~~£~~that one part of the building is on chalta No.37, while the other part extends into chalta No.37-A which is part of the water body. The DSLR has nevertheless ruled out any reclamation of land as per the conclusion in the said report of the Expert Committee but the observation made in the inspection report dt.26/12/18 seems to be part & parcel of the extension made of the so called authorized & approved construction. The Authority thus decided that the DSLR be directed to do ground truthing more specifically in view of observation made at ~~£~~of the inspection carried out on 26/12/18.

Item No.2

Case No. 2.1

To decide upon proposals from various parties to grant permissions to erect temporary huts/shacks having river frontage

The members were appraised of a number of applications that are made to the Authority seeking for permissions to erect huts/shacks/cottages at places having river frontage. These places are of two categories i.e. having beach frontage & the second category is of such a nature that it only has water frontage. For instances places like Siridao, Bambolim etc.. have beach frontage & places like Chicalim, Siolim have just water frontage.

It is a known fact that the swaying waters of our State have been the reason to attract tourism & many of the visitors wish to live & enjoy in close proximity to water frontage areas which helps them to rejuvenate themselves.

Tourist arrivals in Goa has witnessed a positive increase over the period of years. In 2014 Goa Tourism Bagged PATWA Award for the ~~£~~Best Destination in Relaxation Water Sports & entertainment at Berlin, Germany. Goa has also bagged the ~~£~~Beats Leisure Destination by Conde Nast Traveler Indies Readers Travel Awardsq

There has been a phenomenal increase in the tourism footfalls in the State of Goa & providing facilities in the riverine areas would also boost tourism in the hinterlands which is otherwise centered only towards the coastal areas having beach frontage.

Since there is no specific report on river carrying capacity like that of beach carrying capacity it was suggested to the members that the terms & conditions as contained in the beach carrying capacity report prepared by NCSCM be made applicable to river front areas both for beach frontage areas & water frontage areas. However the FAR for such properties unlike that as provided for in the Beach Carrying report which has made

a provision to utilize 33% of the land area only for ground based purely temporary & seasonal structures, shall not be applicable but the FAR be limited to 20%.

Decision: The Members after going through the proposal & in order to promote better infrastructural facilities for the tourists which by far & large being not environmentally benign is approved by the Authority & that the conditions as laid down in the Beach Carrying Capacity report prepared by NCSCM shall be applied & be applicable to all such requests made by parties who seek to place huts/shacks/cottages in river front areas with FAR of 20%.

Case No.2.2

Noc/Permission for proposed repair & renovation of existing hotel building in SY.no. 116/15 & 117/11,12 Candolim village, Bardez,Goa by M/s. Swift Boulique Hotel Pvt. Ltd.

Background: The applicant has sought clearance for proposed repair & renovation of old buildings Structures & Swimming pool in Sy.no.116/15 & 117/11,12 of Candolim Village, Bardez, Goa. The applicant has submitted a copy of application letter dated 11/02/2020 V.P. of Candolim Certificate from North Planner Development Authority.

Site Inspection Report:

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Member Shri. Mahesh Patil on 24/02/2020. At Site, the applicant Mr. Kabir Shirodkar was present who showed the site and explained about the proposed repair & renovation.

The details are as follows;

- i) The Site is a plot of land having an area of 5075.00 Sq.m. with Sy.no.116/15 & 117/11,12 of Candolim Village .
- ii) The Site is falling beyond 200 m from HTL.
- iii) At Site there is an 3 Structures & Swimming Pool i.e one hotel building, one unused building & one incomplete Structure and Swimming Pool.
- iv) Form I and XIV is Submitted.

Decision: The Authority perused the site inspection report and decided to approve the repair & renovation of existing hotel building in SY.no. 116/15 & 117/11,12 Candolim village, Bardez,Goa by M/s. Swift Boulique Hotel Pvt. Ltd.

Case No.2.3

NOC/Permisstion for proposed repair & renovation of existing house in Sy.no.388/1, 9 of Anjuna Village Bardez Taluka by Bhikaji Bhosle.

Background: The applicant has bought Clearance for proposed repair & renovation of existing house in Sy.no.388/1, 9 of Anjuna Village Bardez Taluka. The applicant has Submitted Copy of application dt.20/09/2019 with enclosures deed of sale, Survey Plan, Construction Plan, Tax receipt etc.

Site inspection Report:

Upon inspection from the M.S (GCZMA) a Site inspection was carried out by the Expert Member Shri. Mahesh Patil on 24/02/2020. At Site, the applicant Bhikaji Bhosle was explained about the proposed repair & renovation.

The details are as follow:

- i) The Plot area is 243.41 Sq.mts with Sy.no.388/1, 9 of Anjuna.
- ii) At Site there is an old house with manglolean tiles.
- iii) It is falling around 75 mts from HTL.
- iv) Form I and XIV is Submitted.

Decision: The Authority perused the site inspection report and decided to approve repair & renovation of existing house in Sy.no.388/1, 9 of Anjuna Village Bardez Taluka by Bhikaji Bhosle.

Case No.2.4

Noc/Permission for proposed repair & renovation of existing house in Sy.no. 102/3 of Agonda Village Canacona Taluka.

Background: The applicant has sought clearance for proposed repair & renovation of existing house in Sy.no.102/3 of Agonda Village .The applicant has Submitted a copy of application dt. 15/01/2020 with enclosures Deed of Sale , Form I & XIV, Survey Plane , DSLR Plan, house Tax receipt , Coloured Photography , proposed repair & renovation plans.

Site inspection Report:

Upon instruction from the M.S (GCZMA) a Site inspection was carried out by the Expert Member Shri Flaviano Miranda on 20/01/2020.

The details are as follows;

- i) The plot area is 900.00 Sq.mts.
- ii) At Site there is an old house with manglolean tiles.
- iii) Form I and XIV is Submitted
- iv) It is falling within 200 mts from HTL.
- v) Notary copy of a Tax receipt of house is submitted.
- vi) Notary copy of a Electricity bill is Submitted.

Decision: The Authority perused the site inspection report and decided to approve repair & renovation of existing house in Sy.no. 102/3 of Agonda Village Canacona Taluka.

Case No. 2.5

To decide on report of Site Inspection for a NOC for Setting up Mobile Toilets Blocks with Prefab Tourist Information Centre and a High Mast at Coco Beach at Nerul in Bardez Taluka, Goa.

Background

The Executive Engineer, SPV, GTDC, Panjim- Goa submitted an application to GCZMA on 13/11/2018 requesting for a NOC for setting up of Mobile Toilet blocks, prefabricated TIC and a high mast in land with Sy. No. 120 of Nerul Village, Bardez-Goa. So, a site inspection was fixed to see the site, verify the CRZ zoning and the documents.

The Authority during 215th meeting held on 22/10/2019 had perused the site inspection report submitted by the Expert Member (GCZMA) and after detailed discussion and deliberation decided to approve Setting up Mobile Toilets Blocks with Prefab Tourist Information Centre and a High Mast at Coco Beach at Nerul in Bardez Taluka, Goa.

Accordingly NOC was issued by GCZMA on 18/11/2019. Now this office is receipt of application from Executive Engineer GTDC requesting to rectify the survey no as 110/5 instead of survey no. 120.

Decision: The Authority considered the request made by the applicant and accordingly the authority after detailed discussion decided to rectify the survey no as 110/5 instead of survey no. 120.

Case No. 2.6

To decide on application for construction of a wooden jetty in the survey number 174/1 of Madel, Chorao village. The proposed Jetty is on the river Mandovi by Models Aqua estates.

Models Aqua estates intends to construct a wooden jetty in the survey number 174/1 of Madel, Chorao village. The proposed Jetty is on the river Mandovi.

An inspection to this effect was done on 26th November, 2019, the undersigned expert member along with Mr. Devendra, Surveyor of Goa Coastal Zone Management Authority (GCZMA) visited the site.

Following are the observation and recommendation.

Observations

- a. Jetty being a foreshore facility is permitted under CRZ Notification, 2011
- b. The proposed jetty is close to Dr. Salim Ali Bird Sanctuary. Both sides, there exists established mangrove patch.
- c. The representative informed that the Jetty will be used only for the purpose of anchoring boats and will not be used for conducting any commercial activities
- d. The adjoining area of the proposed jetty is a *Khazan* area.
- f. The representative informed that the jetty will be constructed using only wood.

Recommendations

1. The proposed Jetty is close to Dr. Salim Ali Bird Sanctuary. The Sanctuary is a habitat for varieties of aquatic and terrestrial life.
2. In order to ascertain the impact of Jetty on the lifeforms and adjoining Bird Sanctuary, it is recommended that the proponent carry out a rapid EIA.
3. After submission of Rapid EIA report, the same can be discussed in the GCZMA meeting to arrive at the decision.

This office is in receipt of letter dated 25/02/2020 stating *that temporary jetty constructed is purely wooden in nature and on wooden poles on river bed.*

This temporary wooden jetty is for limited purpose.EIA report is not required for wooden jetty.

Decision: The Authority decided to defer the matter in its next meeting.

Case No. 2.7

To discuss and decide on the various applications received requesting for the permission/NOC for conducting beach wedding /event as per the guidelines laid down in beach carrying capacity report. (As annexed at table below).

Case No.2.8**To decide on Desilting of river Sal from Taulim-Varca new bridge downstream upto the mouth of river Sal by Captain of Ports.**

Background: The project proponent gave a brief presentation of the EIA prepared through the NIO. The EIA report has taken into account the mangrove presentation, the bio-diversity & fishing activity in the area including the area where the desilted material would be dumped. The availability of clams in the area has also been studied by the accredited agency. The presence of bio-metals in this belt was observed which according to the study could be toxic. The use of desilted material for replenishment of eroded beaches is ruled out because of the possibility of presence of toxic material presence in the stretch to be desilted & hence the same could be potentially dangerous to the existing ecology of the beaches. The overall EIA has also portrayed that fishing activity would not get disturbed & the desilting would be done in a phased manner so that fish breeding & livelihood of the local fisherman does not get affected.

Decision: The Members decided to give in-principle approval to the project proponent provided that they place before the Authority the mangrove restoration plan, the exact spot of desilted material to be dumped so that the same does not return back into the desilted portion of river sal, the quality of desilted material that would be removed from the river sal & finally the action plan in a phased manner with the time schedules to complete the desilting including the breaks that they would take for fish breeding season for allowing local fisherman to carry out their fishing activities. The approval has also been granted taking into account that River Sal has been categorized as one of polluted structures in the State of Goa which has to be rejuvenated so that this river meets the standards as laid down by the CPCB.

Case No.2.9**To decide on repairs to an existing Jetty at Santa Monica Panaji.**

Background: The GTDC has submitted a proposal to grant approval to carry out repairs to an existing Jetty at Santa Monica Panaji which is in a dilapidated condition. The project proponent gave a presentation about the existing jetty which was constructed by Larsen & Toubro as part of the ancillary works to construct the Mandovi bridge. The piling for the said jetty exists on loco but the approach to the said jetty which was basically of metal has corroded & the railings have broken. This is dangerous for use either for the passengers or for the ships to berth. There is no other place deal for berthing of the vessels because of the draft & since the Hon'ble High Court has given ultimatum to the GTDC to make available place for the petitioner for touch & go operations, they had no other alternative out to make use of the existing jetty.

Decision: The Authority after examining the proposal was of the opinion that to make better use of the water front, carrying out repairs to the existing jetty at Santa Monica would not in any way be detrimental because these type of activities are permissible in CRZ- I areas. Secondly it observed that the GTDC is not the owner of the riverine land but its the Captain of Ports. The approval is granted to GTDC to carry out repairs subject to NOC being obtained from the Captain of Ports.

Case No. 2.10**To decide on application dated 09/01/2020 from Mr.Sergio Dias in survey No. 54/1**

Background: This office is in receipt of application for erection of temporary structures in Survey No. 54/1 of Utorda, Salcete, Goa. The Expert members conducted inspection

of the proposed site. The said matter was deliberated during 220th GCZMA meeting held on 05/02/2020 wherein the Authority deferred the said matter to its next meeting.

Decision: The Authority after examining the request made by the Applicant was of the opinion that orders of demolition were passed as against the Applicant to do away with an offending structure that existed in property bearing Sy.No54/1 in village Utorda, Salcete, Goa including concrete based flooring. It had also observed that the said structure ordered to be demolished was located on a sand dune in this order it had given directions to the Applicant to restore the sand dune through the Goa State Bio-Diversity Board. Although, there is a Writ Petition 93/2019 that has been filed by the aggrieved party before the Hon^{ble} High Court of Bombay at Goa as against this decision, the outcome of the findings/ observation about the existence of sand dune is yet to be arrived at. The Applicant has disputed the existence of this sand dune stating that it is not reflecting on the draft CZMP prepared for the State of Goa by NCSCM Chennai. The Authority thus deemed it fit to ascertain if there is any damage done to the sand dune as has been observed in the directions issued by us on 16/01/19 through GSBB & also call upon the Applicant to place on record a study report from any accredited agency approved by MoEF & CC who normally prepare EIA^s to ascertain the existence of sand dune & only then to give a final call to the request made by the applicant as to whether to give approval to set up shack or not.

Case No. 2.11

To decide on application dated 29/10/2019, 08/11/2019, 4/11/2019 from Pio Jose Antonio Furtado & Maria Filomena Furtado in Sy.No.12/1-A & 12/4, of Sernabatim Goa.

Background: This office is in receipt of applications for erection of temporary structures/shack in Survey No. 12/1-A & 12/4 of Village Sernabatim in Salcete-Goa. The Expert members conducted inspection of the proposed site.

Decision: The Authority after examining the request made by the Applicant was of the opinion that orders of demolition were passed by NGT as against the Applicant to do away with all offending structures that existed in property bearing Sy.No.12/1 to 12/5 in village Sernabatim, Salcete, Goa. It had also observed that the said structures ordered to be demolished were located on a sand dune in the order passed by this Authority. The Applicant has disputed the existence of this sand dune stating that it is not reflecting on the draft CZMP prepared for the State of Goa by NCSCM Chennai. The members also pointed out that in the said orders of demolition that had been passed by this Authority in the past, the owners of the offending structure were also directed to pay the costs towards demolition of the same. They stated that machinery of the Govt. cannot be used at the whims of the owners of offending structures who construct illegal structures & go scot free after demolition & that a precedent has to be laid down that the polluter has to pay for the wrongs committed/performed by him. The Authority thus deemed it fit to call upon the Applicant to place on record a study report from any accredited agency approved by MoEF & CC who normally prepare EIA^s to ascertain the existence of sand dune & only after payment of the costs incurred towards

demolition of the offending structures to give a final call to the request made by the applicant as to whether to give approvals to set up shack/huts or not.

Case No. 2.12

Proposed Construction of Toilet Block with Rain Shelter cum Information Centre in Sy. No. 365/2 of Benaulim Village of Coastal Circuit II under Swadesh Darshan scheme under Salcete Taluka and development of Coastal circuit in Goa under Swadesh Darshan II. Reg Tourism infra structure development parking and illumination at Benaulim beach in Survey No. 365 Benaulim village.

Background

This office is in receipt of report from Office of the Dy. Collector (REV), South Goa District, Margao-Goa regarding proposed Construction of Toilet Block with Rain Shelter cum Information Centre in Sy. No. 365/2 of Benaulim Village of Coastal Circuit II under Swadesh Darshan scheme and development of Coastal circuit in Goa under Tourism infra structure development parking and illumination at Benaulim beach in Survey No. 365 at Benaulim Salcete Taluka.

Findings of the report:

1. Name of the applicant: Executive Engineer Project Cell(SP), Goa Tourism Development Corp. Ltd Panaji.
2. Date of Applicant: 15.06.2018
3. Application for: Approval/NOC of the project Proposed Construction of Toilet Block with Rain Shelter cum Information Centre in Sy. No. 365/2 of Benaulim Village of Coastal Circuit II under Swadesh Darshan scheme under Salcete Taluka
4. Date of construction base on the documents: NA
5. Date of inspection: 21/09/2018
6. Location: Sy.No.365/2, Village Benaulim, Salcete
7. Accessibility: Road
8. Distance from the HTL of River/ Sea: TIC within 200 mts HTL & Toilet block beyond 200 mts of HTL
9. Classification of CRZ Area:-
10. Existence of Sand Dunes and its Height:
11. Existence of Vegetation, If any:
- 12. Plinth area of structure/alleged violation: Area of TIC-100.52 m², Area of toilet block-218.32m²(proposed)**
- 13. Nature of structure: RCC Frame Structure.**
- 14. Height of the structure: TIC -5.65mts, Toilet block-5.63 mts**
15. Approvals/NOCs issued by any other Departments/Authorities: NA
16. Whether the proposed construction meet the CZMP Guidelines: NA
17. Conclusion/Recommendation:

The Authority during its previous meeting after perusing the report by DLC (South) decided to conduct site inspection by expert member (GCZMA). Accordingly site inspection was conducted by Expert member and submitted report and the applicant has been called to give presentation of the said project before the Authority.

Decision: The Authority after examining the proposal and the presentation by the representatives from GTDC decided to approve the Construction of Toilet Block with Rain Shelter cum Information Centre in Sy. No. 365/2 of Benaullim Village of Coastal Circuit II under Swadesh Darshan scheme and development of Coastal circuit in Goa. Tourism infra structure development parking and illumination at Benaullim beach in Survey No. 365 at Benaullim Salcete Taluka with following conditions to be adhered by the applicant.

1. Contour levels to be shown on site plan.
2. Development /repairs of drain/nallah to be done using traditional methods and materials.
3. No use of PCC in base of paved area.
4. Capacity of proposed STP to be furnished.

The meeting ended with a vote of thanks to the chair.

Case No. 2.13

To discuss and decide on the applications received for erection of Temporary seasonal structures such as Shacks/Huts/Tents/ structures in CRZ area in the Private Properties. (Details annexed at table below):

Sd/-
(Member Secretary)
Goa Coastal Zone Management Authority

| Case | Total Area | Stage | Time Period | No. of Peoples | Co-ordinates | Decision |
|---|------------|--|-----------------------------|--|--------------|----------|
| 2.6 Velsao Sports & Cultural Club Request to issue NOC to organize the 6 th Annual summer beach show with live bands & traditional folk dance at Velsao Beach. | | Stage=(48ft x 28ft) Sound speaker x 2 stand(12ft x10ft) | 9 th May 2020 | - Guest lounge (5 x3 mtr) Sound Control Stand(5 x5 mtr) Drinks & Snacks Counter x2 (12mtr x 3 mtr) | Google Map | Approved |
| 2.7 Nikhil Khaparde Noc for Corporate event at Cavelossim Beach, Near Holiday Inn Resort. | | 5 x 5 mtr | 17 th March 2020 | - | Google Map | Approved |

Erection of Temporary Seasonal Structures i.e Shack/Cottages/Huts/Tents etc.

Village:Anjuna

Taluka:Bardez

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Granted area | Application Status | Remarks |
|--------|-------------|-----------------------|--------|--------------|-----------|------------------|-------------|-------|--------|--------------|--|----------|
| | | | | | | | Huts | Shack | Area | | | |
| 1. | 26/11/2019 | Ashwin Khalap | 213 | 13 | 1475.00 | 486.75 | 10 | 1 | 401.20 | | Recommended Subject to Submission of Observation made by the Expert Member during site inspection. | Approved |

Village: Candolim

Taluka: Bardez

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Granted area | Application Status | Remarks |
|--------|-------------|-----------------------|--------|--------------|-----------|------------------|-------------|-------|--------|--------------|--------------------|----------|
| | | | | | | | Huts | Shack | Area | | | |
| 2. | 11/12/2019 | M/s. Modelama | 129 | 9 | 7539.00 | 2487.87 | - | 1 | 196.50 | | Recommended | Approved |

Village: Calangute

Taluka: Bardez

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Granted area | Application Status | Remarks |
|--------|-------------|----------------------------------|------------|--------------|-----------|------------------|-------------|-------|--------|--------------|--------------------|----------|
| | | | | | | | Huts | Shack | Area | | | |
| 3. | 22/01/2020 | Rama Rani Arora alias Rama Arora | 176 | 16-B 25- A | 599 | 197.67 | - | 1 | 65.00 | | Recommended | Approved |
| 4. | 20/02/2020 | M/s. T.B. Lal & Company | 243 | 17 | 2225.00 | 734.25 | 2 | 1 | 414.16 | | Recommended | Approved |
| 5. | 11/02/2020 | M/s. Swift Boutique | 117 116 | 11,12 15 | 5075.00 | 1674.75 | - | 1 | 200.00 | | Recommended | Approved |

Village: Mandrem

Taluka: Pernem

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Granted area | Application Status | Remarks |
|--------|-------------|-----------------------|--------|--------------|-----------|------------------|-------------|-------|--------|--------------|--------------------|----------|
| | | | | | | | Huts | Shack | Area | | | |
| 6. | 21/11/2019 | Laxmikant M. Naik | 269 | 9, 8 | 1799.00 | 593.67 | 2 | 1 | 354.80 | | Recommended | Approved |

Village: Cola

Taluka: Canacona

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Granted area | Application Status | Remarks |
|--------|-------------|-----------------------|--------|--------------|-----------|------------------|-------------|-------|--------|--------------|---|-----------------------|
| | | | | | | | Huts | Shack | Area | | | |
| 7. | 14/01/2020 | Krishna P. Velip | 279 | 1 | 21000 | 6872.25 | 50 | 1 | 927.50 | | NOC is recommended subject to compliance of observation made by the Expert Member during site inspection. | Not Complied Differed |

Village: Morjim

Taluka: Pernem

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Application Status | Remarks |
|--------|-------------|------------------------------|--------|--------------|-------------|------------------|-------------|-------|---------|--------------------|----------|
| | | | | | | | Huts | Shack | Area | | |
| 8. | 10/08/2017 | M/s. Goastav Hotels Pvt. Ltd | 118 | 1-L | 1284 2 | 4237.86 | 34 | 1 | 1498.00 | Recommended | Approved |
| 9. | 23/10/2019 | Mr. Paresh Rao | 118 | 1-ABQ R | 1600 | 528.00 | 14 | 1 | 422.46 | Recommended | Approved |
| 10. | 02/12/2019 | Shikhar Kumar | 182 | 1 | 3453 .00 | 1139.49 | 17 | 1 | 834.38 | Recommended | Approved |

Village: Nagorcem - Palolem

Taluka: Canacona

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Granted area | Application Status | Remarks |
|--------|-------------|----------------------------|--------|--------------|-----------|------------------|-------------|-------|--------|--------------|---|----------|
| | | | | | | | Huts | Shack | Area | | | |
| 11 | 16/10/2019 | M/s. Abidal Resort Pvt Ltd | 79 | 1 | 47700.00 | 15741.00 | 10 | - | 500.00 | | NOC is recommended subject to compliance of observation made by | Approved |

| | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | the Expert Member during site inspection. | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|

Village: Sernabatim

Taluka: Salcete

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Granted area | Application Status | Remarks |
|--------|-------------|------------------------|--------|--------------|-----------|------------------|-------------|-------|--------|--------------|---|---|
| | | | | | | | Huts | Shack | Area | | | |
| 12 | 04/11/2019 | Maria Filomena Furtado | 12 | 4 | 3550.00 | 1171.50 | 8 | 1 | 698.32 | | The Case may be considered after scrutiny upon receipt of documents | Report from accredited agency & payments of bill raised by PWD for demolition |

Village: Poinguinim

Taluka: Canacona

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div | Plot area | 33% of plot area | Applied for | | | Granted area | Application Status | Remarks |
|--------|-------------|-----------------------|--------|----------|-----------|------------------|-------------|-------|------|--------------|--------------------|---------|
| | | | | | | | Huts | Shack | Area | | | |

| | | | | No. | | | | | | | | |
|----|------------|--------------------|-----|-----|----------|---------|----|---|--------|--|---|----------|
| 13 | 31/10/2019 | Dikshita Komarpant | 190 | 1 | 2840.00 | 838.20 | 15 | - | 279.45 | | NOC is recommended subject to compliance of observation made by the Expert Member during site inspection. | Approved |
| 14 | 15/10/2019 | Pratap S. Pednekar | 244 | 1 | 15200.00 | 5016.00 | 16 | 1 | 947.63 | | NOC is recommended subject to compliance of observation made by the Expert Member during site inspection. | Approved |

Site Inspection and Ground Truthing Report

Reference :-GCZMA issued site inspection notice no. GCZMA/north-matter/ Appl. No..171/2017/ 18-19/16/1067, dated 01//10 /2021 , for site inspection and ground truthing of structures located in property bearing chalta No. 37 & 37- A, of P. T. Sheet No. 106 of Panaji City of Tiswadi Taluka. on 29/10 /21

Site inspection was conducted on 29/10/2021 from 10.0 a.m. onwards

Following Members were present

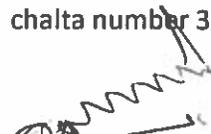
1. Mahesh Patil- Expert Member- GCZMA
2. Satishkumar Naik- Field Surveyor- GCZMA
3. Mr. Rupesh Shirgaonkar- Field Surveyor - DSLR
4. Vishnu Tarcar --- Representative of Respondent

Reference-

- 1.Site inspection Report of the expert Member with reference to the notice GCZMA/NGT/MATTER/APPL. NO. 171/2017/18-19/16/721 dated 26/07/2018,
2. GCZMA letter No. GCZMA/NGT- MATTER/ APPL NO. 171/2017/18-19/16/2704 dated 18/03/ 2020.
3. Letter from Ms. Nayan Tarcar dated 28/07/ 2021, with the plan depicting removal of unauthorized temporary structures within NDZ .

Observations

1. With reference to above correspondence, GCZMA had issued notice to conduct the site inspection and ground truthing along with the DSLR team to verify the existence of any un authorized structures within NDZ
2. DSLR conducted the detail survey and submitted the attached plan, depicting existing structures and structures removed which were identified as unauthorized
3. The plan clearly depicts all the structures are removed.
4. The project is within the CRZ- II area and any structure land ward side , beyond the existing old authorized structure prior to 1991, doesn't attract CRZ provisions
5. There exists old structure (depicted as 42) in attached plan. The Community Centre building is landward side of the existing structure line. Also 10 meters buffer zone from the water body is maintained for the permanent structures in chalta number 37. (depicted in the attached DSLR Plan)


Mahesh Patil

Expert Member



GOVERNMENT OF GOA
 Directorate of Settlement and Land Records
 PANAJI-GOA

SITE PLAN

as per the notice of site inspection of Member Secretary, Goa Coastal
 Zone Management Authority, vide their letter No.GCZMA/NGT MATTER
 APPL no.171/2017/18-19/16/1067 dtd.11-10-2021 in respect of P.T.S.106
 OF CHALTA no.37 & 37-A of Panaji City of Tiswadi Taluka.

NOTE:-

THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS
 PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT
 BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF
 STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES,
 PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE
 USED FOR REFERENCE PURPOSE ONLY.



Scale 1: 500

| LEGEND:- | |
|----------|--|
| | Structure as per Survey plan |
| | New structure |
| | Temporary Shed |
| | Compound wall |
| | line of water (as per site plan dated 01/08/2018) |
| | Temporary Strutures. (not existing at loco-1,2,3) |
| | Portion of New Structure (not existing at loco-4) |



Surveyed & Prepared by :-

Rupesh A. Shirgaonkar (F.S.)
 Surveyed on :- 29-10-2021

Compared by :-

Yashwant Bicholkar (H.S.)



GOVERNMENT OF GOA
Directorate of Settlement and Land Records

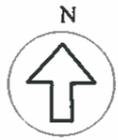
PANAJI-GOA

SITE PLAN

as per the notice of site inspection of Member Secretary, Goa Coastal
Zone Management Authority, vide their letter No.GCZMA/NGT MATTER
APPL no.171/2017/18-19/16/1067 dtd.11-10-2021 in respect of P.T.S.106
OF CHALTA no.37 & 37-A of Panaji City of Tiswadi Taluka.

NOTE:-

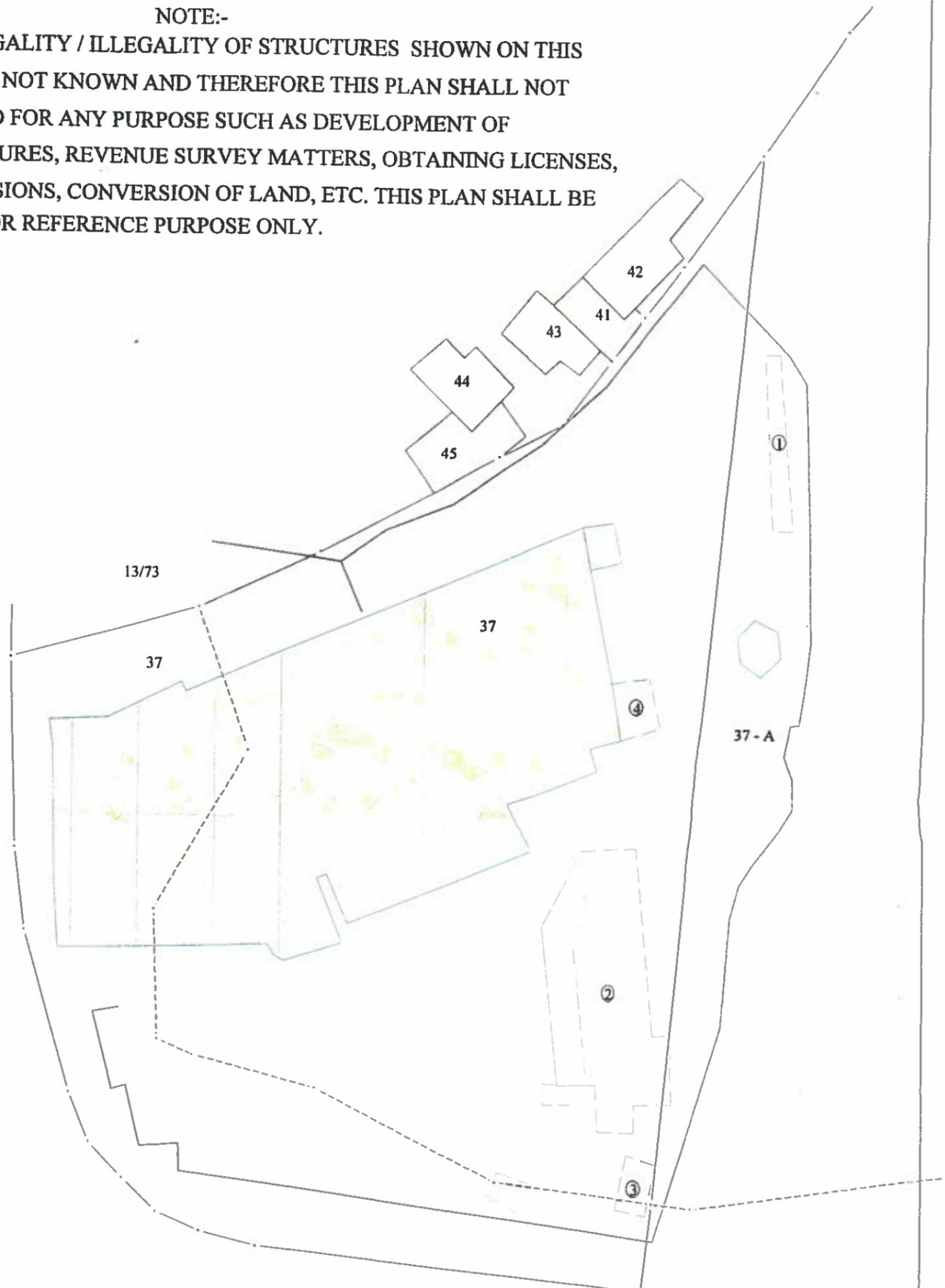
THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS
PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT
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STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES,
PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE
USED FOR REFERENCE PURPOSE ONLY.



Scale 1: 500

LEGEND:-

-  Structure as per Survey plan
-  New structure
-  Temporary Shed
-  Compound wall
-  line of water (as per site plan dated 01/08/2018)
-  Temporary Structures. (not existing at loco-1,2,3)
-  Portion of New Structure (not existing at loco-4)



B H A T U L E M

Surveyed & Prepared by :-


Rupesh A. Shirgaonkar (F.S.)
Surveyed on :- 29-10-2021

Compared by :-


Yashwant Bicholkar (H.S.)

MINUTES OF THE 284th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 06/01/2022 at 03.00 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.

The 284th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 06/01/2022 at 3.00 p.m.in the Conference Hall, Fourth Floor, Dempo Tower, Patto-Panaji-Goa.

The following members were present for the meeting on 06/01/2022.

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Director, Department of Tourism, Panaji Goa.
- Representative on behalf of Department of PWD, Panaji Goa.
- Representative on behalf of Principal Conservator of Forest
- Representative on behalf of Directorate of Industries, Trade and Commerce.
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Correia, Expert Member (GCZMA).
- Shri Sujeet Dongre(GCZMA).
- Member Secretary (GCZMA).

Case No.1.1

To discuss and decide on the Complaints letters dated 24/01/2017 and 27/01/2017 received from Dr. Claude Alvares, Director, The Goa Foundation and Lopinho Xavier pertaining to illegal dumping of mud in the property bearing Sy.No. 170/0 and 171/1 of Quelossim Village, Mormugao Goa by ‘M/s. Movaj Enterprises Pvt. Ltd’.

Background:

1. The Office of the GCZMA has received complaint letters dated 24/01/2017 and 27/01/2017 from Dr. Claude Alvares, Director, The Goa Foundation, G-8, St. Britto’sApts, Feira Alta, Mapusa, Goa and Lopinho Xavier, R/o. H.No. 289, UddoQuelossim, Cortalim-Goa respectively with regard to the alleged illegal dumping of mud in the property bearing Sy.No. 170/0 and 171/1 of Quelossim Village, Mormugao Goa within the CRZ area being carried out by M/s. Movaj Enterprises Pvt. Ltd., Mishell, Nr. Ribander Police Outpost, Ribander-Goa.

2. Accordingly the office of GCZMA has issued Show Cause Notice cum Stop Work Order to M/s. Movaj Enterprises Pvt. Ltd bearing ref. No. GCZMA/ ILLE-COMPL/16-17/67/2162 dated 09/02/2017.

3. Further, taking into consideration complaints dated 24/01/2017 and 27/01/2017, the site under reference was inspected by the Expert Members of the GCZMA along with Technical Officer GCZMA on 17/02/2017.

4. The Member Secretary, GCZMA informed the members that the Goa State Biodiversity Board (GSBB) has submitted a report in respect of the same. He further informed that M/s. Movaj Enterprises Pvt. Ltd. has filed their reply in view of the Show Cause Notice Cum Stop Work Order dated 09/02/2017 issued by the GCZMA. The said matter was placed in the 141st GCZMA meeting held on 21/02/2017 wherein after detailed discussion and due deliberation and in view of the submissions made by Dr. Claude Alvares representing Goa Foundation, the Authority decided to provide / forward the copy of the reply dated 21/02/2017 filed by M/s. Movaj Enterprises Pvt. Ltd. to the Goa Foundation and further decided to take up the matter for personal hearing on 07/03/2017. Further, with respect to the request made by M/s. Movaj Enterprises Pvt. Ltd. to conduct a fresh inspection in their presence as well as in the presence of the Complainant. Accordingly, in view of the decision taken by the Authority, the site was re-inspected by the Expert members of the GCZMA on 10/05/2017. The observations recorded on site are as follows:

i) Initially, the proponent, Mr. Ram Agarwal showed the filling done by somebody else in Sy. No. 181 and 182 which is lying outside between the main road up to his property (Sy. Nos. 171/0 and 171/1). He says he does not know who has done the filling in the said Sy. Nos. 181 and 182 and said that GCZMA should find out who has done the filling and do the necessary.

ii) The Sy. Nos. 170/0 and 171/1, did not show any further work done after the site inspection of 17/2/2017. The proponent told that he did not do any work thereafter due to the stay order imposed by GCZMA.

iii) The proponent told that the extra mud filling which is seen at the corners, adjacent to bunds on the western side of the area is not done by him but by the earlier agency, M/s. GAIL India Ltd. while laying their pipeline along the bund.

i) The extra mud filling done by them was for the trucks to take to the site and for their manufacturing. v) The wet land / khazan land of Sy. No. 170/0 is seen to be completely dry by closing of the sluice gates, to which the proponent says that he could not open the sluice gates due to imposition of stop work order.

Conclusion and Recommendation:

- i) The dumping of mud in Sy. Nos. 181 and 182 as shown by the proponent outside his property is illegal in the NDZ area, however, the filling does not appear to be for the reclamation of land as there are lot of coconut plants within the property. Nevertheless, the owner of the property should be served with a show cause notice for the act without any permission.
- ii) Though there is no work done in Sy. Nos. 170/0 and 171/1 after the site inspection dated 17/2/2017, the proponent has not bothered to open the sluice gates by taking permission from the GCZMA despite bringing it to the notice in site inspection report that the biodiversity and the environment is degraded due to closing of sluice gates.
- iii) The drying of the wet land due to stopping of natural water from all sides of the wet land area has spoiled the biodiversity and the environment further.
- iv) If the project is really for floating pontoons as the proponent claims, then he should have maintained sufficient water level and not allowed it to dry.
- v) The excess mud dumped at the corner of the western side may be ordered to be removed immediately under proper supervision.

vi) Similarly, the sluice gates may be ordered to be opened immediately under proper supervision.

vii) The proponent and the Complainant may be heard during the Authority meeting before taking any further decision. It is pertinent to note that, a Miscellaneous Civil Application No. 326 of 2017 in M.A. No. 138 of 2017 has been filed by M/s. Movaj Enterprises Pvt. Ltd. before the Hon'ble High Court of Bombay at Goa. The said Application was disposed of vide Order dated 19/04/2017.

The said matter was placed in the 155th GCZMA meeting held on 08/08/2017 wherein the Authority in principle of natural justice decided to grant another opportunity of personal hearing to the parties and fixed the matter for hearing on 22/08/2017 and decided to communicate the same to both the parties. In view of the above, the matter was placed for grant of personal hearing to the concerned parties.

During 156th GCZMA meeting 22/08/2017 the Authority after detailed discussion and due deliberation and on considering the site inspection reports so also the oral as well as written submissions made by the parties decided to carry out proper mapping of the entire area in question along with the DSLR. As far as the sluice gates are concerned, the same are to be opened immediately and as such decided to direct the applicant to restore the sluice gate in order to facilitate circulation of water in the area.

Now this office is in receipt of documents pertaining to the proposed mini India park project dated 27/05/2019 from office of MLA, Cortalim Constituency requesting to conduct Site Inspection.

During 202nd GCZMA meeting held on 29/05/2019. The Authority after perusing the agenda note and the representation from office of MLA, Cortalim Constituency decided to issue Stop work Order cum show cause Notice immediately and also decided to conduct site inspection by Expert members (GCZMA).

Accordingly show cause cum stop work order was issued to party on 17/06/2019.

The site under reference was inspected Expert Member GCZMA on 22/05/2020. Vide order dated 31/08/2021 in Petition bearing PIL WP no. 12/2020 the Hon'ble High Court of Bombay at Goa has directed the authority to decide the said show cause cum stop work order dated 17/06/2019.

During 272nd GCZMA meeting held on 23/09/2021. The Authority heard both the parties. After hearing the Authority directed the Respondent to get the clear whether the alleged activity falls beyond NDZ or not and the land in which activity sought to be carried in khazan land or otherwise. The matter is kept for further arguments on 07/10/2021 at 3.30 pm. During 274th GCZMA meeting held on 07/10/2021 the Authority decided to keep the matter for further clarification /arguments 21/10/2021 at 3.30 pm.

During 276th GCZMA meeting held on 21/10/2021 Hon'ble MLA SmtAlina Saldana present for the Complainant along with Lupino Xavier. AdvKantak appeared on behalf of the Respondent. The Adv for the Respondent submitted that after 2019 Show Cause Notice no fresh inspection has been carried out and to the Show Cause Notice issued in

the year 2019, reply for the same has been submitted before Authority. Further the inspection was carried out by the Expert member (GCZMA) in absence of the Respondent and a report is made based on the hearsay statement from the villagers as the land was flooded under water and it was not possible for the Expert members to do the inspection. Further it was submitted that in 2019 stop work order was issued to the Respondent but the order was not clear as there was no mentioned as to what work to stop.

LdAdv for the Respondent prayed that the Show Cause Notice of the year 2019 may be disposed in terms of order of the Hon'ble High Court of Bombay at Goa. The Respondent did not carry out any new activity which needs to be stopped.

SmtAlina Saldana submitted that the report given by GCZMA Expert member is very clear and in the said report directions were given to the Respondent to open the 7 sluice gates as due to the closure of the sluice gates there was a putrifaction of water. Further the Complainant submitted that they have filed an appeal before the Hon'ble NGT for non execution of order which is pending for decision. Further it was submitted that the mud has been removed from the land which has resulted into inundation of land under water and prayed that the Respondent be asked to comply with the directions of this Authority.

The Authority heard both the parties at length and directed them to file brief written submission and posted the matter for further arguments on 28.10.2021 at 2.30 pm.

During 277th GCZMA meeting held on 02/11/2021 Hon'ble MLA SmtAlina Saldana present for the Complainant along with Lupino Xavier. AdvKantak appeared on behalf of the Respondent. Both the parties filed written documents which were taken on record. Complainant submitted that the land is khazan land and wrongly shown as garden area on Form I & XIV.

The Authority after hearing both the parties at length and taking into consideration the submissions made by both the parties, decided to seek old records from O/o Collector, South Goa pertaining to the land and kept the matter for Orders on Show Cause Notice dated 17/06/2019.

The Chairman of GCZMA/Secretary Environment was transferred vide order dated 01/12/2021 and hence the Authority has put up the matter for hearing before the newly inducted Chairman of the GCZMA for hearing.

The matter was placed in its 280th GCZMA Meeting held on 16/12/2021. The Proceedings at the hearing is that the Complainant Lupino Xavier present for the matter, AdvKantak appeared on behalf of the Respondent. The Member Secretary informed the

Authority that the Complainant Mrs Alina Saldanha had call and informed the Authority her inability to appear in the matter for today hearing as she was pre-occupied with Court matter. The Complainant briefed the Authority by stating the facts of the case. He stated that He, Mr. Lopinho Xavier is the Chairman of Quelossim Bio Diversity Management Committee and he has also filed a Complaint against the Respondent. The Complainant stated that the Respondent has done mud filling in the Khazan land which needs to be removed, further the Respondent has destroyed the bund and that the area falls in NDZ. To the question whether the Complainant approached the NGT, the complainant states that he has approached the Hon'ble NGT and that the matter is also pending before the Hon'ble NGT. The Adv for the Respondent stated that the show cause notice is issued based on the Complaint filed by Mrs Saldana as the show cause does not mention as to what activities to be stopped. The Adv for Respondent states that bund has been destroyed by the Gail Pipeline project. He stated that the Gas pipeline is running through the said land and it was the Gail agency that destroyed the bund when installing the pipeline for gas. He further adds that this issue of bund destruction was decided by the Deputy Collector. The Adv for Respondent states that all these issues do not form part of the Show Cause Notice and that the Complainant are continuously bringing out fresh issues which cannot be taken cognisance of without putting the Respondent to Notice. The Adv further adds that the initial Complaint filed by Mrs Alina does not mention all the allegations. The Member Secretary has pointed out to the Authority that as per the order of the Hon'ble High Court of Bombay at Goa the Show Cause Notice dated 17/06/2019 issued by the Authority needs to be disposed

The Authority after hearing the parties in its 280th Meeting decided to directed them to file the brief written arguments if any with advance copies to be served on the other side in advance and posted the matter for Final Arguments on 06.01.2022 at 3pm.

Proceeding: The Complainant Ex- MLA of Cortalim Smt Alina Saldana present. Complainant Lupino Xavier present, Adv. Kantak appeared on behalf of the Respondent, Smt Alina submitted that her reply is on record and the same may be considered as her arguments and same may be considered when deciding the matter. The Complainant submitted the brief written arguments along with the supporting documents. The Adv. for the Respondents also filed written arguments along with the supporting documents. Mr. Lopinho Xavier is the Chairman of Quelossim Bio Diversity Management Committee submitted a document to show that this area in dispute is a Khazan Land. The Member Secretary brought to the notice of the Authority that as per order of the Hon'ble High Court the SCN dated 17.6.2019 needs to be decided.

Decision:The Authority heard the parties and length and have also taken the written arguments of both the parties on record. The matter is posted for orders to be communicated on SCN 17.6.2019.

Case No.1.2

To decide on Complaint from the Rajesh V Dabolkar, thereby alleging that an illegal massive pucca construction of the Hotel known as “PAPA JOLLY HOTEL COMPLEX” by M/s Titanic Resorts Pvt Ltd., in the property bearing survey no 187/31 to 39 and 187/50 of Village Morjim.

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as ‘the GCZMA’ in short) had received a Complaint dated 16/11/2020 from the Rajesh V Dabolkar, r/o H.No. A/70, Amnekhand, Reis Magos, North Goa; thereby alleging that an illegal massive pucca construction of the Hotel known as “PAPA JOLLY HOTEL COMPLEX” carried out by M/s Titanic Resorts Pvt Ltd., in the property bearing survey no 187/31 to 39 and 187/50 of Village Morjim falls within 500 mts from HTL.

The Complainant Rajesh V. Dabolkar vide complaint dated 08/04/2021 has enclosed a copy of the Order cum notice issued by Village Panchayat of MorjimPernem Goa fro the illegal constructions carried out in the property.

The Authority has issued a Show Cause Notice bearing No GCZMA/N/ILLE-COMPL/2021/89/667 dated 05/08/2021.

During 271st GCZMA meeting held on 21/09/2021 the Respondent was absent and complaints were present along with Adv. HD Naik. The authority decided to post matter on 30/09/2021 at 3.30 pm.

The Authority during 275th GCZMA meeting held on 16/10/2021 noted that the Respondent was absent. Authority decided to issue fresh notices and posted the matter for hearing on 21/10/2021 at 2.30 pm.

During 276th GCZMA meeting held on 21/10/2021 Ld. Adv H. D Naik for the Complainant present. None present for the Respondent.

The Authority decided to get the property inspected through the Expert Members of this Authority. The matter is posted on 11/11/2021 at 2.30pm. Further the matter is adjourned to 18/11/2021 at 2.30 pm.

During 278th GCZMA meeting held on 18/11/2021 AdvH.D.Naik present for the Complainant, AdvSamant present for the Respondent. The Adv for the Respondent stated

that there was a order passed by this Authority regarding demolition of 66 sqmtr and the same has been complied with and the compliance report has been filed. Adv for the Complainant submits that a fresh complaint has been filed before the Authority as there are several structure have been come up in the said property and the inspection has to be carried out. The Adv for the Respondent made a statement that from 2012 till there are no new structure have constructed by the Respondent, and further stated that if there are any new structures then he undertakes to demolish the same.

The Authority after hearing both the parties decided to conduct site inspection and mapping of the structure and further decided to keep the matter for hearing on 25/11/2021 at 2.30 pm.

The Authority heard the parties in its 280th Meeting held on 16/12/2021 AdvH.D.Naik present for the Complainant, AdvSamant present for the Respondent. The Membr secretary informed the Authority that GCZMA team could not conduct a site inspection to plot out all the structures existing in survey numbers 187/31 to 39 and 187/50 of Village Morjim and now the inspection is fixed on 21/12/2021.

The Authority in its 280th meeting decided to keep the matter on 23.12.2021 at 3.30p.m. for report of the site inspection and further hearing.

That this matter posted on 23/12/2021 was adjourned due to paucity of time and posted the matter on 6/1/2021

Proceeding: AdvH.D.Naik present for the Complainant, AdvSamant present for the Respondent. AdvSamant stated that he has not received the copy of the Site Inspection report and he cannot advance his arguments. The Ld. Adv for the Complainant also stated that they have not received the copy of the Site Inspection report.

Decision: The Authority considered the request of both the parties and directed both the parties to collect the site inspection report from the Authority office and file reply in the matter. The matter stands posted for Arguments on 20.1.2022 at 3pm.

Case No.1.3

To decided on the Complaint from complaint letter dated 07/03/2016 from Mr. KashinathShetye& others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

Background: GCZMA received a complaint letter dated 07/03/2016 from Mr. KashinathShetye& others alleging CRZ violation carried out by Panaji Community

Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

Mr. K. Shetye & Others also filed an original application no. 171/2017 (WZ) before the NGT, Pune allegedly seeking demolition of structure constructed by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 and chalta no. 37 and 37-A of Mala, Panaji.

the GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of the City of Panaji, stating that during the course of site inspection by the Officials of the Corporation it was noted that within 10m distance of the buffer zone, there are three non-habitable structures erected with M S bracing members and GI sheets. So, a site inspection was fixed to see the site, verify the structures, the CRZ area and the documents. Expert member (GCZMA) conducted site inspection of the proposed site and submitted a detailed report. Accordingly the said matter is placed for the grant of personal hearing. Proceeding for the said hearing may be read as below:

in the 185th GCZMA meeting the Authority heard the respondent and taken on record the submissions made by respondents. It also noted that the complainant not appeared. Therefore, GCZMA decided to grant final opportunity to the complainant to present its case. The matter was adjourned for the next date.

the said matter was placed before the Authority in its 188th meeting held on 22/11/2018 for grant of personal hearing to the parties wherein The Authority heard both the parties and taken on record the oral submissions made by the parties. The Authority after detailed discussion and deliberation decided to carry out joint inspection with officials from Soil Conservation Division Department of Agriculture, official from Water Resources Department (WRD), from DSLR and Expert members (GCZMA). The site inspection was carried out by Expert Members and other officials on 26/12/2018 and submitted the report.

the said matter was placed before the Authority in its 199th meeting held on 14/05/2019 The Authority deliberated on the cadastral map submitted by DSLR and resolved to seek comments of DSLR on issue of reclamation of land. This office was in receipt of letter from DSLR dated 02/12/2019.

the matter was placed in the 222nd GCZMA meeting held on 04/03/2020. The Proceedings in the said meeting can be seen as follows: *“the Complainant submitted that the offending structure that has been constructed by the Respondent is in a ecologically sensitive area which comes within the purview of CRZ-I area as per CRZ Notification, 2011. He stated that mangrove area, salt pans, mudflats etc are ESA’s & the construction carried out by the Respondent is in this ESA. The complainant thereafter pointed out to the inspection report prepared by the Expert Members which mentions in the observation*

that one part of the building is on chalta No.37 & the other part of the building constructed by the Respondent is in chalta No.37A of City survey Panaji which is part of the water body. It that be the case than the construction carried out by the Respondent which is in the water body needs to be demolished is what the complainant strenuously harped upon. He further pointed out that the report of the Expert Member also makes a mention that property bearing chalta No.37A has been reclaimed & a large structure along with multiple structures exist on the reclaimed land. Assuming without admitting that the structure constructed by the Respondent is not in CRZ area the provisions of the wetland Rules would nevertheless get attracted because there ought to be a buffer for the wetland. He relied upon the Google imagery map of the offending structure & prayed that orders be passed to demolish the same belonging to the Respondent.

Ld. Adv. for the Respondent submitted that the alleged offending structure is located in CRZ –II area & as per the provisions of section 8 II of the CRZ Notification it has been clearly held that buildings shall be permitted. Only on the landward side of the existing road or on landward side of existing authorized structure. He thereafter pointed out to an inspection report of the Expert Member which is part & parcel of the 185th GCZMA meeting of the GCZMA held on 04/10/18 clearly makes a mention that the so called offending structure is more than 500 mts away from the bank of Rua de Ourem Creek & is much behind existing authorized structure. He stated that the entire structure of his is legal having the requisite permissions which structure is located in survey no.37 & that he has got nothing to do with property bearing survey No.37-A. Even if a buffer of 10 mts has to be kept from any water body, the Respondent stated the inspection report of the Expert Member itself suggests that the alleged offending structure is 15.6 mts away. Thereafter the Respondent submitted that vide letter dt.03/05/07, the Authority itself has cleared the project specifying that the same is in CRZ-II area & the purported building is located on the landward side of an existing authorized structure. He stated that he has not deviated in any manner the construction which possesses all of the requisite permissions & approvals. He thus prayed that the proceedings initiated as against him be withdrawn/dropped as there is no substance in the complaint filed by the complainant”.

in the 222nd GCZMA meeting held on 04/03/2020 it was decided as follows “The Authority after going through the records & upon have heard the parties was of the opinion that the inspection report dt.26/12/18 makes a mention in the observation more specifically at ‘3’ that one part of the building is on chalta No.37, while the other part extends into chalta No.37-A which is part of the water body. The DSLR has nevertheless ruled out any reclamation of land as per the conclusion in the said report of the Expert Committee but the observation made in the inspection report dt.26/12/18 seems to be part & parcel of the extension made of the so called authorized & approved construction. The

Authority thus decided that the DSLR be directed to do ground truthing more specifically in view of observation made at '3' of the inspection carried out on 26/12/18."

The ground truthing was carried by DSLR officials along with Expert Member GCZMA.

Proceeding: The Complainant Kashinath Shetye present in person. Adv Shivan present on behalf of the Respondent. Complainant Kashinath Shetye stated that he has received a report stating that this area does not fall in CRZ. He added that Rua de Orem creek falls in CRZ. He stated that the area is a water body, which has mangroves and is also wet land. The buffer zone had to be maintained. Complainant further stated that the CZMP plan that is forwarded to NCZMA shows that there are mangroves in that area. The Complainant referred to the order passed in Braganza matter by the NGT. The Ld. Adv for the Respondent states that in the year 2007 he approached the GCZMA seeking permission. The Authority examined the location and considering all the factors directed the Respondent to maintain 10 mts buffer zone. The Respondent sought permission from all the other departments and constructed by maintaining the buffer zone up to the area marked by this Authority. The Respondent stated that he has not constructed anything beyond the approval. That there is no construction towards the creek. Moreover the Complainant has not challenged the approval. The Respondent stated that he has not violated any CRZ Laws and prayed that the Complaint be dismissed.

Decision: The Authority after hearing the parties at length directed the Complainant to file written arguments in 4 days by serving a copy in advance to the other side and posted the matter for order which is to be communicated to the parties.

Case No. 1.4

To decide on Application NGT O.A No. 18/2020 (WZ); seeking direction to inquiry into the legality of the structures and to stay the commercial operation being carried out by the Respondent in survey no 242/13A and 243/4 comprising of a ground plus two structures and a swimming pool, situated at Saunta Vaddo, Calangute, Bardez Goa. (NGT matter).

Background:

Mrs. Nalini Da Rosa Fernandes had filed application before the National Green Tribunal bearing O.A No. 18/2020 (WZ); seeking direction to inquiry into the legality of the structures and to stay the commercial operation being carried out by the Respondent in survey no 242/13A and 243/4 comprising of a ground plus two structures and a swimming pool, situated at Saunta Vaddo, Calangute, Bardez Goa.

This matter was listed for hearing on the 24/08/2020 and the Hon'ble National Green Tribunal has passed the order thereby directing the Goa Coastal Zone Management Authority (GCZMA), to take action against structures constructed, without specific permission from GCZMA in No Development Zone (NDZ).

The Hon'ble Tribunal vide order dated 24/08/2020, interalia appointed a Committee comprising of (i) Goa Coastal Zone Management Authority, (ii) Goa Pollution Control Board and to direct to submit a factual and action taken report with regard to allegations made in the present application. The Hon'ble Tribunal had made the Goa Pollution Control Board the nodal agency for compliance". Accordingly a report was to be furnished to the Tribunal within six weeks.

The Committee as constituted by the Hon'ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area on the 14/10/2020. The Committee submitted a report with regard to the joint Site Inspection of Zinhos Guest House at Calangute Bardez Goa. The Reports were submitted on the giving details of the violations.

Site inspection report

Ms.NaliniFernades , complainant showed the Zinho's guest house. The structure is Ground +2 RCC structure. It has reception at the ground floor with swimming pool. It is used as guest house/ hotel.

2. Mr Agnelo Fernandes owner of the Zinho's hotel, confirmed the structure is used as guest house/hotel. However, refused to give any approval/ NOC from GCZMA and other authorities, claiming, all the documents are with his legal counsel

3, He was explained that the inspection was in respect of complain against his illegal construction of guest house in the No development Zone

4. The photograph attached by the complainant are of the Zinho's guest house, which clearly indicate RCC structure of Ground +2 floor.

5. As per GCZMA record, no CRZ permission is given to Zinho's guest house located in survey number 243/13 & 243/14 in Calangute village, BardezTakuka

Recommendations

1. Land Survey Department to demarcate the NDZ line of 100, 200 and 500 meters on survey plan. Along with the NDZ lines, the demarcate any old structure shown on plan as well as the existing building

2. This demarcation will establish the status of the Original Application No. 18/2017 (WZ) Aleixo Pereira V/s GCZMA &Ors.with reference to NDZ line as well as existence of old structure if any.

3. The complainant and respondent should be served site survey notice well in advance so that both the parties are present on the site during the survey

4, The decision of the structure in relation to NDZ and illegality can be arrived after the field survey plans are submitted by the land survey Department.

During 238th GCZMA meeting held on 26/11/2020. The Complainant present in person. Ld. Adv for the Respondent present and filed the Vakalatnama and prayed that the copy of inspection report be furnished to him so that he can file the detailed reply to the Show Cause Notice.

The Authority after perusing the site inspection report decided to direct the DSLR to carry the survey in respect of the structures in properties bearing survey No.243/13 and 243/14 of Village Calangute of Bardez Taluka and submit the report to this Authority on or before next date of hearing fixed on 21/01/2021 at 3.30pm. However, the meeting is postponed to 25/01/2021. The matter is posted on 21/01/2021 at 3.30pm. However, the meeting is postponed to 25/01/2021 as the Member Secretary had proceeded half day casual leave.

The Complainant present in person. Ld. adv for the Respondent present.

On request of parties the Authority decided to adjourned the matter on 18/02/2021 at 3.30pm. Issue fresh notices on the parties.

During 251st GCZMA meeting held on 25/02/2021. The Authority decided to refer the matter to DSLR to also demarcate the HTL, 200mt line and offending structures on the plan. On receipt of the report from the DSLR issue fresh notices for hearing in the matter. Now this office is in receipt of DSLR

During 268th GCZMA meeting held on 19/08/2021. Respondent was absent. The Authority granted time and fixed the matter for reply/arguments on 02/09/2021 at 3.30 pm.

During 217th GCZMA meeting held on 02/09/2021 Complainant present along with her advocate. Adv Shivan Desai appeared on behalf of the Respondent. The Complainant argued regarding the illegal construction of ground plus one structure of Zinhos (L) Beach Resort which is located at Calangute. The Complainant further highlighted regarding the Tribunal order i.e. 24/8/2020, in terms of the Tribunal order, site inspection was carried by the DSLR surveyors, on 14/10/2020 and accordingly show cause notice was issued to the Respondent. The Complainant further submitted that the Hon'ble NGT had constituted a Committee and directed the committee to submit a report. The Committee conducted a Site Inspection report and further directed the DSLR to do the mapping of the structure. That the Authority has clearly mentioned all the detailed violations in the Show Cause Notice. The Authority states that Zinho's L Resort has 15 rooms, Zinho's I resort has 10 rooms and Zinho's Beach Resort has 7 rooms. He further adds that all the amount to 32 rooms standing in one structure which is illegal, plus the Respondent have also constructed a swimming pool and a restaurant. It was noticed by the Authority that the said illegal construction falls under NDZ and therefore the show cause was issued to the Respondent. The complainant further submitted that survey was

conducted by DSLR and there is a plan of 14/08/2020 but it does not demarcate the HTL and NDZ line. Further, at the hearing on 25/2/2021, the Authority had decided to direct the DSLR to demarcate the 200mts line, however, the DSLR on 26/3/2021 submitted the plan and it is apparent that there is a dotted area shown on the plan which was the actual small structure existing on site prior to 1991. Further, it was submitted that the swimming pool was an illegal construction after 1991.

The Complainant states that the swimming pool falls in survey no 243/4 and the structure falls in 243/13A. He stated that the dotted structure was demolished and a total new structure is erected without and prior permissions from the GCZMA or any other statutory Authority.

AdvShivanDessai for the Respondent stated and submitted that the said structure is existence prior to 1991 and he relied upon the reply filed by him in the matter. The respondent further submitted that he relied on 2 exhibits Exhibits B dated 27/07/1987 is a letter of 10/08/92 issued by the Village Panchayat stating that they have no objection to Village Panchayat to run a guest house. Adv for respondent stated that the panchayat has taken a resolution in their meeting and hence permission was granted. Adv relied on the repair licence dated 31/3/1990 issued by the Village Panchayat of Calangute. The repair licence talks about the various floors and the structure that existed prior to 1991. He also relied on the registration of hotel from Tourism Department dated 11/03/93 granting him permission to run the hotel. The Respondent further stated that he has the letter dated 27/7/1987; made to the Mamlatdar for registration as a Mundkar. The Respondent clarifies that the dotted line structure shown on the survey plan is a structure which existed in 1971. Subsequently the permission given by various Departments are not challenged and that the structures are existing prior to 1991. The Respondent states that with regards to the Swimming pool and the Restaurant the Respondent leaves it to the Hon'ble Court.

The Adv for Complainant adds that the letter produced by the Village Panchayat does not mention the survey nos. The Adv for Complainant stated that the records of the Panchayat are tampered with. The Adv for Complainant requests that the records of the Village Panchayat may be summoned and the resolutions may also be called for.

The Authority heard the parties and decided to write to the Secretary and Sarpanch of Village Panchayat of Calangute and TCP to submit the records and the resolution taken by the Panchayat in granting permission and also TCP Department by which approval is granted. The matter will be heard on receipt of records from the respective Departments.

Now this office is in receipt of reply from Village Panchayat Calangute dated 30/11/2021.

The Matter was posted for hearing in its 280th GCZMA Meeting held on 16/12/2021. The proceedings at the hearing is Adv Sangram Singh Bhosle present for the Complainant and filed compilation of the written synopsis, Adv Shivan Dessai appeared on behalf of the Respondent. The Complainant stated that he had filed an O.A 18/2020 before the Hon'ble NGT regarding the Illegal construction carried out by the Respondent. The NGT has vide order dated 24/08/2020 had directed the Authority to constitute a committee and carry out an inspection and submit the factual and action taken report with regards to allegations made in the present case. The Adv for the Complainant submitted the facts of the case, The Complainant stated that the Respondent had carried out illegal construction of ground plus two structure with 32 rooms, illegal construction of Zinho's Beach Resort, illegal structure of Zinhos (L) Beach Resort, Zinho's (I) Beach Resort, swimming pool and restaurant. The Complainant further stated that the GCZMA team has inspected the site and that the Authority has clearly mentioned all the detailed violations in the Show Cause Notice. The Authority states that Zinho's L Resort has 15 rooms, Zinho's (I) resort has 10 rooms and Zinho's Beach Resort has 7 rooms. He further adds that the entire 32 rooms standing in one structure which is illegal, plus the Respondent have also constructed a swimming pool and a restaurant. It was noticed by the Authority that the said illegal construction falls under NDZ and therefore the show cause was issued to the Respondent. The Authority directed the DSLR to plot the illegal structures on the survey plan which exercise was carried out by the DSLR. Subsequently, as recorded in the 251st GCZMA Meeting the Authority decided to direct the DSLR to demarcate the 200mts line and the offending structures on the plan. The Complainant pointed out that on the Site Inspection report as per Observstion of the GCZMA at Point 5 it was stated that the Authority has not issued any permission to Zinho's Guest House. The Complainant states that at the hearing and as recorded in the 271st GCZMA Meeting it is recorded that the Respondent admits that the restaurant and the swimming pool is an illegal construction after 1991 and that he leaves it up to the Authority.

The DSLR on 26/3/2021 submitted the plan and it is apparent that there is a dotted area shown on the plan which was the actual small structure existing on site prior to 1991. The Complainant states that the entire construction is beyond the dotted line and without permission has to go. On the Draft CZMP it shows the dotted line structure. The Complainant made reference to the directions in High Court in W.P. 422 of 1998 with W.P. 99 of 1999. The RSI map prepared in 2006 has also shown the dotted line structure in the property bearing Sy.No. 243/13. The Complainant further adds that the Respondent has not obtained a TCP permission which is one of the requirement as per section 44 read with rules of the said Act.

Ld. Adv for the Respondent submitted that the said structure is existence prior to 1991 and he relied upon the reply filed by him in the matter. The Respondent further submitted that he relied on 2 documents at Exhibits B dated 27/07/1987 is a letter of 10/08/92 issued by the Village Panchayat stating that they have no objection to run a guest house. Adv for Respondent stated that the panchayat has taken a resolution in their meeting and hence permission was granted. The Adv stated that the structure is existing since 1971 and that he has relied on the permission granted by the local body. Adv for Respondent states that there was a structure existing on site with floors for which permission was granted by the Village Panchayat of Calangute and it is evident from the perusal of the permission. Adv relied on the repair licence dated 31/3/1990 issued by the Village Panchayat of Calangute. The repair licence talks about the various floors and the structure that existed prior to 1991. He also relied on the registration of hotel from Tourism Department dated 11/03/93 granting him permission to run the hotel. The Adv for Respondent further stated that the Respondent was a mundkar of that area and that he had filed an application dated 27/7/1987 made to the Mamlatdar for registration as a Mundkar. The Adv for Respondent states that there is no document on record to counter that the structure was after 1991. The Panchayat had given permission on 31/3/1990 by the Village Panchayat and it also mentions additional floors and the same is used as a Guest House for Commercial purpose. Ld. Adv for the Respondent states as regards to Swimming pool and Restaurant he leaves it to the Authority for action.

The Authority in its 280th GCZMA meeting heard both the parties and directed both the parties to file written submissions in detail and serve the copy on both side in advance and posted the matter on 06.01.2022 at 3p.m for final arguments.

Proceeding: Complainant present in person, Adv Shivan Dessai present for the Respondent. The Adv for the Respondent undertakes to file written submissions in the course of the week with advance copy to the Complainant.

Decision: The Authority considered the request of the Respondent and granted an opportunity. The matter stands posted on 20/01/2022 at 300p.m.

Case No. 1.5

To decide on a complaint letter from Ciril D'Souza and ors subsequently a Complaint was received from Calangute Constituency Forum through its President and Gen Secretary with regards to illegality carried out by M/s Ashwin Holdings Pvt Ltd.

Background: the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 16/11/2021 and inwards on 18/11/2021 from Ciril D'Souza and ors subsequently a Complaint was received from Calangute Constituency Forum through its President and Gen Secretary and was inwards in the office of on the 08/12/2021, with respect to Illegally cutting the beach vegetation and destroying Biodiversity and environment on the beach and illegally fencing the property; in the property bearing survey no 208/1-C, at Khobra Vaddo, Calangute, within 100 mts from HTL carried out by M/s Ashwin Holdings Pvt Ltd ; within the NDZ.

The Authority issued a Show Cause Notice with a direction to file reply and remain present for personal hearing today.

The matter was taken up in its 280th GCZMA Meeting and the proceeding is that Adv H.D.Naik present on behalf of Calangute Constituency Forum. The Complainant present in person. Adv Shivan present on behalf of M/s Ashwin Holdings Pvt Ltd and filed reply. The Member Secretary brought to the notice of the Authority that Hon'ble High Court of Bombay at Goa bench had taken Suo Moto cognisance of the News article reported in the Newspaper and hence the matter needs to be disposed at the earliest.

The Authority decided to post the matter for hearing on the 06/01/2022 at 3.00p.m., with a direction to the Complainant to file rejoinder if any with advance copy to the Respondent and posted the matter for final arguments.

Proceeding: Adv H.D.Naik present on behalf of Calangute Constituency Forum, Adv J. Supekar present on behalf of the Respondent. Both the Advocates submitted that they have not received the copy inspection report carried out by GCZMA and requested for the same. The copy of the site inspection report carried out by GCZMA is furnished to both the parties. Further both the Advocates submitted that they wish to file reply on the same. The Respondent states that he owns the property having a total area of 30,000 sqmts of which some area falls in 0-200 mts and the other falls between 200-500 mts. The Respondent has sold a portion of the property to the mundkars and has retained an area of 27,000 sqmts for himself. The Adv for the Respondent states that he has not destroyed the sand dunes, cut any mangroves and if proved he undertakes to restore the same by himself.

Decision: The Authority after hearing both the parties granted an opportunity to both the Advocates to file reply on the site inspection report and posted the matter on 13.1.2022 at 3.p.m for arguments.

Case 1.6**To decide on the complaint from Adv Joao Abreu on behalf of his client Mrs MohinderKaurPaintal, with regards to the illegalities against Mr Austin Francis Lima, Alfred Lima**

Background: the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a complaint letter dated 27/08/2020 and inwarded in the office of the GCZMA on the 08/09/2020; from Adv Joao Abreu Lobo, r/o A/FF-3 &4, Awing, 4th floor, Campal Trade Centre, Panaji Goa 403001 stating that his client Mrs MohinderKaurPaintal, resident of H.No. 199/2/B1-B2, Fernandes Vaddo, Siolim, Bardez Goa 403517 has complained with regards to CRZ violations by Mr Austin Francis Lima, Alfred Lima both resident of House No. 248, Marna Siolim Bardez Goa located in survey no 62/1-A-1, Siolim Village with regards to the illegal construction of a structure comprising of ground plus 1st floor, illegal land filling in the southern side of the property by encroaching into the Siolim river, illegally dumping of mud, within 500 mts from HTL.

The Authority conducted a Site Inspection and plotted on the plan the illegalities. The Authority issued a Show Cause Notice with a direction to file reply and remain present for personal hearing today.

The matter was taken up in its 280th GCZMA Meeting and the proceeding is that Ld. Adv for the Complainant present, AdvSonaliraikar present for the Respondent and sought time to file reply. Both parties are directed to collect the inspection report copy from the Court File. The Respondent to file reply with advance copy to the Complainant.

The Authority decided to hear the parties and granted time to the Respondent and posted the matter on 06.01.2022 at 3.00.pm..

Proceeding:Ld. AdvAbreu for the Complainant present, Respondent absent. The report received by this Authority from DSLR does not show the river and in absence of the same the matter cannot be proceeded further.

Decision:The Authority decided to ask the DSLR to inspect site and show the river on the plan along with width of the river and posted the matter on 27/01/22 at 3.pm

Case No. 1.7**To decide on the complaint filed by Sanjay Sarmalkar and 7 others vide letter dated 11/09/2017 against Mr.SergioDomnick Fernandes for carrying out illegal**

construction of structure in Chalta no 23, 27, 28,21 of PT Sheet no.15 of Ribandar, Panaji with permission from GCZMA, CCP and NGPDA.

Background: This office is in receipt of the complaint from SanjaySarmalkar and 7 others vide letter dated 11/09/2017 against Mr.SergioDomnick Fernandes for carrying out illegal construction of structure in Chalta no 23, 27, 28,21 of PT Sheet no.15 of Ribandar, Panaji with permission from GCZMA, CCP and NGPDA.

Further, this office had forwarded the matter to District level Committee (North) for submission of inquiry and report. The Inquiry report was forwarded vide letter dated 19/11/2021 by the Additional Collector-I, North Goa. Upon close perusal of the said complaint dated 11/09/2017 and inquiry report respectively the following alleged illegal construction resulting violation of CRZ Notification 2011 is noticed:

Further to note that all proposed 're-construction / construction / development / repair', and other permissible activities between 100 mts. from the River, and 500 mts of the Sea require the prior approval of the GCZMA under the CRZ Notification, 2011 and the alleged construction/ activity appears to be without any prior approval of GCZMA as required under CRZ Notification, 2011.

Further ,in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, The Authority has issued a Show cause notice to the Respondent vide dated 13.12.2021.

The matter was taken up in its 280th GCZMA Meeting and the proceeding is thatNone present for the Complainant. AdvV.Amonkar present for the Respondent and submitted that Mr Jimmy ahs expired and his legal heir had to be brought on record. The Adv for Respondent stated that he is filing Vakaltnama on behalf of Legal Heirs and sought time to file reply.

The Authority decided to considered the Request of the Respondent and directed him to give the details of the heirs and submit the reply to the Show Cause Notice on or before the next date of hearing and posted the matter on 23.12.2022 at 3.00p.m.

Proceeding:Complainant absent, Ld. AdvV.Amonkar present for the LR's of the Respondent late Jimmy Braganza and submitted that as per the report of the Mamlatdar of Tiswadi the encroachment is shown in chalta No 15 of PT sheet No 21 of City Panaji and further submitted that he is nowhere connected to the said property and the property bearing P.T sheet No 15 and chalta No. 21 of city Panaji belongs to him and prayed that he may be dropped from the proceedings.

Decision: Since the Complainant was absent, the Authority decided to issue fresh personal hearing notice and posted the matter on 13/01/2022 at 3.p.m.

Case No. 1.8

To decide on a complaint from Mr. Rui Manuel and Members of Reis Magos Panchayat Development Committee with regards to constructions carried out in Sy. No. 76/1 of Village Reis Magos, situated within NDZ of River Mandovi, by Mr. Verner Velho and Rachita Velho, r/o, H.No. S-183/2, Near Dessai Saw Mills, Verem, Reis Magos Bardez, Goa. (High Court matter)

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint from one Mr. Rui Manuel and now subsequently a complaint from Members of Reis Magos Panchayat Development Committee with regards to constructions carried out in Sy. No. 76/1 of Village Reis Magos, situated within NDZ of River Mandovi, by Mr. Verner Velho and Rachita Velho, r/o, H.No. S-183/2, Near Dessai Saw Mills, Verem, Reis Magos Bardez, Goa. The GCZMA issued a Show Cause Notice bearing No. GCZMA/BAR/R.M/11-12/35/964, dated 18/11/2011; the Respondent did file his reply dated 12/12/2011 to the Show Cause Notice dated 18/11/2011. Based on the complaint filed by Members of Reis Magos Panchayat Development Committee the site was inspected and the DSLR has also mapped the illegal structures.

The said matter was deliberated during 225th GCZMA meeting held on 04/06/2020 wherein the Authority after perusing the records saw that similar proceedings were initiated at the behest of one person by the name of Rui Pinto who has subsequently made submissions before the Captain of Ports as well as to the Panchayat saying that he hasn't filed any complaint as against the Respondent. No such withdrawal has been made before us & even if such withdrawal had been made to us, than too the Authority cannot accept such a thing as violation if any has to be intricately looked into so as to take the final call as to whether it is a violation in terms of the CRZ norms. Apart from this, although the Dy. Collector of Bardez had given its findings, no decision has been finally taken by the Authority & because a similar type of complaint has been filed by Reis Magos Panchayat Development Committee the proceedings are clubbed together so as to arrive at a common decision. The Expert Member too has to give his report who submitted that he will give the same on 10/06/2020. Both the parties i.e. Complainants & Respondent to obtain copy of the report from the office of GCZMA on 11/06/2020. The Respondent to

file reply by 15/06/2020 & arguments on merits to be heard by the Authority on 03/07/2020 @ 10.30 am.

The matter was placed for hearing in 227th GCZMA meeting held on 17/09/2020 wherein the Complainant submitted that the structure of the Respondent is not shown on the survey plan. Likewise the compound wall which has been constructed by the Respondent is in road widening area. Apart from the illegal construction the Complainant also alleged that the Respondent has encroached in the riverine land of Mandovi river.

The Respondent on the contrary stated that there is no swimming pool at all in the property which is evident from the inspection report of the Expert Member. He submitted that much prior to the CRZ Notification 1991 coming into force one of the structure was already existing in the property & much prior to the constitution of the GCZMA the GSCCE had already approved another structure within the same property against which there were no observations of the Expert Member about any extensions carried out beyond the plinth area. If in case there has been deviations in relation to the approved plans then the appropriate Authority to deal & decide upon the same would be the Town & Country Planning Department & not this Authority is what the Respondent stated. He further stated that the Complainant has not raised any objection on the inspection report & hence prayed for quashing aside the show cause notice & the complaint filed by the Complainants.

The Authority directed to carryout inspection of possible riverine encroachment by conducting an inspection by officials of the WRD, Expert Member & officials of the DSLR and submit the report at the earliest.

The Authority during 249th GCZMA meeting held on 18/02/2021 decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the meeting was cancelled and posted to 1/04/2021. Fresh hearing notices were issued to the parties. Now the fresh hearing notices were issued to both the parties.

During 271st meeting held on 21/09/2021 The Authority after hearing both the parties granted time to the Adv for the Respondent to file his additional reply and directed the Respondent to serve the copy of the reply in advance and posted the matter on 23/9/2021 at 3.30 pm.

During 272nd GCZMA meeting held on 23/09/2021. The Authority after hearing both the parties decided to grant time to Respondent and the matter is posted on 07/10/2021 at 3.30 pm. During 273rd GCZMA meeting held on 07/10.2021. Advocate for respondent sought time and accordingly the matter is posted on 14/10/2021 at 3.30 pm. The Authority during 275th GCZMA meeting held on 16/10/2021 after considering the request

by Complainant decided to post the matter on 21/10/2021 at 2.30 pm for arguments. During 276th GCZMA meeting held on 21/10/2021 Adv. HD Naik present on behalf of Complainant. Advocate for Respondent present and sought time.

The Authority after hearing both parties posted matter on 28/10/2021 at 2.30 pm at the hearing the parties were heard and matter was posted for order. However, as a New Chairman is appointed for the GCZMA the matter is re-heard.

The matter was taken up in its 281st GCZMA Meeting and the matter was adjourned and posted for hearing on 06/01/2022.

Proceeding: Complainant present . Ld. Adv for the Respondent telephonically informed his inability to appear for personal hearing.

Decision: Due to paucity of time matter stands adjourned and posted on 20 /01/2022 at 3pm.

Case 1.9

To decide on Complaint letter dated 04/12/2019 from Mr.Prem Pun with regard to use of Khazan land for development/commercial activity in survey no.23/1, village Nerul, Bardez, Goa by Mrs.Pratibha L Kudchadkar. (NGT matter)

Background: The office of GCZMA was in receipt of a complaint letter dated 04/12/2019 from Mr.Prem Pun with regard to use of Khazan land for development/commercial activity in survey no.23/1, village Nerul, Bardez, Goa by Mrs.Pratibha L Kudchadkar. The said complaint was forwarded to District level Committee North Goa vide letter dated 24/02/2020 for inquiry and report.

An Original Application bearing no.86/2020 was file before the Hon'ble National Green Tribunal interalia being aggrieved by violation CRZ Regulation by raising construction at Survey No. 23/1 of Village Nerul, Goa, admeasuring 35125 sq. mts. As per applicant Respondent violator is operating a night club and bar by the name of LPK (Love Passion Karma).The applicant obtained information under the RTI Act, 2005 and filed a complaint before the Authorities. The property in question falls under the category of 'salt pan'. The applicant has relied upon photographs to submit that the activities in question are carried out in violation of environmental norms in 'no-development zone'.

vide order dated 31/05/2021 in Original Application bearing no.86/2020 the Hon'ble Hon'ble National Green Tribunal has interalia directed as follows:-*"2. We are of the view that the grievance of the applicant can be first looked into by Goa Coastal Zone Management Authority (GCZMA). We order accordingly"*.

The Authority during 274th GCZMA meeting held on 07/10/2021 noted that the Respondent is absent and decided to issue fresh notice and posted the matter on 21/10/2021 at 3.30 pm.

Advocate for the Complainant present and filed written application. None appeared for Respondent.

The Authority taken on record the written application filed by Complainant and decided to issue fresh notice to both the parties and posted the matter to 11/11/2021 at 2.30pm. Further the matter is adjourned to 18/11/2021 at 2.30 pm.

At the 278th Meeting the Authority directed the Complainant to prove the maintainability of the Complaint vis-a-viz the CRZ notification and posted the matter on 09th December 2021 at 2.30 p.m.

The matters could not be taken up as the Chairman was relieved from the charge.

The matter was taken up in its 281stGCZMA Meeting the Authority directed the Complainant to prove the maintainability of the present proceeding and posted the matter on 06/01/2022 at 3.30pm

Proceeding: Advocate for the Complainant present and filed application. None appeared for Respondent.

Decision: The Authority decided to issue fresh notice on the Respondent and posted the matter on 27 /01/2022 at 3pm for appearance.

Case 1.10

To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos. (High Court matter)

Background:

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, dated 20/08/2019; regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez, at Mapusa; directing them to inspect the site

immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village, Bardez, Taluka.

The Authority was also in receipt of a legal notice from AdvH.D.Naik filed on behalf of the earlier complainants Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr.MahabaleshwarMayekar alleging that there is illegal construction carried out in Sy.No. 87/1-C and 87/1(part) of Village Reis Magos Village.

The Authority had issued a Site Inspection Notice on the 10/06/2020 bearing reference no. GCZMA/N/ILLE-COMPL/19-20/73/174 dated 16/06/2020; in order to verify the illegalities as claimed by the complainants.

The Authority was in receipt of a letter from M/s Reis Europa Developers, stating that they were in receipt of the Site Inspection Notice. They requested for some time on the ground that the owners are stuck in Delhi due to Covid-19. Hence the inspection could not be carried out.

The Authority was in receipt of the Plan showing the structures surveyed as per the Notice of Inspection issued by the office of the Mamlatdar and Member secretary of Taluka Level Committee Mapusa Goa; which clearly shows the illegal structures (A,B,C,D,E,F,G) and the retaining wall carried out in survey No. 87/1-C. The Authority has issued a Show Cause Notice to which the alleged violator filed their reply.

The Authority during 231st GCZMA meeting held on 15/10/2020 brought to the notice of the Respondent about the clarifications given by the office of the DSLR regarding the base survey record filed by the Respondent and what is available with the Department (DSLR). The Respondent sought time to argue the matter on merits and to bring out facts. The matter is now fixed on 29/10/2020 at 3.30p.m.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. The Complainants have filed a rejoinder to the Reply dated 21/08/2020 as submitted by the Respondent; whereby they have reiterated that a fabricated and manipulated plan of the DSLR has been produced by the respondents by shifting the HTL of 100 mts and that therefore the construction is illegal. On the contrary, the DSLR has carried out an inspection and has prepared a plan clearly highlighting the HTL whereby the offending structures belonged to the Respondents which are numbered as A,B,C,D,E,F,G, are located within 100 mts of the NDZ. Since, all of the offending structures have been erected within the NDZ the Complainants prayed for passing appropriate decision for demolition of the offending structures. AdvShivamDessai appearing for the respondent stated that the respondent more particularly Kajaria Infrastructure Pvt Ltd., was not in the know - how as to how the permissions and licenses were obtained by their predecessor in title but after verifying the documents along with all the licenses which were granted by the statutory authorities had purchased the property and thereafter commenced

construction in the said land. The aspect of fabrication and manufacturing of a document more precisely the DSLR Plan was in the nature of a shocker for them for which purpose they were trying to get into the bottom of the said document. He stated that after having constructed the structures they have also been issued with the final occupancy for the said structures. Since the Complainants have alleged that the DSLR Plan, mapping the 100 mts line is fabricated they sought time to properly study the matter and thereafter get back to the Authority to file the comprehensive reply.

The Authority after hearing both the parties decided to grant sufficient time to the Respondent to place on record the reply in defence along with supporting documents and fixed a hearing on 19/11/2020 at 3.30 pm

During 237th GCZMA Meeting held on 19/11/2020 Adv. Naik appeared along with complainants. Adv. J Godinho appeared for TahirIsani. Adv. ShivanDessai along with Representative from Reis Magos Developers was also present. Adv. J Godinho sought copy of complaint and other relevant documents pertaining to said matter and also undertaken to file the Vakalatnama in the next date of hearing.

The authority directed the respondent to collect all the necessary documents pertaining to said matter from office of GCZMA. Also Authority decided to conduct detailed survey of the said property in consultation with DSLR and decided to call both the parties for personal hearing on 10/12/2020 at 3.30 pm. Hearing notices were waived off at the time of hearing.

During 239th GCZMA meeting on 10/12/2020 Ld. AdvHanumantNaik for the Complainants, LdAdvShivan Desai for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. TahirIsani Present and filed the vakalatnama. Adv. Godinho prayed for time to file reply. The authority granted the time and matter is posted on 17/12/2020.

During 240th GCZMA meeting held on 17/12/2020 Adv. ShivanDessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants. The Authority decided to call the parties for hearing on 07/01/2021 at 3.30pm.

Adv. ShivanDessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. TahirIsani Present. Complainant AdvinoFernades was present in person and filed the rejoinder and copies given to both advocates. The complainant sought time as his adv is not able to come for today's hearing.

The Authority after hearing both the parties at length decided to seek report from Directorate of Panchayat, Village Panchayat Reis Magos and TCP, Mapusa and ISLR Mapusa, Goa to submit superimposed survey and demarcation plan. Further, the Authority decided to keep the matter for final hearing on 28/01/2021 at 3.30pm.

None remained present for the Complainant. LdAdv for the Respondents present. Ld. Adv. Shivan Desai had moved an application through the entry praying for two weeks time on account of him being affected with Covid 19.

The Authority considered the request and adjourned the matter on 18/02/2021 at 3.30pm. During 250th GCZMA meeting held on 23/02/2021 Adv. ShivanDessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. TahirIsani Present. Adv H D Naik Present on behalf of Complainant. AdvGodhino stated that he is unaware of the survey done by DSLR and requested that the DSLR may be asked to draw demarcation of HTL in the presence of the party. Adv H D Naik submitted that the demarcation of HTL is already done and Respondent should be directed to produce original plan before this authority.

The Authority decided to send reminder to Village Panchayat Reis Magos and Town & Country planning Department for report and further posted the matter on 11/03/2021 from 3.30 pm. The Authority postponed the said matter to 25/03/2021.

Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021. However the advocate for Reis Europa did not appear for the said haring.

Authority decided to issue fresh notice to the parties.

During the 260th GCZMA Meeting the Authority after hearing the parties directed advocate of TahirIsani to file rejoinder in reply and serve copies to both the parties via email and the matter is posted for arguments on 17/06/2021 at 3.30 pm.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time and posted the matter on 24/06/2021 at 3.30 pm. During 262nd meeting held on 24/06/2021. The advocate HD nailk who appeared for complainant sought one week time for arguments. The authority after detailed discussion decided to grant one week time and matter is posted on 01/07/2021 at 3.30 pm.

On 01/07/2021 AdvShivanDessai appeared through VC. He requested for time and stated that he sent an email seeking adjournment on ground of personal difficulty.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and posted this matter on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021. Adv. ShivanDessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. TahirIsani Present. Adv H D Naik Present on behalf of Complainant. The Authority decided to adjourned the matter on 15/07/2021 at 3.30 pm.

During 265th meeting held on 15/07/2021. The Authority after hearing the parties posted the matter on 29/07/2021 at 3.30 pm. However the meeting could not happen on 29/07/2021. Fresh hearing notices were issued to the parties.

During 272nd meeting held on 23/09/2021. The matter is adjourned and posted on 07/10/2021 at 3.30 pm. During 273rd GCZMA meeting held on 07/10/2021. Advocate for respondent sought time and accordingly the matter is posted on 14/10/2021 at 3.30 pm.

The matter placed in 275th GCZMA Meeting the Authority held that The Authority after hearing all the parties at length and considering the documents and plans on record decided to keep the matter for Orders. Meanwhile all the parties are directed to share replies among themselves and to the Authority within one week positively being a time bound matter.

However since a new Chairman is appointed the matter is posted for final hearing

The matter was taken up in its 281st GCZMA Meeting the Authority heard the parties and directed the Respondent to file written application for time as the present matter needs to be disposed by 20/12/2021 as per the directives of the hon'ble High Court and the period is already lapsed. Advocate for both agreed for the same and posted the matter on 06.01.22 at 3 pm for final arguments.

Proceeding: Adv. Shivan Dessai appeared on behalf of Respondent for M/s Reis Euopa Developers and Adv M. Jalmi for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant.

Decision: Due to paucity of time matter stands adjourned and posted on 20 /01/2022 at 3pm for arguments.

Case 1.11

To decide on complaint Mr. Hanumant Mauzo and Mrs. Laxmi H Mauzo regarding Illegal construction of a structure by digging pits for foundation in the property bearing survey no 172/9 of Calangute Village Bardez Goa carried out by Mr. Bento J. S. Dias

Background: The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 20/01/2021 from Mr. Hanumant Mauzo and Mrs. Laxmi H Mauzo and Mr. Janardan Pai Anglo resident of Navelim Margao Goa, and was inwards in the office of on the 20/01/2021, with respect to Illegal construction of a structure by digging pits for foundation in the property bearing survey no 172/9 of Calangute Village Bardez Goa carried out by Mr. Bento J. S. Dias and Santan M Dias, both resident of Madda Vaddo, Calangute, Bardez Goa within 200 mts from HTL.

Accordingly show cause notice cum personal hearing notice has been issued to the alleged violator.

LdAdv for the Complainant present and so also Ld. Adv for the Respondent present. LdAdv for the Respondent filed the reply.

The Authority after hearing the matter decided to adjourn the matter for filing of Rejoinder of the Complainant if any and furnish the advance copy of rejoinder in reply to the Complainant. The matter is posted on 25/02/2021 at 3.30pm. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021 LdAdv for the Complainant present and so also Ld. Adv for the Respondent present. Advocate for respondent filed reply. The complainant produced the copies of documents. LdAdv for the Complainant wants to file Rejoinder in reply. The Authority after hearing both the adjourned the matter on 25/03/2021 at 3.30 pm.

The matter was taken up in its 281st GCZMA Meeting and due to paucity of time the matter was adjourned to 06/01/22 at 3.00p.m.

Proceeding: Complainant absent, Respondent present.

Decision: Fresh Notice to be issued to parties. Due to paucity of time matter stands adjourned and posted on 27/01/2022 at 3pm.

Case1.12

To decide on the complainant filed by Mr.SuvarnBandekar against the heirs of Mr.Armando Cardozo i.e a) Leticia Cardozo,b) Jovek Cardozo c)Maria Sunifer Cardozo d)Maria Sweta Cardozo e)Audrey Cardozo Fernandes f)James Sebastiao Fernandes for all the structures(except one structure) identified in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

Background: The original complainant Mr.SuvarnBandekar had filed an application bearing no.23/2013 (renumbered to 480/2018) before the Hon'ble Green Tribunal, Pune interalia seeking restitution of damaged sand dunes and removal of structures belonging to the violator in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

The office of GCZMA after holding inquiry in the matter had issued a demolition order dated 05/12/2014 to heirs of Mr.Armando Cardozo i.e a) Leticia Cardozo,b) Jovek Cardozo c)Maria Sunifer Cardozo d)Maria Sweta Cardozo e)Audrey Cardozo Fernandes f)James Sebastiao Fernandes for all the structures(except one structure) identified in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

The said demolition order dated 05/12/2014 was challenged by the respondent in appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appeal no.43/2014) before the Hon'ble National Green Tribunal.

Vide order dated 19/03/2016 both the appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appeal no.43/2014) and application bearing no.23/2013 (renumbered to 480/2018) were tagged together heard before the Hon'ble NGT, Pune. The said the application and appeals were detached vide order dated 16/11/2018 by the Hon'ble NGT, New Delhi.

The Hon'ble NGT, New Delhi vide order dated 13/12/2018 in Application no.23/2013 decided as follows “ *after making submission for some time, the learned counsel for the applicant submits that he may be permitted to withdraw this original application with liberty to seek redress before the appropriate forum.*”

Consequently, the original application (480/2018) is dismissed as withdrawn”.

Vide representation dated 14/01/2019 the original complainant is inter alia seeking recovery of the cost of removal of illegal (new) road from the heirs of Armando Cardozo, directions towards execution of order dated 24/05/2012 regarding restoration of land in property bearing survey No.16/4A of Sernabatim Village, Salcete Taluka and recovery of cost of restoration of land from the heirs of Armando Cardozo.

The Hon'ble National Green Tribunal has vide order dated 20/12/2018 in said appeals inter alia directed as follows : “*In these circumstances and the contentions raised by the learned counsel for the parties we are of the considered opinion that it would be appropriate and is a fit case which be remanded to the GCZMA for considering it afresh, after taking into consideration the material on record and considering the contentions of these parties.*”

Consequently, we allow the appeals and set aside the order dated 5th December, 2014 and remind the case to Goa Coastal Zone Management Authority to reconsider the same and pass a reasoned order, after hearing both the parties and material on record”.

The matter was heard in various meetings viz are as follows:- 202ndGCZMA meeting held on 29/05/2019, 204th GCZMA meeting held on 11/06/2019, 219th GCZMA meeting held on 29/01/2020, 220th GCZMA meeting held on 05/02/2020, 222th GCZMA meeting held on 04/03/2020, 223th GCZMA meeting held on 18/03/2020, 230th GCZMA meeting held on 09/10/2020, 233rd GCZMA meeting held on 29/10/2020, 233rd GCZMA meeting held on 29/10/2020, 238th GCZMA meeting held on 26/11/2020, 243rd GCZMA meeting held on 14/01/2021 respectively.

The matter was last heard in the 246th GCZMA meeting held on 04/02/2021. The proceedings in the said matter can be seen as follows:-*Adv N Vaze and Adv S Henriques appeared on behalf of complainant. Adv Parag Rao appeared for respondents. Ldadv for complainant pointed out to order dated 24/08/2011 passed by GCZMA with a clear*

direction to remove the illegal road. Further pointed out that a Writ Petition bearing no. 606/2011.

Against the said order which was disposed by the Hon'ble High Court of Bombay at Goa with a direction contained in Para 9 of the judgment. The complainant further submitted that pursuant to the said judgement and a site inspection was carried out and illegal road was demolished.

At this juncture Ldadv for Respondent argued that the issue of the said illegal road is being unnecessarily re-opened by the complainant. The Respondents pointed out that complainant themselves had complaint in the year 2010 that the said illegal road was actually done by the local Village Panchayat. Respondent further submitted that the order dated 24/08/2011 was only to remove the said illegal road and directions to restore were issued to the concerned Collector. The respondent further submitted that the present proceedings are unwarranted.

Respondent submitted that the complainant herein had unconditionally withdrawn his application bearing no. 23/2013 before the Hon'ble NGT, Pune and no specific liberty was granted. As no liberty was granted by Hon'ble NGT, Pune the complainant cannot be allowed to do forum hunting. The respondent pointed out to the pleadings/prayers in the application bearing no. 23/2013 filed by the complainant before the Hon'ble NGT, Pune and the representation made before this Authority. The Respondent submitted that if such liberty is granted to the complainant the issue of review of order will arise. The Respondent further pointed out that this authority does not have power to review its order on merits. Respondent pointed out that authority is on oath before the Hon'ble High Court of Bombay at Goa that review of order is only possible in case of procedural lapses attributable to the authority. The Respondent further pointed out that Hon'ble High Court of Bombay at Goa has infact taken a view that the Authority does not have any power to review its own order.

Complainant rejoined stating that the present proceedings is not a review of the earlier order passed by the GCZMA. The application is only for execution of restitution of sand dunes pursuant to the order of GCZMA. The complainant submitted that the liberty was granted only to effectively to decide the aspect of restitution of sand dunes. Further pointed out to report prepared by then expert members Shri. RaghunathDhume and Dr. Antonio Mascaranhas which clearly indicates existing of sand dunes and the said report was filed on record before Hon'ble NGT, Pune in the application bearing no.23/2013.”

The matter was placed for hearing in the **246thGCZMA meeting held on 04/02/2021**. In the said meeting it was decided as follows:-“The Authority after hearing both the parties and taking into consideration the written and oral submissions made by

both the parties decided to keep the matter for order on the point of penalty. As regards to illegal construction the same will be taken up for hearing separately.”

The matter was placed in the **264th GCZMA meeting held on 06/07/2021**. The Authority granted time on the request made by AdvParag. Matter was posted for deciding the question of penalty to be imposed on Respondent and further for arguments on 22/07/2021 at 3.30 p. m on the illegal structures constructed by the Respondent. Further during 266th meeting held on 22/07/2021 due to paucity of time the matter is posted to 26/07/2021.

The matter was placed in the **267th GCZMA meeting held on 26/07/2021**. In the said meeting AdvParagRaoremaind present on behalf of Respondents and Adv R. Gracias remained present on behalf of Respondents 5 to 7. Complainant present through Adv S Henriques. Adv. Henriques stated that the matter was posted for deciding on the penalty to be imposed for the destruction caused to the Environment by construction the road. AdvHenriques stated that the report of the Goa State Biodiversity Board (GSBB) stated that the cost was amounting to Rs. 5,00,000/- hence accordingly the Authority may decide. AdvParagRao objected to the penalty to be imposed. He further stated that as per the report there are no factual finding that the road was constructed by the Respondent. He further stated that penalty would not arise as it was accepted by the Authority that the dunes are being restored naturally so there is no cost of restoration as the nature has taken its course. AdvRao stated that additional reply has been filed and the Judgment has been taken on record and the same may be relied when deciding the penalty. The Authority heard the parties at length and posted the matter for orders on penalty.

An M.A no.18/2021 was filed by the Original Applicant before the National Green Tribunal, Pune interalia being aggrieved by non-disposal of matter by the Authority. The National Green Tribunal, Pune vide order dated 10/12/2021 interalia directed the Authority to dispose off the matter before it on or before 15/02/2021.

The Matter was taken up for hearing in the 281st GCZMA Meeting. The Authority noted that in the present matter there is a time bound direction to decide the matter on or before 15/02/22 and hence condemned the attitude of the Respondent in seeking time in the matter. The Authority decided to grant time as last and final opportunity and posted the matter for hearing on 06/01/2022 at 3.00p.m.

Proceeding: Adv SHenriques present for the Complainant, Respondent Mr. Jovek Cardozo present in person. Adv for the Respondent No.3 present. Respondent Mr. Jovek Cardozo sought time stating that his Advocate to unable to attend the hearing the same is objected by Adv S. Henriques. The Member Secretary brought to the notice of the Authority that Hon'ble NGT is monitoring the case and the matter is coming up before

the Hon'ble NGT and the Authority needs to dispose off before 15/02/2022; the matter expeditiously

Decision: The Authority after hearing the parties being a direction matter granted last and final opportunity to the Respondent. Mr Jovek Cardozo to argue the matter and if failed to argue on the given opportunity then the matter will be heard and orders will be pass accordingly. It is also made clear by the Authority that both issue i.e imposing penalty for causing damage to environment and structures constructed in CRZ areas will be taken up for hearing together. The matter is posted on 13.01.2022 at 3.pm.

Case1.13

To decide on the Complaint filed by Goa ParyavaranSavprakshanSangharshSamitee against Cupid Heaven

Goa ParyavaranSavprakshanSangharshSamitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

The Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast".

The Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

The Goa ParyavaranSavprakshanSangharshSamitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

Vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

pursuant to inquiry an demolition order dated 13/09/2019 was issued by GCZMA to the respondent violator.

the said order was challenged before the Hon'ble High Court of Bombay at Goa in Writ Petition bearing no.865/2019 by the Respondent violator.

vide order dated 30/11/2021 the Hon'ble High Court of Bombay at Goa the demolition order dated 13/09/2019 issued by authority. The respondent has been given liberty to file an representation to the Authority. The respondent has filed a representation dated 23/12/2021 pursuant to order dated 30/11/2021 passed by the Hon'ble High Court of Bombay at Goa.

Proceeding: Complainant absent, Respondent present.

Decision: Due to paucity of time matter stands adjourned and posted on 13/01/2022 at 3pm.

Case 1.14

To decide on the complaint from Mr. Ronald Pinto vide email dated 25/01/2021 against Mr. Perry Fernandes r/o. House No.448, MoborCavelossim. (High Court Matter)

Background: That, vide email dated 25/01/2021 Mr. Ronald Pinto filed a complaint before Authority stating interalia stating that there is illegal construction going on in Sy.No.97/1, 2, 3 at MoborCavelossim.

The Complainant further filed a Writ Petition bearing No.108/2021 before Hon'ble High Court of Bombay at Goa interalia being aggrieved by said illegal construction in 97/1, 2, 3 Mobor, Cavelossim carried out by Mr. Perry Fernandes r/o. House No.448, MoborCavelossim.

That, vide order dated 22/02/2021 the Hon'ble High Court of Bombay at Goa in the said petition interalia directed the authority to visit the site and ascertain whether the allegations made by petitioner are correct and also initiate action permissible under law.

That, in terms of directions contain in order dated 22/02/2021 passed by Hon'ble High Court of Bombay at Goa in the said petition a site inspection was carried by Expert Members of GCZMA along with Field Surveyor GCZMA on 01/03/2021. The said Expert Members of GCZMA submitted their report interalia stating as follows:-

“IV. FINDINGS AND RECOMMENDATIONS.

8. Prima facie, the structure appears to be unauthorised having been constructed/reconstructed beyond the plinth of the structure shown on the survey plan without prior permission of the authority and lying within NDZ of River Sal. As such, the same is required to be demolished and the land restored to its original condition.

9. However, since Respondent Mr.Perry Fernandes claims that the structure was existing prior to 1991 et., he may be allowed to produce evidence on this aspect and appropriate decision may be taken after due inquiry.”

The above findings and recommendations depict violation of CRZ norms and regulations.

That the Hon'ble High Court of Bombay at Goa interalia while disposing of the petition bearing Writ petition no.108/021 vide order dated 03/03/2021 observed as follows:-

“ 5. Accordingly, we dispose of this petition directing the GCZMA as well as the Panchayat of Cavelossim to take such action as is permissible under the law and conclude such proceeding one way or the other within three months from today. The authorities will have no doubt to comply with the principles of natural justice and fair play. If the petitioner desires to be heard in the peculiar facts of the present case, hearing may be granted to the petitioner as well. However, under no circumstances should the petitioner delay the proceedings before the authorities.

6. Until such action is concluded the statement on behalf of Respondent No.7 that no further construction will be undertaken will stand. In fact we direct the Respondent No.7 not to undertake any further construction until the disposal of proceedings by GCZMA and the concerned Panchayat.”

Based on the complaint a show cause notice dated 19/03/2021 was issued to the violator.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time to Respondent and posted the matter on 24/06/2021 at 3.30 pm.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 262nd meeting held on 24/06/2021 The Authority after hearing the parties directed the Respondent to submit a copy of reply to office of the Authority at the earliest. Further directed Complainant to collect copy of the reply from the authority and file his rejoinder if any to the reply before the next date of hearing and copy may be served upon the Respondent in advance. The matter is now posted on 01/07/2021 at 3.30 p.m. for

arguments. During 263rd meeting AdvBalkrishnaSardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

The Authority considered the Email sent by the Respondent requesting for adjournment decided to grant the time and posted the matter on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 Mr. Ronald Pinto appeared in person. AdvBalkrishnaSardessai appeared on behalf of Mr. Perry Fernandes. AdvSardessai stated that he filed his reply in the office of the GCZMA and also provided a copy of the Reply to the Complainant. The Complainant filed a rejoinder to the Reply and the copy of the rejoinder is served on the Adv for the Respondent.

The Authority heard the parties and has taken the replies on record. The matter now stands posted to 15/07/2021 at 3.30 p.m for Arguments.

During 265th GCZMA meeting held on 15/07/2021. The matter is called out through video Conference. The Complainant remained present in person. The Respondent is duly represented by Adv. Balkrishna. Sardessai. Both the parties stated that they have exchanged the pleadings and matter may be heard.

The Complainant submitted that the structure in question is a fresh/ new illegal construction carried out in the Village of Cavlossim, Mobor-Goa. The Complainant further stated that he relies upon the all the submissions made in the written submissions filed before the Authority and the reply may be taken as Arguments. The Complainant stated that the structure in question is constructed in violation CRZ Notification, TCP and the Village Panchayat Act.

The Advocate for Respondent submitted that he has filed a detailed reply. The advocate for Respondent pointed out to the allegations made in show cause notice and conclusions recorded in the Site inspection report dated 08/03/2021. The advocate for Respondent further pointed out allegation made by Complainant in the petition filed before the High Court of Bombay at Goa. The advocate for Respondent pointed out Para 4 of the inspection report dated 08/03/2021. The advocate for Respondent pointed out to various documents filed before the authority and stated the structure in question existed prior to 1963-70. The advocate for Respondent stated that structure is definitely prior to year 1991. The advocate for Respondent stated that in the year 1970 an assessment is registered at sr. no.41 in the name of Sebastiao Fernandes and the same is annexed as Annexure I to his reply. The advocate for Respondent further stated that there is further a assessment of house of the year 1981-1982 and entries at sr. no.499.500 are made in the name of Sebastiao Fernandes having house no 498 and 499. The advocate for Respondent stated that both the assessment of house has been standng prior to the year 1991 and the said documents are prior to year 1991. The advocate for Respondent stated survey for the State of Goa was done and promulgation was done in the year 1971. The advocate for Respondent stated further relied upon the Certificate of registry of fishing boat and same is in name of one Filomeno Fernandes and the same is annexed as Annexure II to his reply. The advocate for Respondent stated in the year 1991 the property was purchased vide Deed of Sale dated 14/10/1991. The advocate for Respondent stated the Form I & XIV records in the other rights column that there is house belonging to one Sebastiao Fernandes. He further stated that the structure figures on the Survey Plan. The advocate

for Respondent stated the there are letter of the year 1990 from the Excise Department and also an N.O.C for running a restaurant is issued by the concerned Village Panchayat in the year 1990. The Application to the concerned Panchayat seeking permission to start a restaurant was made on the 31/08/1989.

The Respondent has produced Death Certificate of Sebastiao Fernandes is filed on record. And the Birth Certificate of the Respondent is also on record to show the connection The advocate for Respondent stated said Sebastiao Fernandes is linked to the Respondent and hence the Respondent is entitled to rely upon his documents which are prior to 1991.

The advocate for Respondent stated in the CRZ Notification 2011 Clause 6 (d) provides for regularization dwelling units of traditional coastal community. The advocate for Respondent stated the structure was infact old and was in dilapidated state and is only repaired /renovated on exiting plinth.

The Advocate for Respondent stated pointed out the process of CZMP is under process and authority may also consider regularization of said structure and same will be used for residential use only.

The Complainant in rebuttal submitted that the original structure was only 27 sq. mts and same has been extended. The Complainant submitted that the documents relied upon by Respondent pertain to different structure which is close to the HTL and same is not under consideration. The new structure which is constructed by the Respondent is 11 mts from the HTL.

The Authority heard the parties at length and taking into consideration the reply, oral and written submissions, made by both the parties decided to keep the matter for passing appropriate order.

The Complainant has now vide letter dated 23/09/2021 has placed on record copy of the ISLR report/plan and also filed an application dated 28/09/2021 craving to produce the same on record, correction of meeting minutes of 265th GCZMA meeting and also personal hearing in the matter. The personal hearing notice was issued on both the parties to re hear them afresh and matter was posted on 28/10/2021.

Mr. Ronald Pinto appeared in person. AdvBalkrishnaSardessai appeared along with Respondent Mr. Perry Fernandes. Complainant submitted that extension was carried out illegally by the Respondent. The structures are new structure and it does not reflect on survey plan. There is also encroachment in the property. The Complainant submitted that the Respondent had done extension to the existing structure in the property bearing survey No.97/1 of village Cavelossim of Salcete Taluka without the permission from GCZMA. He further submitted that he is only concern with property bearing survey No.97/1 of village Cavelossim and that he is not concern with other properties bearing survey no. 97/2 and 97/3 of village Cavelossim at present. The extension which is carried out is just 11mts from the HTL and prayed that the same be demolished. He also produced plan prepared by DLC and submitted to this Authority.

The Authority directed the Respondent to come clear with documentary evidence in respect of size of structure shown in plan visa- vis existing at loco and submit the same by way of affidavit and if any encroachment /extension is made to remove the same before next date of hearing. The matter is fixed on 18/11/2021 at 2.30 pm.

The Matter was taken up in its 278th GCZMA Meeting. The Authority after hearing the parties imposed a cost of Rs.20,000/- (Rupees Twenty Thousand only) on the Respondent to be deposited before the next date of hearing and posted the matter on 25/11/2021.

Proceeding: Complainant Mr. Ronald Pinto present in person, Respondent absent.

Decision: Due to paucity of time matter stands adjourned and posted on 13/01/2022 at 3pm.

Case 1.15

To discuss and deliberate upon matter pertaining to structure erected by White Resort, Agonda

(NGT/HC Directional Matter)

1. Earlier pursuant to inquiry into the matter the authority in its 217th GCZMA meeting held on 04/12/2019 and 05/12/2019 had issued a demolition order dated 30/10/2020 to the structures erected by the respondent violator White Resort through Dattaraj Sawant.
2. The matter was challenged by the respondent violator before the Hon'ble High Court of Bombay at Goa in Writ Petition bearing Stamp Number Main no.1676/2020. The said demolition order dated 30/10/2020 was withdrawn and it was recorded that parties will be heard afresh in the matter.
3. The matter was heard in the 274th GCZMA meeting held on 07/10/2021. In the said meeting it was decided as follows:- *“The Respondent was directed to file Affidavit along with the photograph showing that he has complied with the directions.”*
4. The matter was placed in the 276th GCZMA meeting held on 21/10/2021 for hearing. The proceedings in the said meeting can be seen as follows: *“None appeared in the matter. The Ld. Adv for Respondent in spite of knowing the fact that the matter is pending before this Authority and had remained present during last hearing and had collected the date of today's hearing failed to remain present before this Authority and also did not give compliance.”*

5. In the 276th GCZMA meeting held on 21/10/2021 it was decided as follows: *“The Authority after perusing the records and keeping in mind that the matter is monitored by the Hon'ble NGT decided to grant time in the interest of principal of natural justice to the Respondent to pursue the matter failing which the authority will pass appropriate order on merits. During pendency of finalisation of minutes it has come to the notice that an Writ Petition bearing no.184/2021 has been filed by Dugal Projects Development Company Pvt Ltd through Resolution Professional interalia seeking implementation of demolition order dated 02/11/2018 by this Authority. The order said Demolition order 02/11/2018 has not been challenged by the Respondent and or has attained finality. The Respondent has also given an affidavit/undertaking stating they would not carry out any commercial activities at site. The subject matter of this order dated 02/11/2018 and present proceedings are same. The Hon'ble High Court of Bombay at Goa vide order dated 26/10/2021 has ordered inspection of the property of the respondent through a Committee comprising of Expert Member GCZMA and Deputy Collector Canacona. The said Committee is required to ascertain the structures and loco, click photographs of the site and submit the report on or before 15/11/2021. The Authority is also directed to act against any violation found during site inspection in accordance with law.”*
6. The site was inspected by interms of order dated 26/10/2021 and report was submitted to the Hon'ble High Court of Bombay at Goa. The Parties were handed over the copies of the said report. The matter came up for hearing and Learned Advocate General submitted that the GCZMA would take appropriate decision on said report within six weeks from today. The matter is now fixed for hearing on 12/01/2022.
7. The Authority may discuss and deliberate upon the matter.

The proceedings at the 280th Meeting The Complainant absent, Respondent along with her advocate ShivanDessai present in the matter. Adv for the Respondent submitted that the Respondent agrees to remove the structures by themselves to comply with the orders and produce the compliance report of the same on the next date of hearing.

The decision at the 280th Meeting The Authority heard the Respondent and agreed with the submissions of the Respondent and directed the Respondent to file the compliance report and posted the matter on 06/01/2022 at 3.00 p.m

Proceeding: The Complainant absent, Respondent along with her advocate ShivanDessai present in the matter. The Complainant files application and the same is placed in the file.

Decision: Due to paucity of time matter stands adjourned and posted on 13/01/2022 at 3pm.

Case 1.16

To decide on the Complaint filed by Goa ParyavaranSavprakshanSangharshSamitee against Morjim Holiday Beach Resort through Agnelo D'Souza

Goa ParyavaranSavprakshanSangharshSamitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

The Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast".

The Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

The Goa ParyavaranSavprakshanSangharshSamitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

Vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had

also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

The Respondent Agnelo D'Souza has filed an Appeal bearing No 19/2020 NGT Pune thereby challenging the Order of the GCZMA wherein the Authority had imposed a penalty of Rs.2,00,000/-.

The Hon'ble NGT vide order dated 16/11/2021 has decided as follows: "3. *The Tribunal had entertained the said Appeal on 27/08/2020 ordered Notice to the Respondent. When the matter was listed on 01/09/2021 the learned Counsel appearing for the Appellant would submit that whatever portion pointed out in the impugned order dated 3 18/02/2020 caused by the sole Respondent, have been removed and to that effect he has also filed additional affidavit dated 22/09/2021.*

4. The learned Counsel appearing for the Appellant would submit that the Respondent also caused site inspection on 12/11/2021 and Mr. ShivanandaKambh, Civil Engineer, attached to the 1st Respondent had also informed that there are 12 cottages present on the site and no loudspeakers kept and no shacks present made up of Bamboos and no sunbeds present and in the light of same nothing remains to be adjudicated.

5. The learned standing Counsel appearing for the Respondent would submit that the Appellant had paid the penalty of Rs.2 Lakhs and the Tribunal put a query as to levying of environmental compensation. The learned standing Counsel appearing for the sole Respondent would submit that the proceedings in this regard are yet to take place. 6. In the light of the said development nothing remains for further adjudication in this Appeal, and therefore, it is closed. However, it is open to the Respondent to follow due process of law and also by adhering the principles of natural justice while assessing levying environmental compensation against the Appellant and the said exercise shall be completed within twelve (12) weeks from the receipt of copy of this order and decision taken in this regard, be communicated to the Appellant also.

That the Respondent has paid the Penalty of Rs.2 Lakhs to the Authority.

This Authority is also in receipt of a letter from the Mamlatdar of Pernem Taluka seeking directions to re-connect the Electricity to Morjim Holiday Beach Resort Morjim.

In view of the above the matter is put up to the Authority for decision and necessary direction regarding Environmental Compensation to be levied on Morjim Holiday Beach Resort Morjim as per the direction in Appeal 19/2020.

Decision: The Authority decided to defer the matter for discussion in next meeting due to paucity of time.

Case 1.17

To Decide On The Complaint Letter Dated 11/10/2018 From Mr. Luis Maual Luis Regarding Illegality Construction Of Traditional Canoe House Carried Out By Mr.Erisso Santana Fernandes.

Background: The Office of the Goa Coastal Zone Management Authority(hereinafter referred as the GCZMA, in short) was in receipt of complaint letter dated 11/10/2018 from as from Mr. Luis Maual Luis R/o H.No.695, Near Carmona Zalor, Salcete Goa with request to take action against alleged illegality construction of traditional canoe house carried out by Mr.Erisso Santana Fernandes, resident of House No. 265, batty OrlimSalcete Goa on property bearing survey No. 124/1 Varca village of Salcete Taluka Goa within CRZ area

That, the office of the GCZMA has forwarded the said complaint letter dated 11/10/2018 to District Level Committee on 10/10/2018, under Ref No. GCZMA/S/ILLE-COMPL/18-19/46/1215 with direction to inspect the site immediately and submit the report to Authority

Further the office of GCZMA has received the site inspection report dated 07/12/2018 from the office of the Deputy Collector & SDO Margao. That upon close perusal of the complaint and report this Authority placed said matter before 220th meeting of GCZMA held on 05/02/2020 the Authority decided to issue show cause notice and issued show cause notice dated 06/07/2019 to Mr. Erisson Santana Fernandes. Subsequently an Application bearing no. 27/2021 (WZ) filed by Luis Manuel Luis before Hon'ble NGT (WZ), New Delhi in the same context. The said application was filed inter-alia against failure of GCZMA in finalizing action against the illegal construction by Mr. Erisso Santana Fernandes , in survey No.124/1 of Varca Village of Salcete Taluka Goa ,

The Application bearing no. 27/2021 (WZ) filed by Luis Manuel Luis before Hon'ble NGT (WZ), New Delhi was disposed off vide order dated 08/07/2021 before Hon'ble NGT (WZ), with the following directions "*Respondent GCZMA shall take further action in accordance with law expeditiously and finalize the same within three (3) months.*"

Proceeding:Ld. Adv for Complainant present, Ld. Advocate for the Respondent also present and files Wakalatnama.

Decision:Due to paucity of time matter stands adjourned and posted on 27/01/2022 at 3pm.

Item No.2

Case No.2.1

The Authority has received an email dated 06/01/2022 from the Expert Member Mahesh Patel tendering his resignation to the Post of Expert Member of Goa Coastal Zone Management Authority.

Decision: The Authority congratulated Shri Mahesh Patil on his selection to the post of Chairman GSPCB and decided to accept the resignation of the Expert Member and relieved him from Goa Coastal Zone Management Authority.

Case No 2.2

To discuss on the application dated 06.12.2021 received from Prakash P. Dhoke R/o Flat No 13/3 66/8, ground floor near Karimabad Housing Society Gate Campal , D.B Marg Panaji Goa addressed to Chief Secretary (Environment) and Member Secretary GCZMA to withdraw illegal NOC/permission issued by GCZMA to casino operator for erecting structure in riverine land in river Mandovi bearing permission No GCZMA /N/21-22/966 dated 23.9.2021.

The GCZMA in its 271st meeting held on 21.9.2021 had approved permission to erect temporary structures at RND ramp in plot of land under Chalta No. 1,2,3 of PT Sheet No 37-A of city Panaji based on the NOC issued by Captain of Ports.

Decision: Due to Paucity of time the Matter could not be heard and differed for next meeting.

Item No.3

To discuss and issue NOCs for Repair and Renovation.

Case No.3.1

Repair & Renovation of existing House in the plot of land bearing Sy.No.174/23 of Calangute Village, Bardez Goa.

The Office of the GCZMA is in receipt of an application dated 22/11/2021 from Mr. Manuel Simao Cardoz, Ms. Consolacao Cardoz, Maddo Vaddo, Calangute, Bardez-Goa with regard to repair & Renovation of existing House in the plot of land bearing Sy.No.174/23 of Calangute Village, Bardez Goa.

Site Inspection Report: The said site was inspected by Bhargavi Kelkar (Engineer), GCZMA.

- i) **Name of the Applicant:** Mr. Manuel Simao Cardoz
- ii) **Date of the Application:** 22/11/2021
- iii) **Application for:** Repair & Renovation of existing House

- iv) **Date of Inspection:** 14/12/2021
 v) **Name of the Official / Expert Member, GCZMA:** Bhargavi Kelkar (Engg)

Sy. No. 174/23 : Village : Calangute Taluka: Bardez

- iv) **Accessibility:** PWD Road
- v) **Distance from the HTL of River / Sea:** within 100-200mts
- vi) **Classification of CRZ Area:** CRZ-III
- vii) **Existence of Sand dunes and its Height:** No sand dunes present
- viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:** NO
- ix) **Existence of Vegetation, if any:** NO
- x) **Plinth area of the structure / alleged violation:** 119.06 sq.mts
- xi) **Nature of the structure:** Load Bearing/Masonry Structure
- xii) **Height of the structure:** approx 3mts
- xiii) **Details of extension to the existing structure:** NO
- xiv) **Approvals / NOC's issued by any other Department's / Authorities:** -
- xv) **Nature of violation if any, with regard to provisions of CRZ Notification 2011:** No Violation
- xvi) **Whether the proposed construction meets the CZMP Guidelines:** Yes
- xvii) **Conclusion / Recommendation:**
- NOC for repair and renovation is recommended for the area of 119.06 sq.mts.

Decision: The Authority after deliberation and discussion decided to defer the proposal and decided to inspect the site through the Expert Member.

Case No.3.2

NOC for operating Motorized and Non-Motorized Paragliding services at Ashwem Beach.

The Office of the GCZMA is in receipt of an application dated 21/12/2021 from Manager-Marketing, Goa Tourism Development Corporation Ltd, 3rd Floor, Paryatan Bhavan, Patto, Panaji-Goa with regard to NOC for operating Motorized and Non-Motorized Paragliding services at Ashwem Beach.

Site Inspection Report: The Site was inspected by Shri. Sujeetkumar Dongre, Expert Member of this Authority whose report is annexed.

Decision: The Authority after deliberation and discussion decided to seek report from Forest Department and presentation.

Case No.3.3**Application for proposed construction of compound wall in bearing Sy.No.10/4 of Village Chimbhel, Tiswadi-Goa.**

The Office of the GCZMA is in receipt of an application dated 23/09/2021 from Sandesh A. Kamat Helekar, H.No.C/365, Laxmi Bhuvan, Chinchwada, Chimbhel-Goa regarding application for proposed construction of compound wall in bearing Sy.No.10/4 of Village Chimbhel, Tiswadi-Goa.

Site Inspection Report:The said site was inspected by Mahesh Patil (Expert Member), GCZMA & Satish Kumar Naik (Field Surveyor), GCZMA.

- vi) **Name of the Applicant:** Sandesh A. Kamat Helekar
- vii) **Date of the Application:** 23/09/2021
- viii) **Application for:** proposed construction of compound wall
- ix) **Date of Inspection:** 04/12/2021
- x) **Name of the Official / Expert Member, GCZMA:** Mahesh Patil (Expert Member), GCZMA & Satish Kumar Naik (Field Surveyor), GCZMA

Sy. No. 10/4 : Village :ChimbhelTaluka: Tiswadi

- iv) **Accessibility:** Existing house with Compound wall abetting village road.
- v) **Distance from the HTL of River / Sea:**
- vi) **Classification of CRZ Area:** CRZ-III
- vii) **Existence of Sand dunes and its Height:** NIL, Many dwelling, permanent structures around the proposed/existing compound wall.
- viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:**NO
- ix) **Existence of Vegetation, if any:** Coconut and horticulture plants.
- x) **Plinth area of the structure / alleged violation:** Not observed
- xi) **Nature of the structure:** existing wall is masonry. Proposal to repair and redigening
- xii) **Height of the structure:**
- xiii) **Details of extension to the existing structure:** Existing masonry compound wall proposed for repair and realignment.
- xiv) **Approvals / NOC's issued by any other Department's / Authorities:** NO
- xv) **Nature of violation if any, with regard to provisions of CRZ Notification 2011:**Not allowed
- xvi) **Whether the proposed construction meets the CZMP Guidelines:** Yes

xvii) Conclusion / Recommendation:

1. Proposal for repair and redigrement of existing old compound wall for ancestor's house.
2. Also request for construction and development of property.
3. Compound wall and house is located in thickly populated village.
4. Property owner has coconut plants and other structures within the plots.
5. Recommended for construction of compound wall to safeguard the property and plants as per attached plan.
6. Property development plan to be submitted separately and can be processed after finalisation of Goa Coastal Zone Management Plan.

Decision: The Authority after deliberation and discussion decided to approve the proposal for construction of compound wall subject to condition that Applicant to produce plan showing there is no blockage to access of mundkarial house and same has been shown on the site plan.

Case No.3.4

Repair and renovation of existing hotel "Cidade De Goa" bearing H.No.22/288 & 22/288/1 in Sy.No.246/1, 2, 3 & 4 and 245/1, 2 by M/s. Fomento Resorts & Hotels Ltd. At VP Taleigao, Tiswadi-Taluka.

The Office of the GCZMA is in receipt of an application dated 07/10/2021 from Fomento Resorts and Hotels Limited, Cidade de Goa, Vainguinim Beach, Goa regarding repair and renovation of existing hotel "Cidade De Goa" bearing H.No.22/288 & 22/288/1 in Sy.No.246/1, 2, 3 & 4 and 245/1, 2 by M/s. Fomento Resorts & Hotels Ltd. At VP Taleigao, Tiswadi-Taluka.

Site Inspection Report: The said site was inspected by Mahesh Patil (Expert Member), GCZMA & Sujeetkumar Dongre (Expert Member), GCZMA

- i) **Name of the Applicant:** Fomento Resorts and Hotels Limited, Cidade de Goa, Vainguinim Beach, Goa
- ii) **Date of the Application:** 07/10/2021
- iii) **Application for:** Repair and renovation of existing hotel
- iv) **Date of Inspection:** 10/12/2021
- v) **Name of the Official / Expert Member, GCZMA:** The said site was inspected by Mahesh Patil (Expert Member), GCZMA & Sujeetkumar Dongre (Expert Member), GCZMA

Sy. No. Sy.No.246/1, 2, 3 & 4 and 245/1, 2: Village :Taleigao Taluka:
Tiswadi

iv) **Accessibility:** Existing operational five star hotel with good access road

v) **Distance from the HTL of River / Sea:** Bay

vi) **Classification of CRZ Area:** CRZ-III

vii) **Existence of Sand dunes and its Height:** NIL, Existing hotel fully developed plot of land

- viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:**No, Developed land with hotel and related infrastructure
- ix) **Existence of Vegetation, if any:** NIL, landscaping in developed hotel
- x) **Plinth area of the structure / alleged violation:** Not observed
- xi) **Nature of the structure:** Permanent structure as per attached plan
- xii) **Height of the structure:** Detailed in attached plan
- xiii) **Details of extension to the existing structure:** Repair and renovation of existing structure as per attached plan
- xiv) **Approvals / NOC's issued by any other Department's / Authorities:**
-
- xv) **Nature of violation if any, with regard to provisions of CRZ Notification 2011:**Not observed
- xvi) **Whether the proposed construction meets the CZMP Guidelines:** yes, Repair and renovation of approved structure prior to 1991
- xvii) **Conclusion / Recommendation:**
1. Hotel cidade Goa was constructed in 1978 (letter of panchayat attached).
 2. TCP granted approval for five star hotel in 18/11/79 (copy of the letter attached).
 3. VP granted occupancy letter to five star hotel in 25/01/1982 (copy enclosed)
 4. Hotel is more than 30 year and exposed to solone wind and extreme monsoon/wind.
 5. Many parts of the hotel building are clipped off, pipes are corroded.
 6. Proposal to repair existing hotel without extension and increasing of plinth.
 7. Letter from the proponent to only repair the hotel.
 8. Recommended for repair as per the attached plan.
 9. The repairs are recommended to only structures which are authorised and as per the plan submitted.

Decision: The Authority after deliberation and discussion decided to approve the proposal for repair and renovation of existing hotel strictly with accordance with the letter dated 0710/2021 from the Project Proponent with condition that no debris and other waste material shall be dumped in river/sea.

Case No.3.5

Issuance of NOC for proposed operation of Passenger Vessels and other water transport at Cortalim.

The Office of the Goa Coastal Zone Management Authority is in receipt of an application dated 18/11/2021 from The Director, Vijai Marine Services Private Limited, S-9, Sapana Terraces Ground Floor, Near Axis Bank, Vasco-Da-Gama, Goa regarding

issuance of NOC for proposed operation of Passenger Vessels and other water transport at Cortalim.

Site Inspection Report:The said site was inspected by Flaviano Miranda (Expert Member), GCZMA & Devendra Gaonkar, Field Surveyor, GCZMA

The site for operating eco-tourism has been inspected at 2.40 pm alongwith owner Sureaf Dialani. It is informed that COP has agreed to allot him a existing ramp for carrying out cruising activities. It is proposed to construct steel phantoon in the river of which details are not yet found in the proposal. Hence he has been directed to submit the details in the site plan showing layout of phantoon after which the proposal has to be taken in the Authority meeting before issue of NOC.

Decision: The Authority after deliberation and discussion decided to defer the proposal due to no clarity of proposal.

Case No.3.6

Application for proposed repairs to the existing residential house in land bearing Sy.No.190/1 (Part) situated at Talpona at Poinguinim Village, Canacona Taluka.

The Office of the GCZMA is in receipt of an application dated 06/10/2020 from Tulshidas Raghunath Comarpant (Komarpant), H.No.500/1, Talpona, Poinguinim, Canacona-Goawith regard to application for proposed repairs to the existing residential house in land bearing Sy.No.190/1 (Part) situated at Talpona at Poinguinim Village, Canacona Taluka.

Site Inspection Report:The said site was inspected by Ameiy Gaonkar (Engineer), GCZMA, Vibhav Paranjape (Engineer) & Vighnesh Naik, Field Surveyor, GCZMA.

- i) **Name of the Applicant:** Tulshidas Raghunath Comarpant (Komarpant)
- ii) **Date of the Application:** 06/10/2020
- iii) **Application for:** Repair of existing residential house
- iv) **Date of construction based on the documents:-**
- v) **Date of Inspection:-** 09/12/2021
- vi) **Name of the Official / Expert Member, GCZMA:** Mr. Ameiy Gaonkar, Engineer, GCZMA, Mr. Vibhav Paranjape, Engineer, GCZMA, Mr. Vighnesh Naik, Field Surveyor, GCZMA
- vii) **Name of the Parties Present:** Tulshidas Raghunath Comarpant
- viii) **Location of the alleged violation:**

Sy. No. : 190/1(part) Village : Poinguinim Taluka: Canacona

iv) **Accessibility:** By PWD road

v) **Distance from the HTL of River / Sea:** 50.0m

vi) **Classification of CRZ Area:** CRZ -III

vii) **Existence of Sand dunes and its Height:** NA

viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:** NA

ix) **Existence of Vegetation, if any:** NA

x) **Plinth area of the structure / alleged violation:** 52.00 sq.m

xi) **Nature of the structure:**

b) Load bearing / Masonry structure

xii) **Height of the structure:** 2.80m @ each

xiii) **Details of extension to the existing structure:** Proposal for repairing structure (part)

xiv) **Approvals / NOC's issued by any other Department's / Authorities:** NOC already issued to other part of the structure to applicant brother Mr. Deepak Komarpant ref no.GCZMA/20-21/20/2019 dt 16/06/2021

xv) **Nature of violation if any, with regard to provisions of CRZ Notification 2011: -**

xvi) **Whether the proposed construction meets the CZMP Guidelines:** Guidelines for CZMP is yet to be finalised.

Conclusion / Recommendation: Permission/NOC may be issued strictly raising roof height including ancillary masonry wall.

Decision: The Authority after discussion and deliberation decided to re-inspect the property along with Expert Member of this Authority.

Case No.3.7

Application for grant of CRZ clearance for proposed yachts parking & repairing facility in Zuari river near Village Xelvona, South Goa.

The Office of the GCZMA is in receipt of a letter dated 13/10/2021 from Amin Ladak, Consulting Engineers, Kamat Villa-13, Caranzalem, Panaji-Goa with regards application for grant of CRZ clearance for proposed yachts parking & repairing facility in Zuari river near Village Xelvona, South Goa.

Site Inspection Report: The said site was inspected by Ameiy Gaonkar (Engineer), GCZMA & Vighnesh Naik, Field Surveyor, GCZMA.

i) **Name of the Applicant:** Amin Ladak Consulting Engineers

ii) **Date of the Application:** 16/12/2021

iii) **Application for:** Yacht Parking and Repair facility in River Zuari

iv) **Date of construction based on the documents:-**

v) **Date of Inspection:** 01/12/2021

vi) **Name of the Official / Expert Member, GCZMA:** 1) Vighnesh Naik, Field Surveyor GCZMA 2) Ameiy Gaonkar, Engineer GCZMA

vii) **Name of the Parties Present:** Amin Ladak, Consulting Engineers

Sy. No. : Adjacent to 38 **Village:** Chandor **Taluka:** Salcete

iv) **Accessibility:** Through Sy.no 301 & 286 of Panchawadi village via vessel over river Zuari.

v) **Distance from the HTL of River / Sea:** with in river CRZ IV B

vi) **Classification of CRZ Area:** CRZ IV B

vii) **Existence of Sand dunes and its Height:** NA

viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:**

ix) **Existence of Vegetation, if any:** NA

x) **Plinth area of the proposal:** 7000 sq.mtr.

xi) **Nature of the structure:** Temporary structure

xii) **Height of the structure:** 20.678m

xiii) **Details of extension to the existing structure:** NA

xiv) **Approvals / NOC's issued by any other Department's / Authorities:** No, Captains of Ports have sought NOC from GCZMA.

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

xvi) **Whether the proposed construction meet the CZMP Guidelines:** CZMP Guidelines not yet finalised

xvii) **Conclusion / Recommendation:** 1) The Site was inspected in presence of Applicant and it was noted that the site falls in CRZ IV B as per CRZ notification of 2011. There is no access to the site from land, only access is via vessel through River Zuari from Sy.nos 301 & 286 of village Panchawadi Ponda taluka. The location of the proposal is adjacent to sy. no 38 of Chandor village of Salcete taluka. As per drawing submitted by the applicant they have proposed temporary steel piles in the river zuari as foundation which will impact the flow of river Zuari hence it is advised to provide detailed EIA report. Accessibility to the location is via vessel through jetty at Sy.nos 301 & 286 of village Panchawadi Ponda taluka hence NOC from the owners of the said Survey nos shall be provided.

2) Water body being the jurisdiction of Captains of Ports, copy of NOC (if issued) may be communicated to Captains of Ports.

Decision: The Authority after deliberation and discussion decided to defer the proposal and decided to re-inspect the site along with Expert Member of this Authority.

Case No.3.8

NOC for proposed house repairing at Sy.No.85/2-C at Nagercem Palolem, Canacona-Goa.

The Office of the GCZMA is in receipt of an application dated 28/10/2021 from Surendra Soiru Komarpant, r/o. Flat No.T-1, 3rd Floor, Damarita Co-op. Housing Society, Fatorda-Goa with regard request to issue NOC for proposed house repairing at Sy.no.85/2-C at Nagercem Palolem, Canacona-Goa.

Site Inspection Report: The said site was inspected by Flaviano Jose Miranda, Expert Member GCZMA.

- i) **Name of the Applicant:** Surendra Soiru Komarpant
- ii) **Date of the Application:** 28/10/2021
- iii) **Application for:** NOC for proposed house repairing at Sy.No.85/2-C at Nagercem Palolem, Canacona-Goa.
- iv) **Date of Inspection:** 19/11/2021
- v) **Name of the Official / Expert Member, GCZMA:** Jose Miranda, Expert Member GCZMA

Sy. No. 85/2-C : Village : Nagercem Palolem Taluka: Canacona

iv) **Accessibility:** By PWD road

v) **Distance from the HTL of River / Sea:** 370.00m (approx)

vi) **Classification of CRZ Area:** CRZ-III

vii) **Existence of Sand dunes and its Height:** NA

viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:** NO

ix) **Existence of Vegetation, if any:** NO

x) **Plinth area of the structure / alleged violation:** 118.05sq.mts

xi) **Nature of the structure:** Load Bearing/Masonry Structure

xii) **Height of the structure:** 3.00m

xiii) **Details of extension to the existing structure:** NIL

xiv) **Approvals / NOC's issued by any other Department's / Authorities:** House tax receipt issued by canacona municipality.

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

xvi) **Whether the proposed construction meets the CZMP Guidelines:** CZMP 2021 yet to be finalised/under scrutiny and finalisation.

xvii) **Conclusion / Recommendation:**

- The House with 8/3/A existing on the plot bearing sy.no.85/2-C proposed for repair is neither shown in sy. Plan nor the applicant could show any documents evidence prove its existence after 1991. But the house for which repairs are proposed is issued with house tax issued by the Municipality on 17/06/2021. The paid electricity found enclosed as Surendra Soiru Komarpant and the electricity connection taken on the year 1979 but without house number.
- The matter is required to be deliberated in the Authority meeting prior to issue of NOC.

Decision: The Authority after deliberation and discussion decided to ask the applicant to produce better documents in respect of the house for which permission is sought .

Case No.3.9

NOC for construction of Culvert to access the property bearing Sy.No.12/0 from the existing (Candolim-Nerul) road at Candolim Village, Bardez-Taluka.

The Office of the GCZMA is in receipt of an application dated 04/08/2020 from Oxford Global Properties Pvt Ltd, Muddo waddo, Candolim-Bardez-Goa with regard to NOC for construction of Culvert to access the property bearing Sy.No.12/0 from the existing (Candolim-Nerul) road at Candolim Village, Bardez-Taluka.

Site Inspection Report: The said site was inspected by Mahesh Patil, Expert Member GCZMA & Satishkumar Naik Field Surveyor, GCZMA.

vi) **Name of the Applicant:** Oxford Global Properties Pvt Ltd, Muddo waddo, Candolim-Bardez-Goa

vii) **Date of the Application:** 04/08/2020

- viii) **Application for:** NOC for construction of Culvert to access the property
 ix) **Date of Inspection:** 22/01/2021
 x) **Name of the Official / Expert Member, GCZMA:** Mahesh Patil, Expert Member GCZMA & Satishkumar Naik Field Surveyor, GCZMA

Sy. No. 12/0 : Village : Candolim Taluka: Bardez

- iv) **Accessibility:** Bounded by state road
- v) **Distance from the HTL of River / Sea:** As per the plan submitted outside NDZ of the river
- vi) **Classification of CRZ Area:** CRZ-III
- vii) **Existence of Sand dunes and its Height:** NIL, Access Road/Culvert facing existing road and property
- viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:** NO, Road is across,
- ix) **Existence of Vegetation, if any:** Mangroves and other plants in the plot as well as in surrounding area. However a trees at proposed site.
- x) **Plinth area of the structure / alleged violation:** NIL-Not observed at the site
- xi) **Nature of the structure:** Load Bearing/Masonry Structure, Masonry permanent structure
- xii) **Height of the structure:** Detailed in attached plan
- xiii) **Details of extension to the existing structure:** New Proposal for culvert
- xiv) **Approvals / NOC's issued by any other Department's / Authorities:** NO
- xv) **Nature of violation if any, with regard to provisions of CRZ Notification 2011:** NO
- xvi) **Whether the proposed construction meets the CZMP Guidelines:** Yes
- xvii) **Conclusion / Recommendation:**
- Project proponent to submit detail plan of proposed structure. Copy of the draft GCZMP plan superimposing proposed structure to be submitted.
 - Property documents to be submitted.
 - As suggested proponent has submitted the detail plan of the culvert.
 - As per the draft czmp, the area proposed for culvert falls within the buffer of mangroves.
 - It is recommended to install/construct culvert with utmost care and precautions that doesn't hamper the mangroves and water flow.
 - Since its an engineering structure, proponent must consult WRD before commencement of work.
 - Culvert should be used only for access to the property.

Decision: The Authority after deliberation and discussion decided to approve the proposal for construction of culvert subject to condition that the culvert should be used only for access to the property and also to consult WRD before commencement

of work on ground. Further the Project Proponent should submit plan by superimposing the CZMP Plan of the place where work is likely to be undertaken.

Case No.3.10**Repair and Renovation of existing structure for Casa Serai Resorts Pvt. Ltd at Plot bearing Sy.no.280/1, Cola Village, Canacona Taluka.**

The Office of the GCZMA is in receipt of an application dated 11/11/2021 from Casa Serai Resorts Pvt. Ltd at Plot bearing Sy.no.280/1, Cola Village, Canacona regarding repair and Renovation of existing structure for Casa Serai Resorts Pvt. Ltd at Plot bearing Sy.no.280/1, Cola Village, Canacona Taluka.

Site Inspection Report: The said site was inspected by Mahesh Patil, Expert Member GCZMA & Sujeet Kumar Dongre, Expert Member GCZMA.

- xi) Name of the Applicant:** Casa Serai Resorts Pvt. Ltd
 - xii) Date of the Application:** 11/11/2021
 - xiii) Application for:** Repair and Renovation of existing structure
 - xiv) Date of Inspection:** 17/12/2021
 - xv) Name of the Official / Expert Member, GCZMA:** Mahesh Patil, Expert Member GCZMA & Sujeet Kumar Dongre, Expert Member GCZMA
- Sy. No. 280/1 : Village :** Cola **Taluka:** Canacona
- iv) Accessibility:** Existing resorts; with operational cottages and 1
 - v) Distance from the HTL of River / Sea:**
 - vi) Classification of CRZ Area:** CRZ-III
 - vii) Existence of Sand dunes and its Height:** NO, Existing Resorts, Coconut Orchid
 - viii) Whether any lagoons, backwaters or other water bodies exist in the plot:** NO
 - ix) Existence of Vegetation, if any:**
 - Coconut orchid and cashew plant.
 - Forest species,
 - Proposed repair of existing house.
 - x) Plinth area of the structure / alleged violation:** NIL-Old Structure
 - xi) Nature of the structure:** Load Bearing/Masonry Structure
 - xii) Height of the structure:** Detailed in attached plan
 - xiii)Details of extension to the existing structure:** Repair of existing plinth
 - xiv) Approvals / NOC's issued by any other Department's / Authorities:**
 - Old structure depicted on survey plan.
 - House number and receipt from panchayat.
 - xv)Nature of violation if any, with regard to provisions of CRZ Notification 2011:**Not observed
 - xvi) Whether the proposed construction meets the CZMP Guidelines:** Yes, Repair of existing structure

xvii) Conclusion / Recommendation:

- Proponent has received CRZ clearance to construct temporary hut/shack/wooden tent vide letter dated 26/09/2018.
- Two existing structure are depicted on land survey plan.
- House NO.8/0 at rajbagh in sy.no.280/1 proposed for repair is trasfered by eastwhile owner in the name of promoters of the resort.
- Mamlatdar Canacona has issued order of existence of house and hut prior to 1991 and due process is followed to transfer the same to the new land owners and relevant documents are attached.
- The house is very old and totally dilapidated condition. It may be repaired and renovated on existing plinth.

Decision: The Authority after deliberation and discussion decide to approve the proposal for repair and renovation of existing structures on existing plinth area.

Case No.3.11**NOC for construction of wooden jetty with floating pontoon in abutting Sy.No.49/3 of Penha-de-Franca Village, Bardez-Goa.**

The Office of the GCZMA is in receipt of an application from Mrs. Sushma D. Narvekar, M/s. Golden Heritage Pvt.Ltd, Mapusa, Bardez-Goawith regard toNOC for construction of wooden jetty with floating pontoon in abutting Sy.No.49/3 of Penha-de-Franca Village, Bardez-Goa.

The earlier permission was granted to Mrs. Sushma D Narvekar, M/s. Golden Heritage Pvt. Ltd vide this Office letter Ref No: GCZMA/N/11-12/24/104 dated 08/04/2013.

Site Inspection Report: The said site was inspected by Sujeet Kumar Dongre, Expert Member GCZMA. Report will be placed during the Authority meeting.

Decision: The Authority after deliberation and discussion decided to approve for repair and renovation to the existing jetty as approved by GCZMA in its 80th meeting held on 13/03/2013.

Case No.3.12**NOC for Repairing Mangrove walk way and for renovation of office cum ticket counter at Dr. Salim Ali Bird Sanctuary, Chorao.**

With reference to the subject matter cited above, this is to inform you that for the benefit of nature lovers, the existing infrastructures and facilities available at Dr. Salim Ali Bird Wildlife Sanctuary, Corao are planned to be renovated and revamped. In this

connection, this office is taking up the renovation work of Mangrove walk way and existing office cum ticket counter building near the entrance gate of the Dr. Salim Ali Bird Sanctuary, Chorao through Public Work Department. The site plan is obtained from Office of the Chief Architect, PWD.

The Office of the GCZMA is in receipt of application dated 03/08/2021 from The Dy. Conservator of Forests, Office of the Deputy Conservator of Forests, Wildlife & Ecotourism(North) Division, 1st lift, 4th Floor, Junta House, Panaji-Goa with regards repairing Mangrove walk way and for renovation of office cum ticket counter at Dr. Salim Ali Bird Sanctuary, Chorao.

Site Inspection Report: The said site was inspected by SujeetKumar Dongre, Expert Member GCZMA.

Decision: The Authority after discussion and deliberation decided to approve and grant NOC for Repairing Mangrove walk way and for renovation of office cum ticket counter at Dr. Salim Ali Bird Sanctuary, Chorao.

Item No. 4

To decide on applications for Erection of Temporary Seasonal Structures i.e Shacks /Cottages /Huts /Tents etc. (as annexed as Annexure –I).

The Meeting ended with the Vote of thanks.

Sd/-
Member Secretary
(GCZMA)

Sd/-
Chairman
(GCZMA)

Erection of Temporary Seasonal Structures i.e Shacks /Cottages /Huts /Tents etc

Village: Anjuna

Taluka: Bardez

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub Div No. | Plot area | 33% Permissible Area | Applied For | | | Application Status | Remarks |
|--------|-------------|-----------------------|--------|-------------|-----------|----------------------|-------------|-------|-------|--------------------|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 18/11/2021 | Vathu Vassu Govekar | 222 | 5 | 225.00 | 74.25 | - | 1 | 70.00 | Recommended | Deferred. The Authority decided to defer the proposal and decided to inspect the site along with Expert Member |

Village: Morjim

Taluka: Pernem

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub Div No. | Plot area | 33% Permissible Area | Applied For | | | Application Status | Remarks |
|--------|-------------|-----------------------|--------|-------------|-----------|----------------------|-------------|-------|--------|--------------------|----------|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 28/10/2021 | Casiano DSouza | 130 | 21 | 1273.00 | 406.32 | - | 1 | 344.30 | Recommended | Approved |

Village: Assagao**Taluka: Bardez**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub Div No. | Plot area | 33% Permissible Area | Applied For | | | Application Status | Remarks |
|--------|-------------|---|--------|-------------|-----------|----------------------|-------------|-------|--------|--|----------|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 04/10/2021 | 1) Yaminni Raya Chodankar, 2) Shakuntala Keshav Chodankar, 3) Rajeshri Mahableshwar Chodankar | 29 | 1 | 1200.00 | 240.00 | - | 1 | 236.75 | Recommended The proposal falls within 100 mtrs from HTL of River Chapora. | Approved |

Village: Mandrem**Taluka: Pernem**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub Div No. | Plot area | 33% Permissible Area | Applied For | | | Application Status | Remarks |
|--------|-------------|------------------------|--------|-------------|-----------|----------------------|-----------------------|-------|--------|--------------------|----------|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 06/04/2021 | Hanumant S. Parulekar | 278 | 1 | 298.00 | 98.34 | 1 | 1 | 55.00 | Recommended | Approved |
| 2. | 01/09/2021 | Nagarjuna Rao Akkineni | 211 | 2-B | 6500.00 | 2145.00 | 16 Cottages/ Chalets' | - | 746.55 | Recommended | Approved |

Village: Nagorcem-Palolem

Taluka: Canacona

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub Div No. | Plot area | 33% Permissible Area | Applied For | | | Application Status | Remarks |
|--------|-------------|-----------------------|--------|-------------|-----------|----------------------|-------------|-------|--------|---|--|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 11/10/2021 | Matilda Pinto | 120 | 8 | 6225.00 | 2054.25 | 10 huts | - | 156.00 | The Applicant has submitted Affidavit with regard to access. | Deferred. The Authority decided to defer the proposal and decided to direct the applicant to correct the survey number mentioned in the site plan and affidavit. |
| 2. | 28/11/2019 | Shankar S. Varik | 66 | 4 | 1175.00 | 387.75 | 7 huts | - | 171.00 | Recommended The applicant has complied the observation sought by the Expert Member during Site inspection. | Deferred |

Village: Cavellossim

Taluka: Salcete

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub Div No. | Plot area | 33% Permissible Area | Applied For | | | Application Status | Remarks |
|--------|-------------|--|--------|-------------|-----------|----------------------|----------------------|----------|---------|--|--|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 12/04/2021 | Mr. Manish Anand, C/o. Anand Incorporation Pvt.Ltd | 95 | 1-A | 10,000.00 | 3300.00 | 22 huts, 1 reception | 2 shacks | 2100.00 | Recommended subject to compliance of document and beach carrying capacity Report. Compliance letter is submitted by the applicant on 09/11/2021. The applicant has submitted CZMP Plan in which no sand dunes are shown in sy.no. 95/1-A of Cavellossim Village .(Copy enclosed) | Deferred. The Authority decided to defer the proposal and direct the applicant to submit the revised plan as per new draft CZMP plan excluding the sand dunes. |

Village: Betal Batim

Taluka: Salcete

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Application Status | Remarks |
|--------|-------------|--------------------------|--------|--------------|-----------|------------------|-------------|-------|--------|--|--|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 08/03/2021 | Sea Queen Resort Pvt.Ltd | 96 | 5 | 3976.00 | 1312.08 | Washroom 1 | 1 | 134.00 | Recommended subject to compliance of document and beach carrying capacity report. The applicant also sought for Boundary fencing.The applicant has submitted draft CZMP plan of 2011 with regard to his survey number. | Deferred. The Authority decided to defer the proposal and direct the applicant to submit the revised plan as per new CZMP plan excluding the sand dunes. |

Village: Poinguinim Taluka: Canacona

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Application Status | Remarks |
|--------|-------------|-----------------------|--------|--------------|-----------|------------------|-------------|-------|--------|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 01/11/2021 | Juliao Cardoso | 190 | 1-I | 1414.00 | 466.62 | 6 Huts | 1 | 196.00 | Recommended The proposal was discussed in the 280 th GCZMA Meeting held on 16/12/2021. The Authority decided to defer the proposal. | Approved Subject to condition 1. The setback shown in the layout of proposed huts to be maintained. 2. The area of cottages given in the enclosed drawing has to followed while erecting temporary seasonal structures. |

Village: Colva

Taluka: Salcete

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Application Status | Remarks |
|--------|-------------|-----------------------------------|--------|--------------|-----------|------------------|-------------------------------|---------|--------|--|--|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 12/11/2021 | Lucia Espertina Da Silva Carvalho | 54 | 4-G | 947.00 | 312.51 | 4 Cottages, 1 Toilet Block | 1 Shack | 298.97 | Recommended of Revised Plan. The proposal was discussed in the 280 th GCZMA Meeting held on 16/12/2021. The Authority decided to Defer the proposal | Deferred. The Authority decided to defer the proposal and decided to inspect the site along with Expert Member |

Village: Candolim

Taluka: Bardez

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Application Status | Remarks |
|--------|-------------|--|--------|--------------|-----------|------------------|-------------|-------|--------|----------------------------|----------|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 04/08/2020 | Raffles Square Development Private Limited | 114 | 1 | 12525.00 | 4133.25 | 3 Cottages | - | 180.00 | Recommended for three huts | Approved |

MINUTES OF THE 289th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 08/02/2022 at 03.00 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.

The 289th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 08/02/2022 at 03.00 p.m. in the conference hall, fourth floor, Patto-Panaji – Goa.

The following members were present for the meeting on 08/02/2022:

1. Secretary Environment/Chairman (GCZMA).
2. Representative on behalf of Director, Directorate of Industries, Trade & Commerce.
3. Representative on behalf of Principal Chief Engineer, (PWD), Panaji, Goa.
4. Shri. Flaviano Miranda, Expert Member (GCZMA).
5. Shri. Savio Joaquim Filipe Correia, Expert Member (GCZMA).
6. Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
7. Member Secretary (GCZMA).

Case No. 1.1

To decide on Show Cause Notice issued on Sylvester Dsouza dated 16/03/2020 having carried out additional illegal structures in property bearing survey no. 242/1 (part) in Calangute-Bardez, Goa.

Background:

The Member Secretary of the Goa Coastal Zone Management Authority ordered for a field inspection of the property named Sunset Cottages of Mr. Sylvester D'Souza in the survey number 242/1 (part) in Calangute-Baga. The undersigned expert member along with Mr. Yeshwant G. Bicholkar Field Surveyor (FS), GCZMA, Shri Mandar Fadte FS, DSLR, Shri Rajesh Harmalkar FS, DSLR, Mr. Dattaram N Kamat, Talathi, Calangute visited the site on 13th January, 2020 from 11:30 am onwards to conduct the inspection. Few Police Constables from Calangute Police Station also joined the team.

Ad. Nilesh Takkekar was present on behalf of Ms. Nalini Da Rosa Fernandes, Adv. Karan Jayant, Adv. Dilesh Ashwekar and Mr. Damodar Kharbe, Manager of Sunset Cottages were present on behalf of Mr. Sylvester D'Souza at the site.

The said matter was deliberated during 219th GCZMA meeting held on 28/01/2029 and 29/01/2029. The Members opined that the Respondent namely Sylvester D'Souza has taken the Authority for a ride on flimsy grounds stating that there was no identification of

the offending structures that was done when the directions to demolish were first passed on 15/02/2012. Had this been the case then the appellate forums including the Hon'ble Apex Court would have taken cognizance of this fact & in case there had to be any omissions on our part than our decision would have been set aside. Since our decision has been upheld, it was incumbent on the Respondent to adhere to our decision & demolish the offending structures on his own which he failed to do so prompting the Dy. Collector to requisition the services of the demolition squad. However only 12 rooms were demolished instead of 18 rooms as the totality of 18 rooms could not be properly identified. The Authority took serious note of the stubborn attitude of the Respondent & decided not to issue any fresh notice of hearing as the proceedings were already adjudicated & decided in finality & what was left is only execution. In that sense of the term, the structure identified with alphabet 'I' in the fresh plan prepared by the DSLR shall be the one which needs to be demolished forthwith so that there is complete compliance to the directions issued by this Authority for demolition of 18 rooms as contained in the order dated 15/02/2012.

Apart from this the Authority also noted that there are blatant violations done by the Respondent in property bearing Sy. No. 242/1-B of Calangute Village showing scant respect to the rule of law & such an attitude once again reinforces the fact that he has little or no respect to the CRZ norms as if they don't exist. The Authority thus decided to issue a separate & fresh show cause notice on the Respondent in respect of structures identified with Alphabet A, B, C, D, E, F, G, H, J, K, L & the swimming pool within the said property.

The Hon'ble NGT passed an order dated 05/02/2020 which states as follows:

- *“The application seeks execution of order dated 03.04.2019 by which the order of GCZMA dated 15.02.2012 was upheld and, as a consequence, the structure of the respondent was required to be demolished.*
- *It was submitted that the order has not still been carried out.*

3. The GCZMA was thus directed to submit an action taken report against the directions issued vide order dated 03.04.2019 and to inform on the extent of the exercise undertaken towards its compliance. The report has accordingly been filed by the GCZMA which in substance states that out of 18 structures directed to be demolished, 12 have since been demolished except 6 which could not be identified as no prior inspection had been carried out by the authority. The Authority had then undertaken a fresh inspection for the purpose identifying the offending structures. Having taken the exercise it is stated that the 6 have now been identified in addition to observing other illegalities in respect of the property bearing Survey No. 242/1-B, village Calangute standing in the name of Mr. Sylvester D'Souza regarding which notice has been issued directing to show cause as to why the structures should not be demolished. Further action is thus awaited.

- Mr. Nayyar, learned Senior Counsel, appearing on behalf of the Applicant, submits that the authorities have not carried out the directions in accordance with findings and instead of 12 structures, only 4 have actually been demolished in support of which an affidavit has been filed.
- Since a copy of the affidavit has been served upon the GCZMA as well as the respondent/judgement debtor, we direct the GCZMA to examine and consider the objections and take appropriate action in accordance with law. We permit the Applicant as well as the Respondent to be present before the GCZMA on 25.02.2020 to ensure an effective adjudication of the matter.
- Let a report of compliance be filed before the next date.
- We make it clear that pendency of the present proceedings shall not be treated as an impediment in the GCZMA proceeding for demolition of the remaining the 6 structures.”

The said matter was deliberated at length during 221st GCZMA meeting held on 25/02/2020

Proceeding for 221st meeting: The Hon'ble NGT (WZ) Pune vide orders passed in Execution Application No.13/19 dt.05/02/2019 directed the parties to appear before the Authority to undertake the fact-finding exercise in respect of demolition of 18 offending structures located in property bearing Survey No.242/1-B of Village Calangute. The moot question before the Authority was as to whether the orders that had been passed by us way back on 15/02/2012 have been executed or not in terms of the directions issued under the E.P. Act 1986. As per the said order 18 rooms were supposed to be demolished. This order of the Authority has been assailed right upto the Hon'ble Supreme Court & finally on 24/07/2019 the said order of the Authority was executed by engaging the services of demolition squad.

The Authority had received a report from the Revenue Authorities that due to unavailability of any sketch they couldn't identify all of the 18 rooms but only 12 rooms were identified which has been demolished. This report has been disputed by the Complainant & she had made representations to the Authority & finally before the NGT. Since there was no sketch prepared whilst passing the impugned directions dated 15/02/2012, the Authority deemed it fit to carry out an inspection of the site along with field surveyors. The Expert Member has given a detail report along with a supplementary & the sketch of the various structures located in property bearing Survey No.242/1-B has also been mapped. This sketch along with the report has also been given to the parties officially & it was also given at the time of hearing before the Hon'ble NGT which fact is not disputed.

Since the Hon'ble NGT has directed the parties to appear before the Authority & vent out their grievance, the members heard the Ld. Counsels.

Ld. Adv. for the complainant submitted that the order dated.15/02/2012 has not been executed in totality but out of the 18 rooms that were to be demolished only 4 rooms have been demolished. He drew the attention of the Authority to the order dt.24/08/2018 passed by us wherein it has specifically held that the V.P. of Calangute had no powers to pass a resolution to regularize the offending structures which orders have been re-assailed

by the various courts including the Hon'ble Supreme Court of India. In other words, the order dt.15/02/2012 has attained finality & hence the same was required to be executed in terms of the directions contained therein. Although the demolition did take off on 29/07/2019, the same was limited only to 4 rooms and not 12 rooms as mentioned in the panchanama. He stated that the Complainant lodged her protest immediately on 30/07/2019 stating that the panchanama is erroneous and brought to the fore a report dt. 06/10/2016 prepared by GSPCB which is alongwith a sketch which sketch points out to 20 rooms clearly pinpointing by way of alphabets A, B, C & D as to which of the blocks contain the number of rooms. As per this report Block 'A' has 6 rooms, Block 'B' has 4 rooms, Block 'C' has 4 rooms & Block 'D' has 6 rooms, totalling to 20 rooms. He thereafter relied upon the survey plan. As per the survey records there existed only two rooms but the Respondent had additionally constructed 18 more rooms and that's how the said report dt.06/10/16 makes a mention of 20 rooms.

Ld. Counsel for the Complainant than pointed out to the inspection report of the Expert Member which inspection was done on 13/01/2020 along with the sketch annexed to the panchanama dt.29/07/2019 & the sketch forming part of the inspection carried out at the behalf of GSPCB. As per the current inspection sketch dt.13/01/2020 the structure that was demolished on 29/07/2019 was comprising of 4 rooms & not 12 rooms because this very structure was identified with alphabet 'C' in the GSPCB report that had mentioned of having 4 rooms. He also questioned as to how could 12 rooms be located with minimum length of 21 mts between compound wall on the boundary & swimming pool with a total length of 13.95 mts. Ld. Counsel of the complainant thereafter submitted that in the event if the contention of the Respondent is believed that out of the 18 rooms, 12 rooms are demolished than going by the facts & figures as contained in the inspection report of the GSPCB dt.06/10/2016 none of the permutations & combinations if arithmetically worked out would give us any rounded up figure of 18. He thus stated that even if the Member Secretary has filed an affidavit before the Hon'ble NGT of having demolished 12 rooms, that by itself would not preclude the Authority in correcting itself because the Member Secretary had been misled by the Respondent and when the truth

has been laid bare open, the Authority can definitely correct itself as long as the directions issued in terms of Section 5 of the E.P. Act 1986 have been complied with.

Ld. Counsel for the Respondent in his arguments disputed the fact that the directions dt.24/08/18 not being complied with as alleged by the Complainant is incorrect. He stated that pursuant to the said directions the Respondents structures have been demolished. He stated that at the time when the orders of demolition were passed on 15/02/2012, the Authority had not conducted any inspection, nor had it prepared a sketch and hence to fall back on any other report & a plan prepared by some other department would not be correct. He submitted that the Member Secretary has categorically admitted about this omission before the Hon'ble NGT through the affidavit filed on 04/02/2020, and hence the Authority was perforced to carry out an inspection to know & ascertain the factual position. He stated that the Respondent being called upon to demolish all of the structures existing in property bearing Sy.No.242/1-B is incorrect because the issue that has been tried & tested is limited to 18 rooms & nothing beyond that. He stated that the Execution Application that has been filed by the Complainant before the Hon'ble NGT is to execute what has not been implemented & nothing beyond that. He thereafter again pointed out to the affidavit of the Member Secretary dated 04/02/2020 which states that 12 rooms have been demolished and another 6 have been identified totalling to 18 rooms which he is willing to demolish. He reiterated the fact that that 12 rooms have been clearly demolished & heavily banked upon the panchanama report dt.29/07/2019 prepared by the Executive Magistrate who had gone on site to execute the orders of demolition. He finally stated that if any additional structures have come up, they cannot be clubbed to the current proceedings. He thus prayed that the structure identified with alphabet 'I' could be demolished if this Authority feels that it would meet the requirements of the directions issued on 15/02/2012.

The Authority after hearing the submissions advanced by Ld Counsel for parties at length & upon perusal of the records was of the opinion that the Respondent has been trying to hoodwink the Authority by raising various technical issues which has been put

to rest by the Hon'ble Apex Court. The members unanimously felt that it was high time that such enemies of environment, whose actions are taking a toll on the future generations, must be nailed.

Needless to say, the Authority may or might have omitted to conduct an inspection and mapping the offending structures; nonetheless, the truth lies in the fact that 18 rooms were supposed to be demolished. The inspection report of the Expert Member shri. Sujeet Dongre dated.13/01/2020 (*received by email on 14/01/2020*) and clarification dated 21/01/2020 opened up a can of worms vis-à-vis the joint inspection report of the GSPCB dated 06/10/2016. Both these reports taken conjunctively reveal in unmistakable terms that the Respondent is a rank violator of the CRZ norms and just because there has been delay in execution of our very own directions has got himself emboldened to such an extent that he has done very many additional illegal constructions. The report of the Expert Member dated 13/01/2020 (*received by email on 14/01/2020*) clearly discloses that structures identified with Alphabet 'A' 'H' & 'I' are these very structures containing 14 rooms because from the date of passing of the directions i.e., 15/02/2012 & as on the date of inspection done by the GSPCB on 06/10/16 the status of the offending structures was the same i.e. 18 rooms with no additional constructions but as on date there are additional structures as well. It is pertinent to note that the reports of the expert member are not disputed by the respondent. Hence it is crystal clear that structure 6 (six) rooms from structure 'A', 2 (two) rooms from structure 'H' & 6 (six) rooms 'I' are the offending structures that need to be demolished & the demolition carried out on 29/07/19 was only in respect of 4 rooms & not 12 rooms. Necessary steps be taken for their demolition forthwith.

Insofar as the affidavit filed by the Member Secretary before the Hon'ble NGT is concerned the Members opined that the same was based on the Panchanama report dated 29/07/19 whereby 12 rooms were stated to be demolished & based on the inspection report dt.13/01/2020 the structure identified with Alphabet 'I' was decided to be demolished. However, when the facts have been seemingly made clear, it would not be

correct to lay back & seat just because of the statement made on oath but to ensure that the directions issued on 15/02/12 are complied in letter and spirit by issuing orders to demolish structure A (6 rooms), H (2 rooms) & I (6 rooms) and restoration of the land to its original condition.

Apart from this, the Authority also decided to issue fresh show cause notice to respondent Mr. Sylvester D'Souza with respect to all of the other additional offending structures namely the swimming pool, structure A (2 rooms); Structure B consisting of Ground plus two (G+2) consisting of three rooms; Structure C is toilet structure consisting of two rooms; Structure D is a Bar with two rooms inside; structure E (G+2 having a residence on the ground floor and 4 rooms on each upper floor, total 8 rooms) structure F ground structure with (2 rooms) , structure G ground structure with (1 room), Structure H is a ground structure with four rooms; structure J ground structures with (2 rooms) and structure K is a toilet structure with two rooms; Structure L is a plinth/foundation of demolished structure admeasuring about 126 Sq Meters; that have been constructed by the Respondent post 06/10/2016 in the property bearing survey No. 242/1-B of village Calangute, Bardez, Goa. It was further decided that imposition of punitive costs of damages for the environmental violations by the respondent under polluter pays principle is called for as a deterrent and for restitution of the environmental damage.

Accordingly, a show cause cum hearing notice bearing no. GCZMA/ ILL / 03/ CAI/2693 dated 16/03/2020 was issued by GCZMA directing the respondent violators to file a reply on or before 01/04/2020 and also attend personal hearing on 03/04/2020. The personal hearing to be held on 03/04/2020 was cancelled on account of lockdown due to Covid pandemic. The respondent violators have failed to file reply to said show cause notice.

During 227th meeting held on 17/09/2020 the complainant represented by advocate S Parab. Respondent represented through Damodar Kharbe. The respondent is directed to hand over copy of reply to the Show Cause Notice to complainant who may wish to respond/rejoin to the reply filed by the respondent. The Authority informed the respondent to be present for final hearing on 24/09/2020. On the hearing of 24/09/2020,

the Respondent prayed for time which was granted and the Respondent was called on 09/10/2020. The Authority during 230th meeting held on 09/10/2020 noted that advocate on behalf of Respondent informed the Authority regarding his inability to attend today's hearing via email dated 08/10/2020. The Authority conceded to the request of Respondent and granted last and final opportunity to place the facts, records, and arguments by way of written submission if any on 22/10/2020 @ 3.30 pm on account of the long pendency and directions of Hon'ble NGT.

The authority during 232nd meeting held on 22/10/2020 heard the parties. The Chairman called upon the Respondent to prefer his arguments. The Respondent filed an Application seeking recusal of Member Secretary, GCZMA on ground of being prejudiced against the Respondent on account of affidavits filed against the Respondent in Hon'ble National Green Tribunal.

It was pointed out to the Respondent that Member Secretary discharges his official functions and GCZMA while discharging its function delves upon the matters considering facts, arguments, case laws and directions of Superior Courts and decides as an Authority consisting of several members and the Application for recusal of Member Secretary cannot be considered although Member Secretary volunteered for recusal.

The Parties were reminded that this hearing is the last opportunity for the parties to present their facts, arguments and submission to which both the Parties stated that they have not brought anything to add to the proceeding.

The authority during 232nd meeting held on 22/10/2020 The Application seeking recusal of Member Secretary from the proceeding was rejected for lack of sufficient ground as the Member Secretary whilst filing affidavits before the Hon'ble National Green Tribunal / Hon'ble High Court was merely stating the facts of the case as part of his Official Duty as GCZMA was a party.

Since, the parties chose not to submit any more facts, arguments or written submissions, this being the last hearing for the proceedings; the case is kept for order.

During 240th GCZMA meeting held on 17/12/2020. Adv. Jayant Karn remained present on behalf of respondent. Ms Nalini Da Rosa Fernandes complainant remained present in person. Respondent sought additional time to file reply. The Complainant also sought time to argue the matter as her adv could not attend the hearing.

The Authority after detailed discussion and on the principal of natural justice decided to grant time for both the parties and posted the matter on 14/01/2021 at 3.30pm for final arguments.

During 243rd GCZMA meeting held on 14/01/2021 Complainant Nalini Fernandes appeared along with Ld Adv S. Jain. Ld Adv. Jayant Karn appeared for Respondent. Adv for complainant filed written submission along with compilation of documents. Respondent filed an application for recall of order dated 22/10/2020 and fresh adjudication of the present proceedings. Both the parties argued at length.

With respect to respondent's plea for recall of the order dated 22/10/2020 the Authority told Advocate for the Respondent that as the Member Secretary had changed the question of recalling the order dated 22/10/2020 does not arise and the hence the request is rejected.

Ld Advocate for the Complainant argued that the order dated 15/02/2012 passed by this Authority had attained the finality which needs to be executed. This authority had directed the Respondent to demolish 18 rooms however as on date only 4 rooms are demolished. Besides the 18 rooms to be demolished as per order dated 15/02/2020 the Respondent had carried out the additional constructions at site as per the report of the Expert Member who had inspected the site. All the constructions are in violation of CRZ Notification 1991 and prayed for appropriate directions for demolition of the new structures.

At the outset, Ld. Advocate for the Respondent stated that he was advancing submissions without prejudice to his case for recall of the order dated 22/10/2020. He submitted that Show Cause Notice dated 16/03/2020 issued by this Authority is not correct and admits

that the Respondent had demolished 12 rooms and 6 rooms are yet to be demolished and that the authorities are free to demolish the same. The Expert Member who inspected the site was supposed to inspect the alleged undemolished structures and not report on additional structures as reported by him in his report.

The Authority after long discussion directed Respondent to comply with the order dated 12/02/2012 passed by this authority which had attained the finality and to demolish the 14 rooms immediately and submit the compliance report to this authority within a period of four week's time. The authority directed that no commercial activity shall be permitted in the said 14 rooms until their demolition. Deputy Collector, Bardez shall ensure strict compliance.

During 251st GCZMA meeting held on 25/02/2021. The Ld Adv for both the parties present. Ld Adv for the Respondent informed this authority that order passed in the execution proceedings by the Hon'ble NGT is challenged by him before the Hon'ble Supreme Court of India and prayed for time to argue the matter at future date. Authority felt in spite demolition order passed by this authority for 14 rooms which attained the finality the Respondent is running the rooms for commercial purpose.

The Authority after hearing the Respondent ordered for sealing of 14 rooms through the Deputy Collector & SDO, Bardez - Goa and execute the order of demolition of 14 rooms identified by the Expert Member after 2 weeks.

The Authority further posted the matter for hearing on the Show Cause Notice dated 26/03/2020 issued by this authority for other additional structures identified by the Expert member during the site inspection. The matter is posted on 18/03/2021 at 3.30pm. However the meeting on 18/03/2021 is cancelled and said matter is further posted on 15/04/2021. However the matter got postponed. Now authority decided to issue fresh hearing notices.

During 287th GCZMA meeting held on 27/01/2022 adv. appeared on behalf of respondent sought additional time. Accordingly, Authority decided to post matter for arguments on 03/02/2022 at 3.00 pm.

During 288th meeting held on 03.2.2022 Adv Bhosle appeared on behalf of the Complainant, Adv Jayant appeared on behalf of the Respondent. The Adv for Complainant filed a copy of the detailed written synopsis on record. The Adv for the Respondent briefly narrated how in the year 2012 a demolition order was passed by the GCZMA in respect of 18 rooms out of 20 rooms. Two such rooms out of the remaining 18 were admittedly prior to 1991, the subject matter of the present show cause notice are the supposed for the additional rooms which were allegedly constructed after the year 2016. The Adv submitted that visa vis the order of 2012 there was never a site inspection done nor a sketch drawn to identify the structures in the property. As per panchanama 12 rooms have been demolished. The basis of the present show cause notice that the site inspection report prepared by the Expert Member of the Authority which relies on a plan of the year 2016 prepared by GSPCB. The said report of the year 2016 was done pursuant to a matter of discharge of waste by the said Respondent. The sketch of the year 2016 has no legends, no indication as to nature of violations however the Expert Member of GCZMA has relied on the said report of the PCB of the year 2016, in fact the sketch prepared by the PCB in the year 2016 is not complete in many aspects. Further pointed out two panchanamas which clearly records that the said plan of 2016 is insufficient to identify the 6 rooms. Further submitted that the same person who attended the inspection and also the demolition gave a different finding on different occasions. Further submitted that contrary affidavits were filed by the earlier Member Secretary of this Authority further the earlier Member Secretary was biased and application in this regard was filed before the Authority. The present show cause notice is based on definite conclusions instead of charges and allegations. The meeting minutes which spell out the present show cause notice has already branded the Respondents a rank violator. Coming to the site inspection report submitted by the Expert Member he submitted that the same is factually incorrect and based on wrong assumptions and unwarranted comparisons to

the report of the PCB of the year 2016. The Respondent pointed to the tabular columns of comparison vis a vis the structure as stated in the report and submitted that the comparison was based on wrongful assumption. The Respondent submitted that there are still disputes between the parties and the Complainant in fact considered him as her enemy. Further submitted that there are major contradictions if we compare the plan to the plan of the year 2016. The Respondent further submitted that what is submitted in the inspection report is in fact on logical falsity; the present show cause is based on a flawed inspection report. The said inspection report should not be considered by the Authority and shall be discarded, the Respondent submitted that they have submitted documents such as house tax receipt, electricity bills and a decree to show that the structures were existing prior to 1991 and hence the show cause notice should be dropped.

The Complainant in rebuttal stated that the challenge to the report of the PCB cannot be raised before this Authority as this has already been raised in an appeal before the Hon'ble Supreme Court. The subject matter of the show cause notice is clear that the additional constructions done by the Respondents over and above the two rooms everything is illegal. The comparative chart in the site inspection report of the Expert Member of GCZMA clearly depicts the illegality at site. The GSPCB report of the year 2006 cannot be challenged by this Respondent. The structures built by the Respondents are within NDZ hence the same cannot be shown any leniency. He further submitted that the Respondent was required to submit an affidavit that he will not carry out any commercial activity; however, the same has not been submitted till date. The Adv for the Respondent undertook that he will not carry out any commercial activity. The Respondent further submitted that by 07.02.2022 he will file his written synopsis with advance copy to the Complainant. The Authority after hearing both the parties decided to post the matter for order.

Proceeding: - The Adv for the Complainant Miss Samridhi Jain present through VC, Adv Jayant Bhosle present for the Respondent. On 7.2.2022 the Advocate for the Respondent filed a copy of the brief written synopsis on record by serving an advance

copy to the Complainant via email, on 8.2.2022, the Adv for the Complainant sent a copy of the Additional Written synopsis via email the same was placed before the Authority.

Decision: - The Authority heard Ld Adv Sangramsinh Bhosale with Ld Adv Samridhi Jain on behalf of the Complainant and Ld Adv Jayant Karn for the Respondents at length. Written arguments submitted by counsel were also perused.

The present matter arises from Show Cause Notice no. GCZMA/III/03/CAL/2693 dated 16/03/2020 issued by this Authority with respect additional structures identified in property bearing Survey no.242/1 (part) of revenue village Calangute situated at Sauntawaddo locality, Calangute, Bardez.

The Authority noted that after due discussion and deliberation in the 221st Authority meeting held on 25/02/2020 it had *inter alia* decided to issue said show cause notice as to why direction demolish the structures and penalty of Rs.5,00,000/- should not be imposed on the Respondents.

Succinctly, the case of the Complainant can be summarised as under: -

The Authority after conducting detailed inquiry had issued demolition order dated 15/02/2021 for 18 rooms in Syno.242/1 (part), Sauntawaddo, Calangute, Bardez. The Authority in the said order *inter alia* noted that out of 20 rooms, 18 rooms were without necessary approval from the Authority.

The said order dated 15/02/2012 was challenged by the Respondents before the Hon'ble High Court vide Writ Petition no. 915/2012. The Hon'ble High Court vide order dated 22/03/2018 held that the petition was not tenable, and remedy of appeal was available before the Hon'ble National Green Tribunal (NGT). The said Order dated 22/03/2018 was challenged by the Respondent in a Civil Review Application bearing no.08/2018. The said CRA no. 08/2018 came to be dismissed was dismissed by the Hon'ble High Court vide order dated 13/04/2018.

The orders dated 22/03/2018 in Writ Petition no.195/2012 and 13/04/2018 in CRA no.08/2018 were challenged before the Hon'ble Supreme Court in SLP no: 13457-13458/2018. The Hon'ble Supreme Court vide order dated 25/05/2018 was not inclined to interfere with orders however directed the Authority to consider the efficacy of resolution of Village Panchayat dated 20/02/2012 purporting to regularize the illegal construction/violation of the Respondent.

This Authority then considered the efficacy of resolution of the village panchayat dated 20/02/2012 and passed an order dated 24/06/2018 re-affirming its order dated 15/02/2012. The said order dated 24/06/2018 was challenged by the Respondent in Writ Petition no. 915/2018. The Hon'ble High Court vide order dated 29/11/2018 was pleased to dismiss the said petition as the Respondent had efficacious statutory remedy before the Hon'ble NGT.

The Respondent filed an appeal bearing no. 24/2019 before the Hon'ble NGT. The Hon'ble Tribunal, vide order dated 03/04/2019, dismissed the said Appeal. A civil appeal no. 3735/2019 was filed before the Hon'ble Supreme Court. The Hon'ble Supreme Court vide order dated 22/04/2019 dismissed the said civil appeal.

The Complainant filed an Execution Application no.13/2019 before the Hon'ble NGT inter alia seeking execution of demolition order of the Authority which had attained finality. The Authority, in compliance to the said matter, by way of affidavit, submitted site inspection report dated 13/01/2020. The site inspection report of Expert Member GCZMA relied upon Joint Site inspection report dated 06/10/2016. The Complainant relied upon the findings of the said report dated 13/01/2020. On 13/01/2020, the Expert Member of this Authority along with other officials conducted the site inspection and noted the structures along with the rooms that were existing at the said property as on 13-14.01.2020. It was during the field inspection of 13/01/2020 that it was observed that the violator had constructed additional rooms than those that were noted in the Demolition Order dated 15/02/2012 and the Inspection dated 06/10/2016.

The Complainant approached the Hon'ble NGT in O. A. No. 91 of 2021. The Hon'ble Tribunal vide its order dated 01/12/2021 in O. A. No. 91 of 2021, restrained the Respondent from exploiting the unauthorized structures for commercial exploitation.

On the other hand, the Respondent's case can be summarised as under: -

The Respondent's case is that the show cause notice itself stands vitiated by unfairness and bias, which in turn defeats the very purpose of its issuance.

The Respondent has submitted that the Member Secretary of GCZMA (Predecessor) was biased. The Respondent stated that the Member Secretary of GCZMA (Predecessor) has filed contradictory affidavit in Execution Application no. 13/2019 before the Hon'ble NGT and filed affidavit opposing the grant of interim relief before the Hon'ble High Court in Writ Petition bearing no (Stamp no). 1033/2020.

The report of 13/01/2020 prepared by the Expert Member GCZMA is erroneous and arbitrary. The Respondent submitted that there are different findings by same field surveyors on different occasions. The Respondent submitted that the Expert Member's report has logical fallacies and errors in comparison. The Respondent submitted that the sketch/map dated 06/10/2006 cannot be relied upon by the Authority. The Respondent further relied upon certain documents issued by other authorities prior to year 1991.

In view of the rival contentions, the following issues crystallize for determination of the matter, namely:

- I. Whether the show cause notice dated 16/03/2020 is vitiated by unfairness and bias? and,
- II. Whether the offending structures in property bearing Survey No. 242/1 (part), Sauntawaddo, Calangute, Bardez, Goa were existing prior to 19/02/1991?

Issue no. I:

The thrust of the respondent's submissions is that the Show Cause Notice dated 16/03/2020 stood vitiated by unfairness and bias. In the present case, the Respondent was

issued demolition order dated 15.02.2012 for demolition of 18 rooms on the said property. The said order was upheld by the Hon'ble Apex Court not once, but thrice. The Respondent has deceived the authorities and protracted the environmental violation for nine years as the offending 18 rooms could only be demolished in 2021. In the Inspection Report of 13.01.2020, it was found that merely because there was delay in execution of demolition order dated 13.01.2020, the Respondent had been emboldened to undertake new construction of additional rooms and a swimming pool.

Thus, this Authority in its minutes of the meeting dated 25/02/2020 had found the Respondent to be a rank violator who had hoodwinked the authorities by raising technical issues.

Lastly, the show cause notice dated 16/03/2020 also forms a part of the O.A. no. 91 of 2021 before the Hon'ble NGT wherein the Hon'ble NGT has prima facie found the Respondent to be in total abdication of law, and therefore the Hon'ble NGT vide its orders dated 01/12/2021 and 18/01/2022 was pleased to stay commercial operations of the Respondent.

The Authority noted that the present show cause notice dated 16/03/2020 was issued based on due discussion and deliberation in the 221st GCZMA meeting held on 25/02/2020. The Authority noted that in the said 221st meeting minutes, the Authority had arrived at two decisions: one being demolition of structures which were part of original order dated 15/02/2021, and the other being issuance of show cause notice regarding additional structures built by the Respondent.

It is clear from the minutes of 221st GCZMA meeting held on 25/02/2020 that the Authority acted independently in respect of additional structures erected by the Respondent. The said Show Cause Notice dated 16/03/2020 was based on findings given by the Expert Member GCZMA in his report dated 13/01/2020. The said report dated 13/01/2020 is based on factual findings at site along with map generated by the DSLR clearly indicates the situation at loco. The Respondent has been given reasonable opportunity to file reply to show cause notice and file documents in support of his case.

The Respondent was also given fair opportunity to heard through to submit orally as well as written submissions. The Authority thus complied with principles of natural justice. As such, the Authority did not find any merit in submissions of the Respondent that the Show Cause Notice dated 16/03/2020 was vitiated by unfairness and bias.

The Authority considered the judgment of Hon'ble Apex Court in *Oryx Fisheries Pvt Ltd vs Union of India* (2010) 13 SCC 427 relied by the Respondent and concluded that the facts of the case and law laid down in the judgment do not apply to this case. The Show Cause Notice clearly spelt out the offending structures and did not in any way conclude or prejudge the guilt of the respondent against the same.

Next, the Respondent has alleged bias on part of the Member Secretary (predecessor) of the Authority who issued the Show Cause Notice. The Authority noted that the Member Secretary of the Authority has an important role to play. The Authority which is notified by the MoEF&CC acts through meeting and decisions are arrived unanimously after due discussion and deliberation amongst the members. The Authority is a body consisting of Chairman, Member Secretary along with Expert Members and other ex-officio Members from various Departments. The meetings of the Authority are presided by the Secretary Environment who is the Chairman of Authority along with other members of the body. The secretariat, administration and litigation of the Authority is under the watchful eye of Member Secretary of the Authority. The Member Secretary of Authority is spokesperson of the Authority and is required to communicate and defend the decisions taken by the Authority. The affidavits of the Member Secretary of Authority are drafted based upon instructions/documents on record and legal advice by allotted Government counsels in the matter. The Authority noted there is nothing contrary in the affidavits filed by Member Secretary of the Authority (predecessor) as they are based on records before the Authority. The Member Secretary of the Authority is entitled to take all the grounds available in law to defend the litigation filed against the decision of the Authority in a Court of law.

The Authority did not find any merit in submissions of the Respondent in this regard and answered the issue in the negative.

Issue no. II:

The Respondent has taken the plea that the structures that are subject matter of the Show Cause Notice dated 16/03/2020 have always existed from the beginning and certainly existed prior to 1991.

The Authority noted that it is an undisputed fact that the structures which are subject matter of the show cause notice dated 16/03/2020 are within No Development Zone in CRZ III Zone of Calangute village. The CRZ Notification clearly states the area up to 200m from the HTL is be earmarked as 'No Development Zone'. No construction shall be permitted in this zone except for repairs of existing authorized structures not exceeding existing FSI, existing plinth area and existing density.

As far as affidavit dated 26/11/2018 of the Village Panchayat of Calangute is concerned, the Authority was of the view the same was only filed to justify the regularization of structures and under Goa Panchayat Raj Act 1994. The statement of the Panchayat has no bearing on the present matter as only this Authority has the power to consider construction/reconstruction/regularization/other permissible activity in CRZ area (No Development Zone) under the CRZ Notification.

As far as submission of the Respondent that there are errors in the report dated 13/01/2020 prepared by Expert Member GCZMA is concerned, the Authority was of the view that said report gives correct findings and clearly depicts the factual situation at loco.

Insofar as the Respondent's argument that there are different findings by same field surveyors on different occasions is concerned, the Authority is of the view that the role of field surveyor is only to assist the Expert Member of GCZMA during a site inspection. The Authority noted on the occasion of site inspection the structures were only mapped by the field surveyor who have submitted their map which was part of the report dated

13/01/2020. The findings are only given by the Expert Member of GCZMA in said report dated 13/01/2020. The inability to identify the rooms expressed by the same field surveyor at the time execution of demolition on 24/07/2019, the same cannot be construed as a contrary finding and conclusion.

With respect to the contention of the Respondent that the sketch/map dated 06/10/2006 cannot be relied upon, the Authority was of the view that the sketch was prepared in discharge of the statutory duties pursuant to site joint site inspection and cannot be overlooked. Admittedly a member of the Authority was part of the said joint site inspection which was arising from complaint filed for waste discharge being examined by Goa State Pollution Control Board. Further, the Respondent also admits that said report dated 06/10/2006 was never challenged or findings challenged in court of law.

As far as the contention of the Respondent that there are errors in the inspection report about demolition order of year 2005 is concerned, the Authority was of the view that the same only to indicate that there was an earlier demolition order of the year 2005. Be that as it may, the status of the demolition order of the year 2005 is a matter of record and cannot be left to any inference.

The Authority observed that there are no logical fallacies or inconsistencies in the report dated 13/01/2020 submitted by the Expert Member GCZMA. The decree dated 11/11/2005 along with Plan submitted by Respondent is relied upon however the same between *inter se* private parties. The Authority noted it is not privy to the said decree and plan. On perusal of the decree and plan, it is seen that the said the suit was filed against the present Respondent for permanent injunction and mandatory injunction. The plan is only prepared to demarcate the property between the parties. The said decree is also a consent decree. The Authority hence rejected the submission that the decree dated 11/11/2005 along with Plan submitted by Respondent gave the correct factual position at loco. The report dated 06/10/2006 is correctly relied upon by the Expert Member in his report dated 13/01/2020.

The Respondent has relied upon house tax receipts, light tax receipts, permission dated 16/01/1987 issued by Village Panchayat of Calangute, electricity bills dated 17/11/1985, declaration dated 12/04/1990, 20/09/1988, ration card of the year 1987, 1988, challan dated 12/12/1985, NOC dated 27/12/1986, decree dated 11/11/2005, panchayat letter dated 24/12/1988, electricity bill of the year 1989, letter dated 27/04/1989 from office of PWD, declaration of consent dated 13/11/1984 to build cottages.

The Authority noted that although the Respondent has produced the abovementioned documents which were prior to 1991, however the nature of construction has changed at loco. The Authority observed that the said documents produced by the Respondents cannot justify the structures existing at loco. The Expert Member in his report dated 13/01/2020 has clearly brought out nature of construction in property. The mapping plan submitted by office of DSLR has indicated only one small red dotted structure admeasuring 25 sq. mts. existed in Sy no. 242/1 however at time of inspection no such structure existed at site. The Respondent has not produced any permission/NOC issued by this Authority or its predecessor GSCCE to show that reconstruction/construction was carried with prior permission. The Respondent has failed to produce any approved plan from any licensing authority. The Respondent's structures are within the No Development Zone only reconstruction is permissible on existing plinth of authorized structure after 19/02/1991. The Respondents have blatantly and clearly violated CRZ norms, having carried out construction of the said structures within the No Development Zone of CRZ III, Calangute village.

The Authority noted that in the demolition order dated 15/02/2012, it has been categorically mentioned that two rooms were existing prior to 1991. In the earlier demolition order dated 16/03/2020 directing demolition of 14 rooms, two rooms were to be demolished from Structure "H". The inspection report dated 13/01/2020 discloses that four rooms are existing in Structure "H". However, no new construction is found and therefore after demolishing two rooms from said Structure "H", the two remaining rooms

is Structure “H” are existing pre-1991. This fact is further corroborated from the DSLR plan of 2020 that shows two pre-existing rooms were in Structure “H”.

The sum and substance of the foregoing discussion is that the Respondents have no evidence at all to prove that the offending structures were in existence prior to 19/02/1991. In the present case, the Respondents had to prove through documentary evidence that the structures were in existence prior to 1991; moreover, the one small red dotted structure admeasuring about 25 sq. metres and shown in survey plan ceased to exist on site. The Respondent has failed to discharge the burden. Accordingly, this issue is also answered in the negative.

In view of the aforestated observations and findings, the Authority decided to confirm the Show Cause Notice dated 16/03/2020 and issue directions to the Respondents under Sec. 5 of the Environment Protection Act to demolish all the structures that are subject matter of the said show cause notice and identified in the DSLR plan in property bearing Survey No. 242/1 (part), Sauntawaddo, Calangute, Bardez Goa and restore the land to its original condition. Further, the Authority decided to impose Rs. 5,00,000/- (Rupees Five Lakh only) as penalty upon the Respondents as punitive costs for environmental violations by the Respondents.

Case No.1.2

To decide on the complaint from Mr. Ronald Pinto vide email dated 25/01/2021 against Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim. (High Court Matter)

Background: That, vide email dated 25/01/2021 Mr. Ronald Pinto filed a complaint before Authority stating interalia stating that there is illegal construction going on in Sy.No.97/1, 2, 3 at Mobor Cavelossim.

The Complainant further filed a Writ Petition bearing No.108/2021 before Hon’ble High Court of Bombay at Goa interalia being aggrieved by said illegal construction in 97/1, 2,

3 Mobor, Cavelossim carried out by Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim.

That, vide order dated 22/02/2021 the Hon'ble High Court of Bombay at Goa in the said petition interalia directed the authority to visit the site and ascertain whether the allegations made by petitioner are correct and also initiate action permissible under law.

That, in terms of directions contain in order dated 22/02/2021 passed by Hon'ble High Court of Bombay at Goa in the said petition a site inspection was carried by Expert Members of GCZMA along with Field Surveyor GCZMA on 01/03/2021. The said Expert Members of GCZMA submitted their report interalia stating as follows:-

“IV. FINDINGS AND RECOMMENDATIONS.

8. Prima facie, the structure appears to be unauthorised having been constructed/reconstructed beyond the plinth of the structure shown on the survey plan without prior permission of the authority and lying within NDZ of River Sal. As such, the same is required to be demolished and the land restored to its original condition.

9. However, since Respondent Mr.Perry Fernandes claims that the structure was existing prior to 1991 et., he may be allowed to produce evidence on this aspect and appropriate decision may be taken after due inquiry.”

The above findings and recommendations depict violation of CRZ norms and regulations.

That the Hon'ble High Court of Bombay at Goa interalia while disposing of the petition bearing Writ petition no.108/021 vide order dated 03/03/2021 observed as follows:-

“ 5. Accordingly, we dispose of this petition directing the GCZMA as well as the Panchayat of Cavelossim to take such action as is permissible under the law and conclude such proceeding one way or the other within three months from today. The authorities will have no doubt to comply with the principles of natural justice and fair play. If the petitioner desires to be heard in the peculiar facts of the present case, hearing

may be granted to the petitioner as well. However, under no circumstances should the petitioner delay the proceedings before the authorities.

6. Until such action is concluded the statement on behalf of Respondent No.7 that no further construction will be undertaken will stand. In fact we direct the Respondent No.7 not to undertake any further construction until the disposal of proceedings by GCZMA and the concerned Panchayat.”

Based on the complaint a show cause notice dated 19/03/2021 was issued to the violator.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time to Respondent and posted the matter on 24/06/2021 at 3.30 pm.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 262nd meeting held on 24/06/2021 The Authority after hearing the parties directed the Respondent to submit a copy of reply to office of the Authority at the earliest. Further directed Complainant to collect copy of the reply from the authority and file his rejoinder if any to the reply before the next date of hearing and copy may be served upon the Respondent in advance. The matter is now posted on 01/07/2021 at 3.30 p.m. for arguments. During 263rd meeting Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via email stating his personal difficulty to attend the hearing.

The Authority considered the Email sent by the Respondent requesting for adjournment decided to grant the time and posted the matter on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 Mr. Ronald Pinto appeared in person. Adv Balkrishna Sardessai appeared on behalf of Mr. Perry Fernandes. Adv Sardessai stated that he filed his reply in the office of the GCZMA and also provided a copy of the Reply to the Complainant. The Complainant filed a rejoinder to the Reply and the copy of the rejoinder is served on the Adv for the Respondent.

The Authority heard the parties and has taken the replies on record. The matter now stands posted to 15/07/2021 at 3.30 p.m for Arguments.

During 265th GCZMA meeting held on 15/07/2021. The matter is called out through video Conference. The Complainant remained present in person. The Respondent is duly represented by Adv. Balkrishna. Sardessai. Both the parties stated that they have exchanged the pleadings and matter may be heard.

The Complainant submitted that the structure in question is a fresh/ new illegal construction carried out in the Village of Cavelossim, Mobor-Goa. The Complainant further stated that he relies upon the all the submissions made in the written submissions filed before the Authority and the reply may be taken as Arguments. The Complainant stated that the structure in question is constructed in violation CRZ Notification, TCP Act, and the Panchayat Act.

The Advocate for Respondent submitted that he has filed a detailed reply. The advocate for Respondent pointed out to the allegations made in show cause notice and conclusions recorded in the Site inspection report dated 08/03/2021. The advocate for Respondent further pointed out allegation made by Complainant in the petition filed before the High Court of Bombay at Goa. The advocate for Respondent pointed out Para 4 of the inspection report dated 08/03/2021. The advocate for Respondent pointed out to various documents filed before the authority and stated the structure in question existed prior to 1963-70. The advocate for Respondent stated that structure is definitely prior to year 1991. The advocate for Respondent stated that in the year 1970 an assessment is registered at sr. no.41 in the name of Sebastião Fernandes and the same is annexed as Annexure I to his reply. The advocate for Respondent further stated that there is further a assessment of house of the year 1981-1982 and entries at sr. no.499.500 are made in the name of Sebastião Fernandes having house no 498 and 499. The advocate for Respondent stated that both the assessment of house has been standing prior to the year 1991 and the said documents are prior to year 1991. The advocate for Respondent stated survey for the State of Goa was done and promulgation was done in the year 1971. The advocate for

Respondent stated further relied upon the Certificate of Registration of fishing boat and same is in name of one Filomeno Fernandes and the same is annexed as Annexure II to his reply. The advocate for Respondent stated in the year 1991 the property was purchased vide Deed of Sale dated 14/10/1991. The advocate for Respondent stated the Form I & XIV records in the other rights column that there is house belonging to one Sebastião Fernandes. He further stated that the structure figures on the Survey Plan. The advocate for Respondent stated the there are letter of the year 1990 from the Excise Department and also an N.O.C for running a restaurant is issued by the concerned Village Panchayat in the year 1990. The Application to the concerned Panchayat seeking permission to start a restaurant was made on the 31/08/1989.

The Respondent has produced Death Certificate of Sebastião Fernandes is filed on record. And the Birth Certificate of the Respondent is also on record to show the connection The advocate for Respondent stated said Sebastião Fernandes is linked to the Respondent and hence the Respondent is entitled to rely upon his documents which are prior to 1991.

The advocate for Respondent stated in the CRZ Notification 2011 Clause 6 (d) provides for regularization dwelling units of traditional coastal community. The advocate for Respondent stated the structure was in fact old and was in dilapidated state and is only repaired /renovated on existing plinth.

The Advocate for Respondent stated pointed out the process of CZMP is under process and authority may also consider regularization of said structure and same will be used for residential use only.

The Complainant in rebuttal submitted that the original structure was only 27 sq. mts and same has been extended. The Complainant submitted that the documents relied upon by Respondent pertain to different structure which is close to the HTL and same is not under consideration. The new structure which is constructed by the Respondent is 11 mts from the HTL.

The Authority heard the parties at length and taking into consideration the reply, oral and written submissions, made by both the parties decided to keep the matter for passing appropriate order.

The Complainant has now vide letter dated 23/09/2021 has placed on record copy of the ISLR report/plan and also filed an application dated 28/09/2021 craving to produce the same on record, correction of meeting minutes of 265th GCZMA meeting and also personal hearing in the matter. The personal hearing notice was issued on both the parties to re hear them afresh and matter was posted on 28/10/2021.

Mr. Ronald Pinto appeared in person. Adv Balkrishna Sardesai appeared along with Respondent Mr. Perry Fernandes. Complainant submitted that extension was carried out illegally by the Respondent. The offending structure are new structure, and it does not reflect on survey plan. There is also encroachment in the property. The Complainant submitted that the Respondent had done extension to the existing structure in the property bearing survey No.97/1 of village Cavelossim of Salcete Taluka without the permission from GCZMA. He further submitted that he is only concern with property bearing survey No.97/1 of village Cavelossim and that he is not concern with other properties bearing survey no. 97/2 and 97/3 of village Cavelossim at present. The extension which is carried out is just 11mts from the HTL and prayed that the same be demolished. He also produced plan prepared by DLC and submitted to this Authority.

The Authority directed the Respondent to come clear with documentary evidence in respect of size of structure shown in plan vis-à-vis existing at loco and submit the same by way of affidavit and if any encroachment /extension is made to remove the same before next date of hearing. The matter was fixed on 18/11/2021 at 2.30 pm.

The matter was taken up in its 278th GCZMA Meeting. The Authority after hearing the parties imposed a cost of Rs.20,000/- (Rupees Twenty Thousand only) on the Respondent to be deposited before the next date of hearing and posted the matter on 25/11/2021.

During 284th GCZMA meeting held on 06/01/2022 Mr. Ronald Pinto appeared through V.C. Adv Balkrishna Sardessai appearing for the Respondent Mr. Perry Fernandes sent an email stating his inability to appear in the matter today on account of Covid 19.

The Authority considered the request of Adv Balkrishna Sardessai and granted adjournment. Posted the matter on 27/01/2022 at 3.00 PM for Arguments.

Proceedings: Mr. Ronald Pinto appeared through V.C. Advocate for Respondent was absent. Complainant briefed the Authority regarding the present matter. Complainant informed that he had filed written synopses before the Authority.

Decision: The Authority after hearing the party kept the matter for orders with the directions to Respondent to file written arguments within one week's time. As the Respondent failed to file written submissions within a given time the Authority decided to pass the following Order:

Firstly, in the site inspection report dated 8.3.2021 carried out by the Expert Member the Authority noted that the structure appears to be unauthorised having been constructed/reconstructed beyond the plinth of the structure shown on the survey plan without prior permission of the authority and lying within NDZ of River Sal. Further before the Hon'ble High Court in WP 108/2021 dated 3.3.2021 the Respondent himself admitted that there is ongoing construction on the site, inspite of the fact that stop work order is in operation which was issued by the Village Panchayat the Respondent has carried a construction and this fact was admitted by him before the Hon'ble High Court.

Further, the Authority noted that upon the complaint by the Complainant to the Village Panchayat Cavelossim, the Village Panchayat Cavelossim had issued a stop work order dated 28.1.2021 to the Respondent.

Further the when the Expert Members of GCZMA visited the site the observation is as follow: *'there exists an under-construction structure admeasuring about 79 sq mtr standing partly on Sy no 97/1 and 97/2 on the eastern side. The structure is ground floor RCC framed with laterite masonry external walls that have been plastered with cement*

mortar. Plinth height is about 0.50m. no construction activity was noted at the time of inspection. The said structure is within 30 meters of the HTL/bank of River Sal”.

At the time of the inspection, the Respondent claimed that he is mundkar of the property but till now no mundkarial order/certificate has been produced by the Respondent on record for the satisfaction of this Authority. Further the Respondent has failed to produce the permissions issued to him by any of the statutory Authority for the new illegal construction.

Secondly the Authority noted that, in the written submissions filed by the Complainant, the Complainant has relied upon the site inspection report by the ISLR dated 16.8.2021, the inspection was carried out in the presence of the Respondent. The plan forwarded by the ISLR clearly depicts the new structure and shed on the plan in survey no 97/1-2-, which is clear that the alleged construction is new, and the Respondent has not challenged the said report, nor any reply has been filed by the Respondent on the report in his defence.

Further the Complainant relied upon the Corrigendum dated 16.11.2021 issued by the Village Panchayat Cavelossim which reads as follows: -

“AND WHEREAS on 05/10/2021 the complainant Mr. Ronald Pinto files another letter and enclosed a report of the ISLR dated 26/08/2021 as evidence. He has stated in the letter that the report/mapping of the ISLR clearly shows the new illegal structures recently constructed on survey no 97/1 and 97/2at Mobor Cavelossim on land with survey no 97/1 and 97/2 by Mr. Perry Fernandes and also shows the old structure with House no 448 which was held by Sabestiao Fernandes appearing on survey plan 97/2 since 1970, he further said that these are two different independent structures. The above referred letter of the complainant was placed before the Panchayat body meeting held on 7/10/2021and in the meeting it was decided to conduct a site inspection. And therefore, an inspection notice bearing no VP/CAV/2021-2022/478 dated 12/10/2021 was issued to the parties and the inspection was carries out 19/10/2021 at 3:30 pm.

The inspection was attended by the opponent, and the complainant was represented by his Advocate. During the time of the inspection, the Advocate for the complainant pointed out that the structures depicted on the ISLR report / mapping dated 26/08/2021 which were coloured in yellow and green as new alleged illegal structures and further pointed out to the alleged illegal structures physical present on the land on survey no 97/1 and 97/2.

And Whereas Mr. Perry Fernandes stated that the structure depicted in dotted line on the survey plan dated 15/1/1998 is House no 448 and further he claimed that the said structure is located on Survey No 97/1-2 in Cavelossim Village.

And whereas after the inspection report was provided to the Complainant Mr. Ronald Pinto, the Complainant filed a letter dated 20/10/2021 along with copies of certified survey plan dated 03/06/2021 for survey no 97/1 and 97/2, Cavelossim Salcete Goa and stated that the illegal structure is located besides the structure with House no 448 in Ward II, Mobor Cavelossim and illegal structure has no House number because it is a recent illegal structure which is partly constructed on survey plan 97/1 and 97/2. The Complainant further said that the DSLR has prepared the report after serving prior notice to the complainant and the opponent by the Taluka Level Coastal Committee (CRZ). And the area was inspected by the committee member in the presence of the complainant and the opponent.

And whereas the complainant further stated that Mr. Perry Fernandes has no legal right on the land on which he has constructed these illegal structures in survey plan 97/1 and 97/2 The Old structure appearing on cadastral plan 97/2 held by his grandfather is distinct from these new illegal structures.

Now in view of this findings, it is clear that the structure in the sketch attached to the inspection report dated 2/3/2021 was inadvertently mentioned as House no 448, which we have now realized that it was a mistake and therefore the House No 448 mentioned against the new structure in the sketch and the report dated 02/03/2021 is identified as new structure''.

Further the Complainant has also relied upon the DLC South Goa report dated 18.11.2021 which is forwarded to GCZMA with recommendation to demolish the illegal construction.

Further, in the reply filed by the Respondent the Respondent has produced certain documents in support of his case which all depicts H.no 448 standing in the name of Sebastião Fernandes and nothing has been produced of the alleged new illegal construction.

In view of the above it is clear that the Respondent Mr. Perry Fernandes has constructed a new illegal structure without any permissions from the statutory authorities nor the Respondent has filed any of the reply on the Corrigendum dated 16.11.2021, site inspection report dated 16.8.2021, DLC Report in his defence.

The Authority resolved that the Respondent has failed to establish or justify the very existence of the offending structure in Survey No. 97/partly in 1 & 2 of Village Cavelossim was prior to 1991; with the help of documents/records or any evidence whatsoever.

In view of the above, the Respondents has miserably failed to produce the requisite documents including the Conversion Sanad, the Construction License, the Approved Plan or requisite permissions from the Office of the GCZMA or the Office of the Town and Country Planning Department or the License from the Office of the Village Panchayat of Cavelossim to prove that the offending structure existing/under-construction in Survey No. 97/partly in 1 & 2 of Village Cavelossim, has been approved by the respective Government Authorities.

In view of the above, the Authority has decided to pass Demolition Order against the offending structure admeasuring about 79 sq. metres existing/under-construction in Survey No. 97/partly in 1 & 2 of Village Cavelossim.

Case No.1.3

To discuss and deliberate on alleged illegal development of plots in Property Bearing Sy. Nos. 275/1, 1-B and 1-C in Paddy Field at Morambi-O-Grande, Village Mercas, Tiswadi, Goa.

Background:

GCZMA received three complaints, one from the Village Panchayat of Mercas, dated 29/03/2016, regarding alleged illegal development of plots in property bearing Sy. Nos. 275/1, 1-B and 1-C; second from Mr. Jose Oliveira from Mercas dated 06/04/2016 regarding the said illegal development. The third complaint was from Mr. Sudesh Kalangutkar, President of Mercas Welfare Association dated 18/04/2017 with regard to alleged illegal conversion of land, filling of mud and construction of houses and also cutting of mangroves in property bearing Sy. Nos., 275/1, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi within CRZ area by Mr. Johnny Fernandes and Mr. Shane Fernandes. A site inspection was therefore fixed to see the site, verify the CRZ zoning of the area, the constructions done and to take the stock of the situation and report submitted by Expert Member (GCZMA).

The said matter was discussed and deliberated during 171st GCZMA meeting held on 10/04/2018 wherein the Authority after perusing the site inspection report by the Expert Member and noted that violators have also cut many Mangrove trees within the area without obtaining any permission from the concerned Authority after detailed discussion and deliberation decided to issued demolition order to the Mr. Johnny Fernandes and Mr. Shane Fernandes having property bearing Sy. Nos., 275/1, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi within CRZ area. The said matter was placed again before the Authority in its 179th GCZMA meeting held on 19/07/2018, wherein the Authority noted that both the parties were not heard while taking the decision in its 171st GCZMA meeting and hence the Authority decided to call the parties for personal hearing in terms of principles of natural justice.

During 180th GCZMA meeting held on 31/07/2018 Complainants were remained present through their Advocates, also village Panchayat duly represented through Advocate. Respondent was absent.

The Complainant relied upon the site inspection report by expert members of GCZMA and further requested the Authority to conduct DSLR survey and to carry out restoration of environmental damage caused by the violator.

The Authority took note of the plea of the Complainant. It also noted that the Respondents have not appeared despite the personal hearing notices issued to them. However, after detailed discussion and deliberation, GCZMA decided to grant final opportunity to the Respondents to present its case. The matter was adjourned to 14/08/2018 giving final opportunity to the Respondents in terms of principle of natural justice.

The Authority after hearing both parties and considering written and oral submissions made by both the parties directed the Respondent to file any submission if to the office of GCZMA before 28/08/2018 with a copy of the same to the Respondent.

Accordingly, this office is in receipt of documents from Mr. Johnny Fernandes and Mr. Shane Fernandes on 20/08/2018 like certificates issued by Village Panchayat, Mercas for repair and other works.

The said matter was deliberated during 183rd meeting held on 31/08/2018 wherein the Authority took note of all the submissions made by both the parties. The inspection report has clearly established the fact that there is land reclamation and destruction of mangroves done by the Respondent within the NDZ of Chimbel creek. Further, it is established that construction of poultry, slaughterhouse, big house, chawl etc in the Sy. Nos. 275/1, 275/1A and 275/1C are within the NDZ area. The Respondents have got no prior permission from GCZMA for any of the work. As it is no construction activity apart from those permitted as per CRZ Notification 2011, can be carried out in NDZ area. The documents submitted by the Respondents are permissions from the village panchayat,

Merces who is not the competent Authority to grant such permissions in the NDZ/CRZ area. Authority also took note of the prayers made by the Complainants to ascertain the area of reclamation done by Respondents through a survey by DSLR. Therefore, Authority decided to issue demolition orders for all the structures present in the Sy. Nos. 275/1, 275/1A and 275/1C of Merces village with a direction to restore the land to its original condition. It further resolved to direct DSLR to conduct survey to ascertain the extent of land reclamation done by the Respondent based on which further directions for restoration of the land reclaimed shall be issued.

The said demolition order dated 20/09/2018 was challenged by Respondent before the Hon'ble High Court of Bombay at Goa vide Writ Petition bearing no. 1088/2018.

The Hon'ble High Court of Bombay at Goa after hearing the matter passed an order dated 27/02/2019 wherein it has observed as follows:

- (i) *The petition is partly allowed.*
- (ii) *The impugned order is hereby set aside.*
- (iii) *The petitioner shall file a reply along with documents, if any before the second Respondent within two weeks from today.*
- (iv) *The second Respondent shall then proceed to decide the matter on its own merits and in accordance with law after granting an opportunity of personal hearing to the petitioner as well as the Respondent nos.6 and 7.*
- (v) *The second Respondent in its discretion can decide to grant personal hearing to Respondent no.5 also, if found necessary.*
- (vi) *The second Respondent shall decide the matter as expeditiously as possible and preferably within a period of four weeks from the receipt of the reply."*

The Respondent has filed reply dated 12/03/2019 to the office of GCZMA.

During 196th GCZMA meeting held on 16/04/2019, The Authority heard parties at length. The Authority noted that the site in question has been inspected by the Expert Members of the GCZMA. The Expert Members of GCZMA has identified the said

property as property lying along banks of tidally influenced back water of Mandovi river and having lush mangroves.

The Authority noted that it is the case of the Respondent that they are agricultural tenants and mundkars of the said property and the structures in Syno.275/1, 375/2-A, 275/1-B,275/1-C,274/1, village Morombi protected under Mundkar Act and Agricultural Tenancy Act. Further the case of the Respondent is that Chimbhel creek actually falls more than 200 mts from the property and hence the property is beyond CRZ area. It is the case of the Respondent that there is no map on record to identify the No Development Zone (NDZ).

It is the case of the Complainant that the report of the expert member of GCZMA is clear and set out the violations done by the Respondent. It is the case of the Complainant that the illegal filling and construction is evident from Google images and structures built by Respondent cannot be considered as prior to 1991.

Considering the case of the Respondent and complaint, the Authority observed that in the present matter admittedly there is no specific map depicting the High Tide line (H.T.L) and No Development Zone (NDZ) line. The Authority noted that there are lush, green and thick mangroves identified at site by the Expert Members.

The Authority is of the opinion that the present location of H.T.L and corresponding 100 mtrs NDZ line and Ecologically Sensitive area (ESA) if any are required to be ascertained. Presently the Ministry of Environment Forest and Climate Change (MOEF & CC) has entrusted and notified the National Centre for Sustainable Coastal Management NCSCM (Chennai) as sole agency responsible for identification & demarcation of high tide line (H.T.L). Considering the contentions of the Complainant, Respondents, report submitted by Expert Members of GCZMA the Authority resolved to direct the Respondent to demarcate the CRZ line and Ecologically Sensitive area (ESA) if any through the NCSCM (Chennai) at his own costs and submit the same before this Authority.

The Respondent is directed to carry out said exercise of demarcation of CRZ line and Ecologically Sensitive area (ESA) if any in all the survey numbers owned by him from the NCSCM (Chennai) within 4 weeks of receipt of the order from Authority. Based on demarcation of CRZ line and Ecologically Sensitive area (ESA) if any in the plot of the Respondent, a final decision in the matter would be taken. In the meantime, the Respondents are directed to maintain status quo in the property own by him.

Fresh hearing notices are issued to all the parties.

AND WHEREAS matter placed before Authority in its 25/01/22022 Adv. Caroline Colasso appeared for Complainant. Adv. Shivan Dessai appeared for Respondent. Complainant Avertino present in person. Advocate Suresh Pilarnkar appeared for other Complainant.

Complainant stated that DSLR has submitted plan which clearly indicates that structures are in NDZ area and no permissions are taken by the Respondent. Expert members report states that the structures are 50mt from the bank of the river and it agricultural and is tidally influenced. There is no Mundkarial house all are reclaimed by the violator. Avertino submitted that there is no quashing of site inspection report by High Court of Bombay. Only directions of this Authority was quashed and set aside with directions to give fresh and fair hearing

Advocate for Respondent pointed to earlier report of Expert member observations and recommendations, Respondent submitted that it is the Complainants duty to point out as to whether the area is falls in CRZ. Demarcation is not done by the competent Authority like NCSCM. Respondent stated that he is an agricultural tenant, and all documents are on record.

Advocate for Village Panchayat of Merces sought a copy of complaint. Merces Tenants Association informed that the village Panchayat itself is a Complainant and there is no question of furnishing copy of Complainant to them. The Authority after hearing both the parties at length decided to keep the matter for Orders.

Proceeding: - Authority takes up present matter for deliberation and discussion and passed order.

Decision: - The case of complainant in brief is that Mr. Johnny Fernandes and Mr. Shane Fernandes illegally developed plots in property bearing Sy. Nos. 275/1, 1-B and 1-C; illegal development, illegal conversion of land, filling of mud and construction of houses and also cutting of mangroves, illegal transfer, filling and selling of agricultural tenanted land in property bearing Sy. Nos., 275/1,275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morombi-O-Grande, Tiswadi Taluka.

The case of the Respondents is that land in dispute is agricultural land cultivated by Shri. Mario Fernandes @ Maruti Kalal, late father of Respondents as tenant of said property surveyed under survey No. 275/1 of village Morombi-O-Grande and also built his residential house therein. That said Shri. Mario Fernandes @ Maruti Kalal was declared as tenant of said property surveyed under survey No. 275/1 of village Morombi-O-Grande by judgment and order dated 12/04/2006 passed by Mamlatdar in Case No. MAM/TNC/DECL/Merces/01/2006. Respondents also claimed that their late father was declared as Mundkar of dwelling house existing survey No. 275/1 of village Morombi-O-Grande vide order dated 17/10/2006 passed by Mamlatdar in case No. MAM/8-A/MERCES/10/2006. The respondents late Father purchased Mundkarial plot along with dwelling house therein, having total admeasuring an area of 440 sq. mts out of which dwelling house is having total admeasuring an area of 131 sq. mts.

That respondents late father applied for partition the said property surveyed under survey No. 275/1 of village Morombi-O-Grande and said partition was allowed by concerned Deputy Collector and said property sub-divided into plots and new survey numbers were allotted to said property i.e., Survey nos. 275/1-A, 275/B and 275/1-C, and that after death of their late father the present respondents are in possession of aforesaid property.

That respondents denied every statement and submission made in the complaint, it is case of respondents that land in question is beyond 200 mts from bank of creek (Chimbel)

and was never covered nor part of mangroves, hence does not attract the CRZ Regulations.

Authority on due deliberation and perusal of documents and reply placed on record noted that respondent nowhere denied the existing of structures in Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morombi-O-Grande, Tiswadi. Which are also been marked by DSLR and same has been shown/superimposed on survey plan, in its site inspection by doing ground truthing. The said structure also noted and observed by the expert member of Authority in its site inspection carried out as per direction of Authority, it is also observed by the Expert Member that property in question is situated adjoining to a Mangroves habitat which indicate tidal influence and hence the attract CRZ provisions.

It is evident from DSLR and Expert Member's report that there exist structures in Sy. Nos.275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morombi-O-Grande, Tiswadi that as far as legality of these structures are concerned respondents have not produced any such documents before the Authority, the respondents only defended that said structures do not fall under CRZ jurisdictions.

The Authority directed the Respondents to carry out said exercise of demarcation of CRZ line and Ecologically Sensitive area (ESA) if any in all the survey numbers owned by them from NCSCM (Chennai) within four weeks in order to ascertain the jurisdictions of Authority, the respondents failed to place report from the agency as directed to demarcate the HTL and ESA in survey numbers owned by them.

The Authority directed DSLR to conduct site inspection and superimposed all structures on survey plan in order to ascertain new and old structures erected in properties Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morombi-O-Grande, Tiswadi accordingly DSLR carried out the site inspection on 10/02/2021 and showed factual position of land and demarcated new structures on survey plan and same been place before Authority.

That since scope of this Authority is very narrow, that respondents has not produced any documents which can prove that said new structures were constructed prior to 1991 and so also not produced any prior permission obtain by respondents for construction of said new structures reflecting on site plan prepared by DSLR, from there it very much clear that said all new structures are existing in Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morombi-O-Grande, Tiswadi are illegal/unauthorized and in violation of CRZ Regulation.

And as far as jurisdiction of this Authority is concerned, the Authority superimposed the said DSLR plan on Draft CZMP 2011 and it concluded that said offending structures totally fall within mangroves and 50 mts Mangrove's buffer which attract the CRZ provision and, in view of the aforesaid, the said property entirely falls in CRZ. Hence this Authority concluded that its jurisdiction extends over the said properties under Sy. Nos. 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morombi-O-Grande, Tiswadi.

The Respondents has miserably failed to produce the requisite documents including the Conversion Sanad, the Construction License, the Approved Plan, permission from GCZMA and Town and Country Planning Department, License from the Village Panchayat.

Authority took note of landmark judgment and order passed by Hon'ble High Court of Bombay in PIL WP 87/2006 in "*Bombay Environmental Action Group and another vs. State of Maharashtra and others*" with respect to protection of mangroves.

The Authority also noted the judgment and order passed by Hon'ble NGT Principal Bench New Delhi in "Kachchh Camel Breeders Association v/s Union of India" (Original Application No.111/2018) which speaks of protection of mangroves areas.

In view of above, the Authority resolved that all new structures shown by DSLR on survey plan after site inspection in Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1

and 274/2 of village Morombi-O-Grande, Tiswadi, are illegal/unauthorized structures and in violation of CRZ Notification, except the Mundkarial dwelling house of respondent having admeasuring 134 sq. mts, and that the said illegal/unauthorized structures need to be demolished as same fall in mangroves and within 50 mts mangroves buffer, and the land restored to its original condition.

In view of the above observations, the Authority has now concluded that the Respondents have undertaken large scale illegal construction /extensions without any valid approvals or permissions from the competent Government Departments existing in property bearing Survey Nos. Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morombi-O-Grande, Tiswadi.

The Authority therefore decided to direct Mr. Johnny Fernandes and Mr. Shane Fernandes to demolish all new structures shown by DSLR on survey plan in Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morombi-O-Grande, Tiswadi except Mundkarial dwelling house of respondent admeasuring an area of 134 sq. mts. presently existing in survey No.275/1-C of village Morombi of Tiswadi Taluka.

Case No.1.4

To decide on email Complaint from Colva Civic & Consumer Forum with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.

Background: The Office of the GCZMA is in receipt of email complaint letter dated 11/01/2021 from Colva Civic & Consumer Forum and a letter from Suvarna Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.

From the complaint it was brought to the notice that Respondent has violated the approvals granted by this Authority. The Authority issued show Cause Notice to the party on 15/01/2021 cum personal hearing to the parties.

During 244th GCZMA meeting held on 25/01/2021. The Complainant remained present in person and stated that the Respondent is using the foreign material and erecting the cement pole fencing for which the Respondent is not given the permission. The Respondent had dumped the mud and using cement concreting to erect the fencing. The Complainant produced the photographs before this Authority.

Respondent representative present and informed that in order to protect the property being encroached and to stay from the menace of stray cattle she is doing the fencing to her property and stated that she will abide by the directions of this Authority.

The Authority asked the Expert Members to carry the site inspection and place the site inspection report before this Authority before the next date of hearing fixed on 04/02/2021 at 3.30pm. The Authority warned the Respondent if violation is found on site then the penalty will be imposed.

During 246th GCZMA meeting held on 04/02/2021 Complainant Judith Almeida appeared in person. Ld advocate appeared for Respondent and filed the reply copy of the same is given to the Complainant. The Copy of the Inspection report of the Expert members is also given to both the parties.

The Authority directed both the parties to go through the expert members report and lead arguments. The matter is posted on 18/02/2021 at 3.30pm. However the chairman had to leave for some urgent work, the said matter is posted on 25/02/2021.

During 251st GCZMA meeting held on 25/02/2021 The Complainant remained present and filed the written statement and also objection to the inspection report dated 02/02/2021 of the Expert Members. The Ld Adv Shivan Desai for the Respondent present and filed the additional reply. The Expert Members brought to the notice that the

Respondent had dug the concrete bore well and over head tank with RCC/concrete. The Respondent agreed of digging of well with the permission of WRD and said well is beyond 200mts. The Respondent agrees to remove the concrete structures of her own.

The Authority directed the Respondent to remove all the Concrete structures from the property and file the compliance report before this Authority. The Matter is posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. The Authority decided to issue fresh hearing notices.

Proceeding at the 260th Meeting: Adv. Shivan Dessai appeared for Respondent. Complainant did not appear. However, Complainant sent email stating her unavailability to appear for the matter due to short notice.

Decision at the 260th Meeting: The Authority after taking note of the email from the Complainant decided to postpone the matter to 17/06/2021 at 3.30 pm.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 262nd GCZMA meeting held on 24/06/2021. The Authority after hearing both parties decided to carry out fresh inspection and matter will be heard after issuing fresh hearing notice upon receipt of report. Accordingly, the site inspection has been conducted on 21st July 2021 and matter was placed before the Authority on 22/07/2021.

During 266th GCZMA meeting held on 22/07/2021 the Authority decided to share the site inspection report with Complainant and Respondent and the matter is posted to 26/07/2021 for grant of personal hearing to the parties.

During 267th GCZMA meeting held on 26/07/2021. Complainant Judith Almeida appeared in person. Adv. Shivan Dessai appeared for Respondent. The Complainant filed reply to the Site inspection report dated 21/07/2021 and further objected to the Site

Inspection report prepared by the Expert Member. She pointed out to point no 3 of the report and stated that the contents mentioned therein does not appear to be the case at loco. She stated that the Expert Member conducted the Site Inspection without notice to the Complainants and the date on which inspection was carried out was a Public Holiday (21/07/2021). This Complainant reiterates all her earlier submissions dated 25.01.2021, 18.02.2021, 25.02.2021, 17.06.2021 & 24.07.2021, 25.02.2021, 17.06.2021 & 24.07.2021. The Complainant stated that the report has been prepared either sitting in the office of the Expert Member or that of the office of the Respondent without any visit to the site.

She further stated that the report states, the cement platform of the borewell pump has been removed and yet the photograph attached shows the existence of the concrete base to the pump.

The Complainant stated that at point no. 2 the Expert member has failed to mention that the poles with wire mesh are concrete in nature and continue to be stabilized with concrete on a sand dune and further suggests that the fencing may be removed after the trees have grown to a height of three metres thus making out a case for retaining the illegal concrete fencing which even threatens the collapse of the sand dunes and is in violation of the Environment Protection Act 1986 and the CRZ Notification 1991/2011 to continue.

The Complainant stated that the Expert Member has spoken about the revision application filed by the Respondent. The Complainant further states that the Photographs attached by the Expert Member to his report is dated 30/06/2021. The Complainant states that during the Site Inspection conducted on 2/2/2021; the party had stated that they removed 5000 lts of water from the bore well. She stated that bore well cannot be allowed in NDZ. The Complainant stated that the Area is CRZ I Area. She refused to

accept this Site Inspection report and demanded for a fresh Site Inspection and thorough investigation.

The Respondent stated that the Complainant need not remain present for the Site Inspection; he stated that the inspection report is very clearly documented by photographs. Adv for Respondent stated that the compliance report is on records and the same has clearly mentioned that the Respondent has complied with all directions and has removed even the temporary structure. The Adv stated that there is not pump attached to the bore well; he undertakes to use hand pump if required. The Respondent said that the red mud is soil and will be used in the pit for plantation. He stated that the bore well is sunk with the permission from WRD. The Adv stated that the observations made by the expert Member in the Site Inspection report will be complied with and will submit a compliance report to this Authority.

The Authority heard the parties at length and kept the matter for orders. However, as a New Chairman is appointed for the GCZMA the matter is re-heard.

During 286th GCZMA meeting held on 25/01/2022 Complainant Mrs. Judith Almeida appeared in person. Adv. Shivan Dessai appeared for Respondent. Complainant filed written submissions before Authority.

Advocate for Respondent pointed out findings of site inspection report by Expert Member and submitted that he had complied with the recommendations of Expert Members and there is no violations at the site and prayed that the complaint be dropped.

The Authority after hearing both the parties at length decided to keep the matter for orders.

Decision: The Authority after hearing parties at length, took on record and gave due consideration to submissions made by the complainant and the learned counsel for the Respondent and derived at a conclusion as under:

The Expert members carried out the Site Inspection and it was noted that:

1. The property in question has been fenced on all sides with 1.50 m high wire mesh and RCC fencing poles with concrete at the base. The respondent did not produce any permission from GCZMA for the said fence.
2. At the entrance gate, two structures (including a toilet and rest room) have been constructed by using teen sheets on a cement concrete platform. Ms. Mehra informed that these structures are being used as labour quarters. Cement mortar and cement concrete has been used in the base/floor of these structures. Use of cement as base material is not permitted in NDZ areas.
3. Red mud has been stacked at the entrance. Ms. Mehra informed that this was brought for the plantation purpose. The same shall be removed from the property without using it
4. A bore-well has been dug in the property along the northern boundary. We were informed by the respondent that about 5000 liters of water is being drawn daily for irrigation and construction purpose. A shed for housing the pump has been constructed along with cement flooring around the bore-well. Construction of bore-wells and extraction of ground water is prohibited in NDZ areas.
5. A 5000-liter capacity polyethylene water tank (Sintex) has been placed on a concrete on the mound at the eastern end of the property.
6. Casuarina and other species are being planted along the boundary of the property.
7. (a) All above offending structures, namely, the RCC fencing poles, the shed structures and the polyethylene water tank built/erected without prior permission from GCZMA may be removed from the site without causing any damage to the coastal ecology.

(b)The bore-well may be sealed by WRD to prevent further extraction of ground water within the NDZ.

The Respondent has filed compliance in the above matter and has stated as under:

The Respondent states that to the observation at Point 1 of the report dated 1/2/2021; the Respondent in their reply dated 25/01/2021 clearly states that the

property was fenced with concrete poles and barbed wire at the time of purchase of the property by this present Respondent. The Respondent states that he intends to plant and grow a hedge on the boundary of the said property and is already in the process of setting up bio-fencing in order to protect stray animals and unauthorized individuals. The Respondent stated in his reply dated 25/01/2021 that he shall remove the said existing poles as well as the newly repaired poles as soon as the bio-fencing is set up.

The Respondent states in his reply dated 18/2/21; that to the observation at Point 2 of the report dated 1/2/21; the Respondent has removed the temporary structure which has been used as labour quarters and also demolished the cement base of the said structures. The Respondent further stated that the toilet in the property is as per the approved plans and hence is an authorized structure. However, it is noted that the Respondent in his compliance report dated 17/06/2021 has clearly stated that he has demolished the toilet and has produced photographs to that effect.

The Respondent states that to the observation at Point 3 of the report dated 1/2/21; Ms. Mehra informed that the red mud which has been stacked at the entrance was brought for the plantation purpose. The same shall be removed from the property without using it. Subsequently in the compliance report of the Respondent dated 17/06/2021 the Respondent has clearly stated that they have removed the red mud which was brought for the purpose of plantation.

The Respondent states that to the observation at Point 6 of the report dated 1/2/21; the plantation of coconut trees and beach vegetation has already been planted as per the recommendation of the Expert Committee.

The Respondent states that to the observation at Point 7 (a) of the report dated 1/2/21; as far as the concrete poles and fencing is concerned the Respondent shall

remove the said existing poles as well as the newly repaired poles as soon as the bio-fencing is set up.

The Authority perused the reply/ compliance dated 17/06/2021 and the photograph produced by the Respondent showing that he has demolished the water tank platform.

The Respondent states that to the observation at Point 7 (b) of the report dated 1/2/21; the Respondent states that the bore-well is beyond 200 mts from HTL and that the same is dug in pursuance to the approval dated January 1999 issued by the Water Resources Department

The Authority noted that the Respondent has supported his contention by producing photographs and also by producing Form III which is a certificate of registration of an existing well in property bearing sy no 16/4 and is valid till 31/03/2025.

The Authority noted that the Respondent via their compliance report has clearly stated that he has complied with the Directions of this Hon'ble Authority by further removing the concrete platform which was built around the bore well. The Respondent has also produced photographs on record.

The Authority decided to inspect the site in dispute in order to verify the authenticity of the Compliance report submitted by the Respondent. A team of Expert Members of GCZMA who had gone on site noted that:

The Project proponent/Respondent has undertaken extensive plantation along the plot periphery.

The fencing provided for the plantation is of poles and wire mesh which will not harm animals but protect plants. The fencing may be removed once plants attain more than 3 meters height (above grazing heights).

It was observed that:

- (i) cement platform and tin shade for bore well pump is removed. The Respondent had carried out plantation with coconut, cashew and other shade plants suited to coastal climate
- (ii) that red mud/soil is used in pits for the plantation.
- (iii) that Project proponent/ Respondent has filed a revision application to the GCZMA for approval. It is informed that application is filed after detail site study and wind impact during the recent Tauktae cyclone as well as suggestions from Expert members to protect open space within the plot.
- (iv) that there exist bore well within the plot outside 200-meter NDZ line. Bore well is registered with Water Resource Department. CRZ regulations allows only open well within CRZ area. Therefore, either hand pump be fitted or convert it into open well, for irrigation to the plantation purpose, after due permission from that Water Resources Department.
- (v) that the staff toilet and other structures are removed.
- (vi) that the Project proponent in the modified plan, has proposed a stilted pathway to beach and bamboo fencing around, the sand mounds/ open space, an innovative approach to safeguard the sand and vegetation. This practice is followed in developed countries and should be encouraged. This will protect the sand mound, vegetation, and further strengthen its growth to prevent erosion.

In view of the foregoing, the Authority has concluded that in view of the compliance carried out by the Respondent/Project Proponent and the same being verified by the Authority, the Complaint dated 11/01/2021 is dropped and the Respondent is discharged.

Case No.1.5

To decide on complaint letter dated 03/07/2019 from Clare Marchon De Souza regarding the illegal construction of Ground Plus one floor structure carried out in property bearing Sy. No. 61/1 of Reis Magos Village, on the bank of the River Mandovi by Pandurang Community Hall, Betim. (High Court matter)

Background: The Office of the Goa Coastal Zone Management Authority is in receipt of a complaint letter dated 03/07/2019 from Clare Marchon De Souza regarding the illegal construction of Ground Plus one floor structure carried out in property bearing Sy. No. 61/1 of Reis Magos Village, on the bank of the River Mandovi by Pandurang Community Hall, Betim.

A Show Cause Notice was issued to the President, M/s Pandurang Community Hall, resident of Betim Bardez Goa and the Village Panchayat of Reis Magos, resident of P.O Reis Magos, Bardez Goa. dated 15/07/2019 vide letter no GCZMA/N/ILLE-COMPL/19-20/54/1045.

The Complaint was forwarded to the Chairman, District Level Committee, Office of the Collector (North), Collectorate Building, Panaji Goa on 15/07/2019 vide letter no GCZMA/N/ILLE-COMPL/19-20/54/1042 for conducting an inquiry and submitting a report.

The President, M/s Pandurang Community Hall, filed his reply to the Show Cause Notice on the 25/07/2019 and the Village Panchayat of Reis Magos *also* filed their reply to the Show Cause Notice on the 25/07/2019.

During 238th GCZMA meeting The Complainant present in person and prayed for time as her adv is unable to attend the hearing. The Ld. Adv for Respondents present. The Authority decided to grant the time to the Complainant. The matter stands adjourned for final arguments on 17/12/2020 3.30pm.

During 240th GCMZA meeting held on 17/12/2020 Adv. R Noronha appeared for Complainant and Adv. C Angle appeared on behalf of Respondent. Complainant filed reply which was taken on record.

The Authority decided to post the matter for further proceedings on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021.

During 244th meeting held on 25/01/2021 the advocate on behalf of Respondent filed reply before Authority. Complainant sought time to peruse the reply filed by Respondent. Authority after taking on records the documents filed by the Respondent and request made by Complainant. The matter is posted on 28/01/2021 for arguments.

Ld adv for both the parties present. The Ld Adv for the Complainant partly argued the matter.

The Authority adjourned the matter on 25/02/2021 at 3.30pm due to shortage of time. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021 Ld Advocate Noronha appeared for Complainant. Ld advocate N. Chopdekar and Adv Bhobe Remained present for Respondent. The Ld Adv for the Complainant argued the matter at length. The Authority adjourned the matter for the arguments of the Respondent on 11/03/2021 at 3.30pm for want of time. During 11/03/2021 the meeting got postponed to 25/03/2021. Now the Authority has decided to fresh hearing notices.

During 261st GCZMA meeting held on 17/06/2021 The Authority considered the request of the Sarpanch Village Panchayat of Reis Magos. Time granted. Matter fixed on 22nd July 2021 at 3.30 p.m. Personal Hearing Notices stand waived.

During 266th GCZMA meeting held on 22/07/2021 due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

During 271st GCZMA meeting held on 21/09/2021 the Authority heard the parties at length, perused the documents placed on record and the matter is posted for orders/further clarifications.

The matter was heard and posted for orders but as an order were not communicated to the Parties and now as the new Chairman is appointed for the GCZMA, the matters are posted for final arguments before the Authority.

During the 285th Meeting held on 13/01/2022 Ld Advocate Noronha appeared for Complainant. Ld Advocate Adv Bhohe Remained present for Respondent i.e Pandurang Community and Ld Adv Pronoy appeared for the Village Panchayat Reis Magos. Adv Noronha argued the matter at length. Adv for Complainant stated that the Respondent did not have any permission from any competent Authority except the GCZMA. Adv stated that the Permission obtained from the GCMZA was only for the purpose of repairs. Adv added that the Respondent had exceeded the plinth and FAR. Adv pointed out that the Respondent had only obtained permission for repairs and he produced photographs showing that the Respondent had demolished the entire old ground floor structure and erected a G+1 structure. Photos produced shows the laying of foundation stone, moreover the Google image shows the existence of structure and subsequent raising of the structure to ground level in order to erect the G+1 structure. Adv for Complainant states that he has vide application dated 17/12/2020 produced additional documents with photos. Adv also sated that he has filed Affidavits of neighbours wherein they have clearly stated that the Pandurang Community was only a ground structure. Adv Bhohe stated that there was an old school running in the said premises. The structure is constructed with public funds and since the Complainant did not challenge the approvals the issue of violating the NOC issued by this Authority cannot be raised in this proceeding. Adv Pronoy sought time to argue the matter.

The Authority heard the parties at length and posted the matter for further arguments of Adv Pronoy Kamat on 20/01/2022.

During 286th GCZMA meeting held on 25/01/2022 Ld Advocate Noronha appeared for Complainant. Ld Adv Pronoy Kamat appeared for the Village Panchayat Reis Magos. Advocate for Complainant submitted that the owner of the property has given NOC for repair and reconstruction. Sketch for construction is placed on record. Photographs were placed on record. There is no permission from GCZMA for repairs and reconstruction but only for repairs. However, the Respondent had reconstructed the building with ground plus one structure which is in violation of CRZ norms. He states that he had relied upon the Affidavit of villagers in support of his claim. The Complainant prayed for removal of violation and to restore the land to its original position.

Ld. Advocate for Panchayat, Adv Pronoy Kamat submitted that mother of the Complainant had given the NOC for repairs and reconstruction and now the complaint is filed by Daughter. There was a structure with G+1 and on the first floor there was a school. The structure is also shown in survey plan. The construction done with government funds and there is no ground plus one structure as alleged, but only ground floor on the existing plinth. The minor increase in area is due to steps. The actual structure is 176 sq mts and now it is 183sq mts due to steps. The Complainant had not challenged the permission given by this Authority. The remedy for the Complainant is to challenge the permission if there is violation.

The Authority after hearing both the parties kept the matter for orders.

Decision: The Authority after perusing the replies, documents, and arguments of both the parties have noted that the M/s Pandurang Community Hall at Betim situated in the property bearing Sy No. 61/1 of Reis Magos Village, was standing in the property prior to CRZ Notification 1991. From the Records it is noted that the M/s Pandurang Community had approached the Village Panchayat of Reis Magos to take up the development works from the Village Panchayat funds or grant in aid. In order to facilitate all the local villagers and general public, the Village Panchayat via their Meeting held on 23/01/2016 and Resolution No 10 (18) had resolved to take up the work of reconstruction

and repairs and improvement to the M/S Pandurang Community Hall at Betim through their Golden Jubilee grants.

Subsequently the proposal was moved to the GCZMA for grant of permission, this Authority has granted approval to the M/s Pandurang Community via permission bearing ref no GCZMA/N/16-17/178/48 dated 07/04/2016; for reconstruction / repairs/ and Improvement to the M/s Pandurang Community Hall located in the property bearing survey no 61/1 Reis Magos Village, Bardez Goa.

The Authority noted that the Village Panchayat has also taken approval from the Block Development officer and subsequently a tender was also issued to the contractor for the purpose of carrying the construction.

From the records it is also noted that the M/s Pandurang Community has also sought consent from the owner of the land and the Owner of the Land Gisela Marchon had given irrevocable NOC of whatsoever nature to the government of Goa/Village Panchayat to execute any civil work i.e., work of construction, repairs and renovation and beautification of M/s Pandurang Community Hall.

It is also noted that the Complainant has not disputed the existence of the structure, as the structure was standing since Portuguese era.

The Complainant had raised objection that the M/s Pandurang Community has not obtained approval from the Town and Country Planning department. However, this issue does not come within the purview of GCZMA, and the Complainant may kindly approach the concerned forum to seek relief.

Upon perusal of the photographs produced on record it clearly reveals that the old structure has a double height. That internally the same had a wooden base first floor. It is the case of the Respondent that they used to operate a school for the local children. It was a Government Primary School by the name Saraswathi Vidyalaya existing since Portuguese era which was run on the first floor and the temple on the ground floor.

It is also noted that the M/s Pandurang Community used to run a school and since the premises needed repairs the school was shifted to the Panchayat Hall. It is noted that the premises is used for community service. Further, keeping in mind that the future of so many kids would be at stake decided to take the considerate view.

It is noted that for the works undertaken the Respondent through the Village Panchayat of Reis Magos has sought for approval from the concerned GCZMA, hence the same is a legal structure

Further, the Authority noted that the report of the private surveyor Mr. Roque Fernandes cannot be taken into consideration as he is not a government approved surveyor.

The Village Panchayat who is carrying out the works for M/s Pandurang Community has admitted the fact that an area of 1.3 mts from the east to west direction is increased and an area of 0.1 mts from the north to south directions have increased due to miscalculations by the contractor; such an increase is minor in nature hence compensation for the extra land may be settled by the M/s Pandurang Community with the landowners in a different forum. The Village Panchayat has also clarified that the original height of the structure was more than 9 mts but after the reconstruction the present height of the G+1 structure is 8 mts.

The M/s Pandurang Community has also clarified that the area used by the Panchayat for putting pavers is an activity carried out by the Panchayat for the purpose of beautification of the village and the M/s Pandurang Committee cannot be held liable for the usage of area of the land of the owner for the purpose of beautification of the village.

The Authority noted that the Complainant has not challenged the approval granted by the GCZMA before any Court of law, hence the permission granted to the Village Panchayat of Reis Magos, to carry out the work for M/s Pandurang Community stands valid.

The Authority, after going through the facts, has come to the conclusion that the extension to the approved plan is only 1.30 mts from the east to west direction is increased and an area of 0.10 mts from the north to south directions have increased which

is minor in nature, and since it is a structure used for community service, the Authority has decided to discharge the Respondent from the Show Cause Notice and drop the proceedings.

Case No. 1.6

To decide on the Complainant filed by Mr. Suvarn Bandekar against the heirs of Mr. Armando Cardozo i.e a) Leticia Cardozo, b) Jovek Cardozo c) Maria Sunifer Cardozo d) Maria Sweta Cardozo e) Audrey Cardozo Fernandes f) James Sebastião Fernandes for all the structures (except one structure) identified in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

Background: The original Complainant Mr. Suvarn Bandekar had filed an application bearing no.23/2013 (renumbered to 480/2018) before the Hon'ble Green Tribunal, Pune interalia seeking restitution of damaged sand dunes and removal of structures belonging to the violator in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

The office of GCZMA after holding inquiry in the matter had issued a demolition order dated 05/12/2014 to heirs of Mr. Armando Cardozo i.e., a) Leticia Cardozo, b) Jovek Cardozo c) Maria Sunifer Cardozo d) Maria Sweta Cardozo e) Audrey Cardozo Fernandes f) James Sebastião Fernandes for all the structures (except one structure) identified in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

The said demolition order dated 05/12/2014 was challenged by the Respondent in appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appeal no.43/2014) before the Hon'ble National Green Tribunal.

Vide order dated 19/03/2016 both the appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier Appeal no.43/2014) and application bearing no.23/2013 (renumbered to 480/2018) were tagged together heard before the Hon'ble NGT, Pune. The said the application and appeals were detached vide order dated 16/11/2018 by the Hon'ble NGT, New Delhi.

The Hon'ble NGT, New Delhi vide order dated 13/12/2018 in Application no.23/2013 decided as follows “*after making submission for some time, the learned counsel for the applicant submits that he may be permitted to withdraw this original application with liberty to seek redress before the appropriate forum. Consequently, the original application (480/2018) is dismissed as withdrawn*”.

Vide representation dated 14/01/2019 the original Complainant is interalia seeking recovery of the cost of removal of illegal (new) road from the heirs of Armando Cardozo, directions towards execution of order dated 24/05/2012 regarding restoration of land in property bearing survey No.16/4A of Sernabatim Village, Salcete Taluka and recovery of cost of restoration of land from the heirs of Armando Cardozo.

The Hon'ble National Green Tribunal has vide order dated 20/12/2018 in said appeals interalia directed as follows : “*In these circumstances and the contentions raised by the learned counsel for the parties we are of the considered opinion that it would be appropriate and is a fit case which be remanded to the GCZMA for considering it afresh, after taking into consideration the material on record and considering the contentions of these parties. Consequently, we allow the appeals and set aside the order dated 5th December 2014 and remind the case to Goa Coastal Zone Management Authority to reconsider the same and pass a reasoned order, after hearing both the parties and material on record*”.

The matter was heard in various meetings viz are as follows:- 202ndGCZMA meeting held on 29/05/2019, 204th GCZMA meeting held on 11/06/2019, 219th GCZMA meeting held on 29/01/2020, 220th GCZMA meeting held on 05/02/2020, 222th GCZMA meeting held on 04/03/2020, 223th GCZMA meeting held on 18/03/2020, 230th GCZMA meeting held on 09/10/2020, 233rd GCZMA meeting held on 29/10/2020, 233rd GCZMA meeting held on 29/10/2020, 238th GCZMA meeting held on 26/11/2020, 243rd GCZMA meeting held on 14/01/2021 respectively.

The matter was last heard in the 246th GCZMA meeting held on 04/02/2021. The proceedings in the said matter can be seen as follows: - Adv N Vaze and Adv S Henriques appeared on behalf of Complainant. Adv Parag Rao appeared for Respondents. Ld adv for Complainant pointed out to order dated 24/08/2011 passed by GCZMA with a clear direction to remove the illegal road. Further pointed out that a Writ Petition bearing no. 606/2011.

Against the said order which was disposed by the Hon'ble High Court of Bombay at Goa with a direction contained in Para 9 of the judgment. The Complainant further submitted that pursuant to the said judgement and a site inspection was carried out and illegal road was demolished.

At this juncture Ld Adv for Respondent argued that the issue of the said illegal road is being unnecessarily re-opened by the Complainant. The Respondents pointed out that Complainant themselves had complaint in the year 2010 that the said illegal road was actually done by the local Village Panchayat. Respondent further submitted that the order dated 24/08/2011 was only to remove the said illegal road and directions to restore were issued to the concerned Collector. The Respondent further submitted that the present proceedings are unwarranted.

Respondent submitted that the Complainant herein had unconditionally withdrawn his application bearing no. 23/2013 before the Hon'ble NGT, Pune and no specific liberty was granted. As no liberty was granted by Hon'ble NGT, Pune the Complainant cannot be allowed to do forum hunting. The Respondent pointed out to the pleadings/prayers in the application bearing no. 23/2013 filed by the Complainant before the Hon'ble NGT, Pune and the representation made before this Authority. The Respondent submitted that if such liberty is granted to the Complainant the issue of review of order will arise. The Respondent further pointed out that this authority does not have power to review its order on merits. Respondent pointed out that authority is on oath before the Hon'ble High Court of Bombay at Goa that review of order is only possible in case of procedural lapses

attributable to the authority. The Respondent further pointed out that Hon'ble High Court of Bombay at Goa has in fact taken a view that the Authority does not have any power to review its own order.

Complainant rejoined stating that the present proceedings is not a review of the earlier order passed by the GCZMA. The application is only for execution of restitution of sand dunes pursuant to the order of GCZMA. The Complainant submitted that the liberty was granted only to effectively to decide the aspect of restitution of sand dunes. Further pointed out to report prepared by then expert members Shri. Raghunath Dhume and Dr. Antonio Mascarenhas which clearly indicates existing of sand dunes and the said report was filed on record before Hon'ble NGT, Pune in the application bearing no.23/2013.”

The matter was placed for hearing in the 246th GCZMA meeting held on 04/02/2021. In the said meeting it was decided as follows: -*“The Authority after hearing both the parties and taking into consideration the written and oral submissions made by both the parties decided to keep the matter for order on the point of penalty. As regards to illegal construction the same will be taken up for hearing separately.”*

The matter was placed in the 264th GCZMA meeting held on 06/07/2021. The Authority granted time on the request made by Adv Parag. Matter was posted for deciding the question of penalty to be imposed on Respondent and further for arguments on 22/07/2021 at 3.30 p. m on the illegal structures constructed by the Respondent. Further during 266th meeting held on 22/07/2021 due to paucity of time the matter is posted to 26/07/2021.

The matter was placed in the 267th GCZMA meeting held on 26/07/2021. In the said meeting Adv Parag Rao remained present on behalf of Respondents and Adv R. Gracias remained present on behalf of Respondents 5 to 7. Complainant present through Adv S Henriques. Adv. Henriques stated that the matter was posted for deciding on the penalty to be imposed for the destruction caused to the Environment by construction the road. Adv Henriques stated that the report of the Goa State Biodiversity Board (GSBB) stated

that the cost was amounting to Rs. 5,00,000/- hence accordingly the Authority may decide. Adv Parag Rao objected to the penalty to be imposed. He further stated that as per the report there are no factual finding that the road was constructed by the Respondent. He further stated that penalty would not arise as it was accepted by the Authority that the dunes are being restored naturally so there is no cost of restoration as the nature has taken its course. Adv Rao stated that additional reply has been filed and the Judgment has been taken on record and the same may be relied on when deciding the penalty. The Authority heard the parties at length and posted the matter for orders on penalty.

An M.A no.18/2021 was filed by the Original Applicant before the National Green Tribunal, Pune interalia being aggrieved by non-disposal of matter by the Authority. The National Green Tribunal, Pune vide order dated 10/12/2021 interalia directed the Authority to dispose of the matter before it on or before 15/02/2021.

The matter was taken up for hearing in the 281st GCZMA Meeting. The Authority noted that in the present matter there is a time bound direction to decide the matter on or before 15/02/22 and hence condemned the attitude of the Respondent in seeking time in the matter. The Authority decided to grant time as last and final opportunity and posted the matter for hearing on 06/01/2022 at 3.00p.m.

During the 284th GCZMA Meeting the Authority after hearing the parties being a direction matter granted last and final opportunity to the Respondent Mr. Jovek Cardozo to argue the matter if failed to argue on the given opportunity then the matter will be heard, and orders will be pass accordingly. Posted the matters on 13.01.2022 at 3.pm.

During 285th GCZMA meeting held on 13/01/2022Ld. Adv. ForComplainant Adv S Henriques present, Adv Parag Rao remained present on behalf of Respondents and Adv R. Gracias remained present on behalf of Respondents 5 to 7. The Authority pointed out that there are two issued to be decided (i) quantum of penalty and (ii) arguments on the structure. Adv Parag Rao sought time to argue on quantum. Arguments were advanced by

both the parties on the illegal structures. Adv Henriques argued the matter he stated that pursuant to the directions of the Hon'ble NGT the Authority passed demolition order to all the structures except one structure. The property bearing Sy No 16/7 admeasures 3200 sq mts., around 80-85% of the property falls within 200 mts from HTL. Authority took cognisance of the illegalities in the year 2001, 2003 and 2005 and issued SCN. Directions in regard to the same structure were issued in 2005, 2012 and 2014. This Authority issued order to the DSLR to carry out survey mapping and plot the structures on the plan. Adv for the Complainant states that there is a continuous variation in size right from 2003, 2005 and 2014 throughout the period till 2014 even till date. The structures were erected without obtaining any construction licence/permission, conversion sanad. There are 9-11 structures total admeasuring 800 sq mts however, no permissions are produced on record. There is an application to the Village Panchayat in 1984. There is a plan attached to the said application. The plan produced does not correspond to the structure on site. The contention of the Complainant is that the plan is of the property situated at a different location and not where the structure in dispute is located. The eastern boundary of the property shows the main road however, on site there is no road. It is the case of the Complainant that the Licence issued is with reference to other property which is at a distance of 1km from the sea and the property in dispute is touching the beach. The Complainant states that this application dated 30/11/1984 is the foundational document of the Respondent. The Complainant states that on 29/03/1985 the Respondent obtained excise licence and the plan produced was the one attached to the application of the year 1984. The Complainant states that on the document dated 06/08/1985 it is clearly mentioned that the distance from the beach to the structure is 400 mts. The Complainant pointed out that the letter dated 30/11/1984 filed by the Respondent before the Village Panchayat was taken up in the Village Panchayat Meeting dated 02/12/1984 and it was decided to issue licence.

That on 16/11/1986 another application was filed at the Village Panchayat to grant them another house number to the structure for which Licence was obtained.

That Mr Cardozo filed an application in the year 2001 for correction of records of the survey plan, however the Respondent did not mention anything about the structures to be inserted. However, on the survey plan it shows only 25 sq mts.

The Complainant states that the matter was remanded back to the Authority to hear the parties afresh as the Contention of the Respondent was that all the documents were not considered at the time of passing the Order.

The Respondent Adv Rao stated the SCN dated 29/01/2014 has to be decided. He further stated that the SCN was issued based on the Complaint filed by Mr. Suvarna Bandekar. Adv Rao stated that he filed his reply along with documents and the same were not considered when the Demolition order dated 05/12/2014 came to be issued. Adv Rao stated that the Inquiry Committee is favouring him. Adv Rao stated that he placed all his documents before the Hon'ble NGT and the Hon'ble NGT remanded the matter before the Authority to consider the documents and pass a reasoned order after considering all the documents.

Adv Radharao Gracias stated that he will file his written arguments.

The Authority heard the parties at length and directed all the Parties to file Written Arguments along with all the documents to be annexed to the Arguments which they seek to rely to prove their case. The parties to file Written Arguments on 20/01/2022 and matter posted for further arguments /clarification on 27/01/2022 at 3.00 pm.

During 287th GCZMA meeting held on 27/01/2022Ld. Adv. for Complainant Adv S. Henriques present, Adv Parag Rao remained present on behalf of Respondent 5 to 7 and Adv Radharao. Gracias remained present on behalf of Respondents 1 & 2.

Advocate Parag Rao submitted that property in survey no. 16/7 was purchased by Respondents father in 1977. In 1984 there is NOC from the Village Panchayat plan has been submitted. Structures were existing prior 1991, there is excise license, and electricity bill from Electricity Department was obtained in 1986. House tax receipts are

on record. All the documents are from the statutory Authority. He further stated that the written submissions produced by him be considered as his arguments.

Ld. Advocate for Complainant submitted written submissions and same be considered. He stated that Hon'ble NGT has directed GCZMA in 2018 to hear the matter and passed the order. He submitted that the plans provided by DSLR are totally different and are false and fabricated. There are no documents from statutory Authority authorising 800 sq. mts constructions. No Panchayat NOC on record.

Adv Radharao Gracias submitted that structures in the property are much prior to 1991. Bar and rooms were existing prior to 1991 and there are documents on record to show and substantiate the existence of structures.

The Authority after hearing all the parties kept the matter for Orders.

Decision:

1. In compliance to the said order dated 20/12/2018 the Authority heard oral submissions as well as replies/written arguments advanced by the parties on 13/01/2022 and 27/01/2022 with respect to the structures existing in Survey No. 16/7 of Sernabatim Village, Salcete, Goa.
2. The submissions advanced by the Ld Advocate for Complainant can be briefly seen as under: -
 - (a) The structures in Survey No. 16/7 were first noticed pursuant to a report dated 25/10/2010 from the Office of the Collector, South Goa at Margao, and in terms of which separate and independent structures admeasuring more than 750 sq. mtrs. were noticed all falling within the 200 mtrs. of the High Tide Line.
 - (b) Pursuant to the aforesaid report, this Authority has issued various Show Cause Notices dated 02/05/2001, 09/09/2003, 10/12/2003 bearing No. GCZMA/S/85/2003-2004/248. The complainant stated that Authority earlier

- has passed an Order dated 20/05/2005 directing the demolition of all the structures.
- (c) The said Order dated 20/05/2005 was challenged by Mr. Armando Cardozo before the Hon'ble High Court of Bombay at Goa in Writ Petition 214/2005 which set-aside the aforesaid Order as a grievance was made that the Panchanama and Report was not furnished to Mr. Armando Cardozo with a direction that the matter shall be decided by this Authority after hearing the parties.
- (d) As the matter was not taken up by the Authority, a Petition bearing No. 218/2012 in the Hon'ble High Court of Bombay at Goa and same was allowed. Further another Misc. Civil Application bearing No. 309/2013 came to be filed seeking compliance of the directions earlier issued by the Hon'ble High Court of Bombay at Goa.
- (e) It was also argued by the Counsel that the aforesaid three Directions/ Orders were issued independent of and uninfluenced by any Resolutions taken by the Village Panchayat pursuant to the Directions passed in Suo Moto Writ Petition 02/2006 of the Hon'ble High Court of Bombay at Goa.
- (f) Counsel placed reliance the survey plan of Survey No. 16/7, the plans dated 16/12/2010, 05/09/2012 and 27/03/2014 of the Directorate of Settlement and Land Records. The Counsel pointed out the vast difference between the two structures shown to be existing in the Government Survey Plan of Survey No. 16/7 dated 21/09/2010 viz-a-viz the other three Plans which show a large number of additional structures that also appear to have changed in size and dimensions between 2010 and 2014. The survey plans clearly indicate that the structures are within NDZ and denoted them as 'new structures'
- (g) The Counsel for the Complainant has also pointed out and placed on record the Form I & XIV of Survey No. 76/1 and 16/7 wherein the area of the property bearing Survey No. 16/7 is 3200 sq. mtrs. The aforesaid properties are known as "AMBEAXIR – 76/1" and "PRAYA – 16/7" and licence/s taken in respect

- of the structure existing in Survey No. 76/1 have been placed on record to mislead/ suggest that the same are in respect of the structures existing in Survey No. 16/7 and the same can be observed from the Receipts and Electricity Bills produced by the Respondent wherein the word “AMBEAXIR” is mentioned.
- (h) The Counsel for the Complainant has placed reliance on all the documents which are enlisted above comprising of the Deed of Sale dated 03/01/1977 whereby the said property was purchased by Mr. Armando Cardozo and his sister who are the predecessors of the present Respondents. The said document does not reflect or state the existence of any structure in the property bearing Survey No. 16/7.
- (i) The Counsel for the Complainant has also taken us through an application dated 17/04/1981 filed by Mr. Armando Cardozo and Ms. Bertha Fernandes for re-survey of the property purchased and change of name in the Survey records. The said proceedings show a tabulation consisting of eight survey numbers, the previous area, the corrected area and remarks and an observation of the same reveals that in respect of Survey No. 16/7 there is a house admeasuring 25 sq. mtrs.
- (j) The Counsel for the Complainant thereafter pointed to an application for correction filed by Mr. Armando Cardozo, and which was decided by an Order dated 05/07/2001 wherein the area of the house is once again shown to be 25 sq. mtrs.
- (k) The Counsel for the Complainant has pointed out to the letter dated 30/11/1984 by Mr. Armando Cardozo which is inwards on 02/12/1984 wherein an NOC for Bar and Restaurant is sought by Mr. Armando Cardozo and to which a sketch is annexed. The sketch when observed makes for a very interesting observation and was specifically pointed out to us wherein on one side it is noticed that there is “Sernabatim Beach Mud Road”, and on the other side “to Sernabatim Main Road to Colva” and most importantly the distance is shown

- to be 450 mtrs. from the beach/ structure to the “to Sernabatim Main Road to Colva” which is not the situation at loco but would match the structure of Mr. Armando Cardozo existing in Survey No. 76/1 wherein the Excise Licence was granted.
- (l) The Counsel for the Complainant has also taken us to the letter dated 29/03/1985 to the Commissioner of Excise seeking licence by Mr. Armando Cardozo and to which the same aforesaid sketch is annexed.
- (m) The Counsel for the Complainant has laid great emphasis on the discrepancy and misrepresentation of the Plan/ Sketch as the same is being used by the Respondents to legitimize or show this Hon’ble Authority that the structure is a legal structure existing prior to 19/02/1991 which in fact is incorrect and the same can be noted from the following documents i.e. letter dated 06/08/1985 and 26/08/1985 written by the Superintendent of Excise and Excise Inspector respectively wherein it is categorically stated as follows “*I am to inform that the distance between the proposed premises and the beach is more than 400 mtrs.*” The aforesaid falsehood is further fortified by the fact that the application dated 30/11/1984 and inwards on 02/12/1984 seeks an NOC for Bar and Restaurant and the panchayat resolution passed is to issue licence, when in fact the House Number for the Bar and Restaurant itself was granted on 16/11/1986 i.e. close to two years from the date on which an NOC was sought for from Panchayat and one year from the Application being made to the Excise for a Excise Licence.
- (n) The Counsel for the Complainant vehemently argued that all the aforesaid facts taken together clearly show that the licence granted was not in respect of a structure existing in Survey No. 16/7 but in another property bearing Survey No. 76/1 as neither does the sketch/ plan annexed to each of the applications tally with the ground location of the structure neither does the grant of house number tally with the procedure required for issue of Excise Licence for a premises.

- (o) The Counsel for the Complainant has impressed upon us the fact that this Authority has been called upon to decide the fate of a number of illegal independent structures, right from the year 2001 when this Authority issued the first Show Cause Notice and till date the Respondents have failed to produce any licence/ permission/ approval from a Competent Authority or the Conversion Sanad which would be of absolute essentiality in view of the fact that almost the entire property falls within the 200 mtrs. of the High Tide Line.
- (p) The case of the Complainant, in sum and substance, is that all the structures existing in Survey No. 16/7 are wholly illegal without the Permission/ Approval/Construction Licence/Conversion Sanad from the competent authorities. Further that the structures also not depicted in the Survey Plan.

On the other hand, the submissions of Ld Adv Parag Rao for the Respondents can be summarised as follows:

- (a) Ld Advocate Parag S. Rao has placed on record a voluminous compilation of documents as well as written submissions to support the case of the Respondents that all the structures that are seen and existing in property bearing Survey No. 16/7 are legal as the same are existing from prior to the year 1984.
- (b) Advocate Parag S. Rao has placed reliance heavily on two documents i.e. the Application dated 30/11/1984 alongwith a sketch and letter dated 29/03/1985 alongwith a sketch which according to the Ld. Counsel matches with the structures as seen on the Plans prepared by the Directorate of Settlement and Land Records.
- (c) Advocate Parag S. Rao thereafter took this Authority to the records of the Department of Excise and correspondence annexed to his Written Submissions whereby the Counsel argued that the said documents clearly show that the Excise Licence for Bar and Restaurant was given to a structure existing on the Sernabatim Beach.
- (d) Advocate Parag S. Rao also pointed out to the fact that the said records from the Excise Department pertain to a period prior to 19/02/1991 and therefore the CRZ

Rule pertaining to the said structures would not apply to the structures that are existing in the property bearing Survey No. 16/7 as the Counsel argued that the records from the Excise Department are contemporaneous to the period prior to 19/02/1991.

- (e) Advocate Parag S. Rao for some of the Respondents further took us through several Electricity Bills which are in respect of Xavier Bar and Restaurant, Ambeaxir, Sernabatim, Goa, and which also reflect a date of 12/12/1986 to impress upon this Authority that the structures are existing from a period prior to 19/02/1991.
- (f) Advocate Parag S. Rao has also relied upon records and certificates alongwith receipts issued by the Village Panchayat to try and impress upon this Authority that the structures are from the period prior to 19/02/1991 which are towards Trade Tax, House and Lighting Tax, etc.
- (g) Advocate Parag S. Rao has also taken us through the Affidavit dated 30/09/2010 filed by the Village Panchayat as well as the Affidavit dated 18/11/2009 filed by the Village Panchayat in the Hon'ble High Court of Bombay at Goa in Writ Petition 02/2006 to impress that the structures have already been subject matter of a proceeding.
- (h) Advocate Parag S. Rao has in addition taken us through the Report submitted by the Inquiry Committee dated 12/08/2014 which found the structures to be legal existing in property bearing Survey No. 16/7 and prior to 19/02/1991.
- (i) Advocate Parag S. Rao in his written submissions has also produced Orders of the Hon'ble High Court of Bombay at Goa in Writ Petition 71/2016, Order of the Hon'ble Supreme Court of India in Civil Appeal 9315-9316 of 2019 alongwith Plaints and Written Statements.
- (j) Advocate Parag S. Rao thereafter concluded his arguments to state that the records are contemporaneous records of statutory authorities and therefore all the structures existing in the property bearing Survey No. 16/7 ought to be considered as legal in consonance with law and existing prior to 19/02/1991.

Ld. Advocate Radharao Gracias appearing for some of the Respondents advanced oral submissions based on the documents submitted which are as below.

- (a) Ld Advocate R. Gracias has concurred with the arguments canvassed by Advocate Parag S Rao.
- (b) Advocate R. Gracias pointed out to a document dated 04/04/2016 received under RTI to try and establish the fact that as off 1992 there were seven cottages existing in property bearing Survey No. 16/7.
- (c) Advocate R. Gracias contested the argument made by the Complainant as far as the Order dated 05/07/2001 passed by the Dy. Collector in so far as the Dy. Collector in terms of Law is only entitled to make corrections as permissible by the Land Revenue Code.
- (d) Advocate R. Gracias has thereafter brought to our attention the Order dated 19/09/2016 wherein the Hon'ble National Green Tribunal was pleased to allow the production of certain documents.

Having heard the learned Counsels for the parties as well as perusing the written submissions and all documents placed on record as directed by the Hon'ble National Green Tribunal vide its Order dated 20/12/2018 and the Order dated 10/12/2021, the issue that crystallizes for consideration of the Authority is whether the structures existing in the Respondent's property bearing Survey No. 16/7, Sernabatim, Goa were existing prior to 19/02/1991.

The Authority has noted that the property bearing Survey No. 16/7 almost entirely falls within 200 mtrs. of High Tide Line which is seen demarcated on the three plans prepared by the Directorate of Settlement and Land Records (DSLRL) and an observation on the plan indicates that the structures also are within the 200 mtrs. of the High Tide Line. It is also a fact that the structures subject matter of the proceedings has been at large before this Authority with various Show Cause Notices/ Directions and Orders being issued to the predecessor/ Respondent's time and again.

The Authority has noted that the Respondents have throughout and even presently in the arguments canvassed and/or documents produced, have failed to produce any document which could be considered as a permission/licence/approval and/or Conversion Sanad from a competent authority so as to establish the legality of the structure/s existing in the property bearing Survey No. 16/7 admeasuring more than 750 sq. mtrs. and are independent structures.

The documents/ arguments canvassed before us also show that the property bearing Survey No. 16/7 admeasures totally 3200 sq. mtrs. and in terms of the plans from the Directorate of Settlement and Land Records there are a number of structures in the said property which are independent and the Respondents have failed to place on record a licence/ permission/ approval of even a single structure.

The structures themselves admeasure more than 750 sq. mtrs. and it is inconceivable that the Respondents do not have even a single construction licence from the Village Panchayat prior to the year 1991 for any structure and interestingly the document dated 29/04/1992 shows that there was some construction in progress and in respect of which also no licence/ permission/ approval has been produced from the Competent Authority.

The Respondents in reply to the arguments advanced by the Complainant are relying mainly on the application made to the Village Panchayat in 1984 and the application dated 29/03/1985 made to the Commissioner of Excise, both of which have a sketch annexed thereto.

This Authority has meticulously compared the aforesaid sketches vis-à-vis the Government survey plan and the plans prepared by the DSLR and it is very apparent that the said sketches do not correspond to the property bearing Survey No. 16/7 as there is no main road touching the property bearing Survey No. 16/7, neither is the property admeasuring 450 mtrs. in length as stated in the aforesaid sketches. Moreover, the records from the Excise Department, whilst processing the grant of Excise Licence

clearly show that the premises is 400 mtrs. away from the beach in terms of letter dated 26/08/1985.

In fact, the Survey Plan as well as the DSLR Plans show the existence of private properties on three sides with the Arabian Sea on the Western side. It therefore follows that the aforesaid documents which form the main contention of the Respondents to defend the legality of the structures do not in any manner assist the Respondents to establish that the structures are legal and existing from the year 1984 as the same pertain to some other location/ structure.

The Authority has also taken note of the fact that it is not disputed that the property subject matter of the proceedings was purchased in the year 1977 and there is no mention of a structure/s existing in Survey No. 16/7 in the Sale Deed. The said property after its purchase was subject matter of a re-survey vide an application dated 17/04/1981 and wherein in terms of a tabulation it is very evident that there is only one structure existing in Survey No. 16/7 admeasuring 25 sq. mtrs.

The Authority has also noted that some of the documents annexed to the reply cum Submissions filed by the Respondents through Advocate Parag S. Rao and Advocate Radharao Gracias are very similar.

The Authority has in particular noted the fact that the Respondent Mr. Armando Cardozo had inwarded an application dated 30/11/1984 for an NOC for Bar and Restaurant which was decided on 02/12/1984 wherein the licence for Bar and Restaurant was granted. However, very interestingly, the house number of the structure wherein the Bar and Restaurant was to be operated was granted on 16/11/1986, i.e., a period of two years after the NOC being granted, which is not in consonance with law and therefore it vindicates the assumption that the structure for which the licence was granted existed in Survey No. 76/1 (Ambeaxir) which is 400 mtrs. away from the Beach as stated by the letter dated 26/08/1985 of the Excise Department.

The Authority has taken note of the fact that the structures existing in property bearing Survey No. 16/7 have not only been part of Show Cause Notices, Directions and Orders from this Authority but have also been subject matter of Orders from the Hon'ble High Court of Bombay at Goa dated 20/07/2005, 09/08/2012 and 06/01/2014, and in each of the said Orders, this Authority has been directed to decide the matter in accordance with law.

The Authority has also heard arguments made by the Counsel for the Respondents that in view of the Affidavits filed by the Village Panchayat of Sernabatim in Writ Petition 02/2006 therefore the matter stands resolved as far as the legality of the structures is concerned. However, a reading of the above-mentioned Orders of the Hon'ble High Court of Bombay at Goa makes it very clear that this Authority has to independently decide the matter based on documents and records which fact is further fortified by the Order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi, dated 20/12/2018.

The Authority has heard the vehement and forceful arguments made by the Counsels for the Respondents whereby documents such as Electricity Bills, Trade Tax and House & Lighting Tax Receipts, NOC from Panchayat, Resolutions and Excise Challans have been placed on record to impress upon this Authority that all the structures existing in Survey No. 16/7 are legal existing prior to 19/02/1991 that according to the Respondents are existing from 1984 or thereabouts.

This Authority has also minutely and meticulously gone through all the documents which are voluminous and produced by the Counsels for the Respondents but has not been satisfied that the structures are legal, lawful and existing from a period prior to 19/02/1991 as the said records do not mention or state the Survey Number or location in respect of which the said Electricity Bills, Trade Tax and House & Lighting Tax Receipts, NOC from Panchayat, Resolutions and Excise Challans have been issued and discarded as insufficient to prove that the structures are legal and existing prior to

19/02/1991 as in the peculiar facts of this matter the structures admeasure more than 750 sq. mtrs. all of which are within 200 mtrs. of the High Tide Line. A perusal of the DSLR Plans from 2010 to 2014 continues to show considerable variation for which no licence/ permission/ approval has been produced.

It may be noted that these documents produced by the Respondents in fact were already considered by this Authority and were found to be not indicative of the existence of the structures prior to 19/02/1991 in the hearings held between 2001 to 2005.

The Authority has also taken note of the fact that during the course of submissions by the Counsel for Respondents it has been stated that apart from the Bar and Restaurant there are cottages/ rooms in the property bearing Survey No. 16/7 which are seen in the Plans made by the Directorate of Settlement and Land Records and which structures have varied in size and dimensions, area between 2010 and 2014 and for which the Respondents have failed to produce any permission/ licence/ approval for the said changes.

This Authority has also perused documents annexed to the Written Submissions of the Respondents such as Order of the Hon'ble High Court of Bombay at Goa in Writ Petition 71/2016, Order of the Hon'ble Supreme Court of India in Civil Appeal 9315-9316 of 2019, Plaint and Written Statement in Civil Suits 64/1992, Plaint of Civil Suit 153/1992 alongwith Site Plan of Survey No. 76/1, Order of the Hon'ble High Court of Bombay at Goa in Writ Petition 02/2006, the Electoral Rolls in respect of Colva Zilla Panchayat, Demolition Notices and replies, records from the Director of Panchayats all of which have no bearing in the matter to be decided by this Authority and are of no assistance to the Respondents in deciding the legality of the structures and are consequently discarded.

The Authority minutely observed the Electricity Bills and Panchayat Receipts produced on record wherein there is a mention of "AMBEAXIR" i.e., Survey No. 76/1 as seen in the Form I & XIV which according to the arguments advanced by the Complainant is

where the Bar and Restaurant existed and the same tallies/matches with the sketch annexed to the Applications dated 30/11/1984 and 29/03/1985.

This Authority has perused the written submissions of the Complainant pertaining to the documents from the Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim wherein there are certain inconsistencies while issuing all kinds of Certificates, correspondence, etc. to the Respondents. It can be seen that the telephone number has changed four times and even an outward number for some of the said documents is not mentioned.

The Authority is of the view and hence held that Electricity Bills, Panchayat Receipts/ Certificates and/or Excise Challans are not sufficient nor relevant and cannot take the place of a licence/ approval/ permission from a competent authority and/or Conversion Sanad to arrive at a decision as to the legality of a structure/s in view of the fact that the CRZ Notification that has to be strictly construed specially in the present matter wherein the structures are constructed in the No Development Zone (NDZ).

The Authority, based on aforementioned findings/observations, and after considering documents submitted alongwith the written submissions and oral arguments advanced by the respective Counsels, opined that the Respondents have failed to submit any documents such as permissions from competent authorities, Construction Licence, Approved Plans or Conversion Sanad in respect of any of the structures that are existing in property bearing Survey No. 16/7, and hence are violative of CRZ Notification 2011 being illegal and unauthorised. Accordingly, the issue is answered in the negative.

The said structures are constructed within No Development Zone (NDZ) of the CRZ area as depicted in the Plan submitted by the Directorate of Settlement and Land Records dated 27/03/2014 deserves no protection in terms of the CRZ Notification 1991 and 2011.

In view of the foregoing, the Authority resolved to issue an order directing all the Respondents/ legal heirs of Mr. Armando Cardozo to demolish all the structures located

in Survey No. 16/7, Sernabatim, Salcete, Goa, viz. compound wall on all three sides of the said property alongwith two gates, Bar & Restaurant, Rooms/Cottages, internal compound wall/partitions, Storage Tank, Toilet W.C., Store room, Pump House and to restore the land to its original state within 30 days, failing which the concerned Dy. Collector & S.D.O Salcete to demolish the said structures and recover the cost as arrears of land revenue and submit compliance report.

Case No.1.7

To decide on the Complaint from complaint letter dated 07/03/2016 from Mr. Kashinath Shetye& others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

Background: GCZMA received a complaint letter dated 07/03/2016 from Mr. Kashinath Shetye & others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

Mr. K. Shetye & Others also filed an original application no. 171/2017 (WZ) before the NGT, Pune allegedly seeking demolition of structure constructed by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 and chalta no. 37 and 37-A of Mala, Panaji.

The GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of the City of Panaji, stating that during the course of site inspection by the Officials of the Corporation it was noted that within 10m distance of the buffer zone, there are three non-habitable structures erected with M S bracing members and GI sheets. So, a site inspection was fixed to see the site, verify the structures, the CRZ area and the documents. Expert member (GCZMA) conducted site inspection of the proposed site and

submitted a detailed report. Accordingly, the said matter is placed for the grant of personal hearing. Proceeding for the said hearing may be read as below:

In the 185th GCZMA meeting, the Authority heard the respondent and taken on record the submissions made by respondents. It also noted that the complainant not appeared. Therefore, GCZMA decided to grant final opportunity to the complainant to present its case. The matter was adjourned for the next date.

The said matter was placed before the Authority in its 188th meeting held on 22/11/2018 for grant of personal hearing to the parties wherein Authority heard both the parties and taken on record the oral submissions made by the parties. The Authority, after detailed discussion and deliberation, decided to carry out joint inspection with officials from Soil Conservation Division Department of Agriculture, official from Water Resources Department (WRD), from DSLR and Expert members (GCZMA). The site inspection was carried out by Expert Members and other officials on 26/12/2018 and submitted the report.

The said matter was placed before the Authority in its 199th meeting held on 14/05/2019. The Authority deliberated on the cadastral map submitted by DSLR and resolved to seek comments of DSLR on issue of reclamation of land. This office was in receipt of letter from DSLR dated 02/12/2019.

The matter was placed in the 222nd GCZMA meeting held on 04/03/2020. The proceedings in the said meeting can be seen as follows: *“the Complainant submitted that the offending structure that has been constructed by the Respondent is in a ecologically sensitive area which comes within the purview of CRZ-I area as per CRZ Notification, 2011. He stated that mangrove area, salt pans, mudflats etc are ESA’s & the construction carried out by the Respondent is in this ESA. The complainant thereafter pointed out to the inspection report prepared by the Expert Members which mentions in the observation that one part of the building is on chalta No.37 & the other part of the building constructed by the Respondent is in chalta No.37A of City survey Panaji which is part of*

the water body. It that be the case than the construction carried out by the Respondent which is in the water body needs to be demolished is what the complainant strenuously harped upon. He further pointed out that the report of the Expert Member also makes a mention that property bearing chalta No.37A has been reclaimed & a large structure along with multiple structures exist on the reclaimed land. Assuming without admitting that the structure constructed by the Respondent is not in CRZ area the provisions of the wetland Rules would nevertheless get attracted because there ought to be a buffer for the wetland. He relied upon the Google imagery map of the offending structure & prayed that orders be passed to demolish the same belonging to the Respondent.

Ld. Adv. for the Respondent submitted that the alleged offending structure is located in CRZ –II area & as per the provisions of section 8 II of the CRZ Notification it has been clearly held that buildings shall be permitted. Only on the landward side of the existing road or on landward side of existing authorized structure. He thereafter pointed out to an inspection report of the Expert Member which is part & parcel of the 185th GCZMA meeting of the GCZMA held on 04/10/18 clearly makes a mention that the so called offending structure is more than 500 mts away from the bank of Rua de Ourem Creek & is much behind existing authorized structure. He stated that the entire structure of his is legal having the requisite permissions which structure is located in survey no.37 & that he has got nothing to do with property bearing survey No.37-A. Even if a buffer of 10 mts has to be kept from any water body, the Respondent stated the inspection report of the Expert Member itself suggests that the alleged offending structure is 15.6 mts away. Thereafter the Respondent submitted that vide letter dt.03/05/07, the Authority itself has cleared the project specifying that the same is in CRZ-II area & the purported building is located on the landward side of an existing authorized structure. He stated that he has not deviated in any manner the construction which possesses all of the requisite permissions & approvals. He thus prayed that the proceedings initiated as against him be withdrawn/dropped as there is no substance in the complaint filed by the complainant”.

In the 222nd GCZMA meeting held on 04/03/2020 it was decided as follows: *“The Authority after going through the records & upon have heard the parties was of the opinion that the inspection report dt.26/12/18 makes a mention in the observation more specifically at ‘3’ that one part of the building is on chalta No.37, while the other part extends into chalta No.37-A which is part of the water body. The DSLR has nevertheless ruled out any reclamation of land as per the conclusion in the said report of the Expert Committee, but the observation made in the inspection report dt.26/12/18 seems to be part & parcel of the extension made of the so called authorized & approved construction. The Authority thus decided that the DSLR be directed to do ground truthing more specifically in view of observation made at ‘3’ of the inspection carried out on 26/12/18.”*

The ground truthing was carried by DSLR officials along with Expert Member GCZMA. During 284th GCZMA meeting held on 06/01/2022 The Complainant Kashinath Shetye present in person. Ld Adv Shivan Desai present on behalf of the Respondent. Complainant Kashinath Shetye stated that he has received a report stating that this area does not fall in CRZ. He added that Rua de Orem creek falls in CRZ. He stated that the area is a water body, which has mangroves and is also wet land. The buffer zone had to be maintained. Complainant further stated that the CZMP plan that is forwarded to NCZMA shows that there are mangroves in that area. The Complainant referred to the order passed in Braganza matter by the NGT. The Ld. Adv for the Respondent states that in the year 2007 he approached the GCZMA seeking permission. The Authority examined the location and considering all the factors directed the Respondent to maintain 10 mts buffer zone. The Respondent sought permission from all the other departments and constructed by maintaining the buffer zone up to the area marked by this Authority. The Respondent stated that he has not constructed anything beyond the approval. That there is no construction towards the creek. Moreover, the Complainant has not challenged the approval. The Respondent stated that he has not violated any CRZ Laws and prayed that the Complaint be dismissed.

The Authority after hearing the parties at length directed the Complainant to file written arguments in 4 days by serving a copy in advance to the other side and posted the matter for order which is to be communicated to the parties.

Decision: The Authority noted that the present matter is emanating from complaint filed on 07/3/2016 by Kashinath Shetye and two others. The complainants have summarily alleged violation of CRZ norms by Vistar group M/s Tarcar Real Estates Pvt Ltd and M/s Albuquerque Noronha in Chalta no 37 and 37A in PT sheet no 106, Panaji City and further destruction of Mangroves.

The Complainant has thereafter preferred to file an Original Application no.171/2017 before the Hon'ble National Green Tribunal, Pune interalia seeking relief of prayers for demolition of structure constructed by the respondents herein.

The records reveal that the Commissioner of Corporation of City of Panaji had vide letter dated 11/07/2018 also informed that there were 3 non habitable structure erected with MS bracing and G I sheets. The said structures were within 10mts of buffer Zone.

The Authority was pleased to carry out site inspection through the Expert Member of GCZMA along with officials of DSLR. A plan prepared by office of DSLR, Panaji was forwarded to this Authority vide letter dated 27/08/2018, depicting bank of the water body, existence of temporary sheds compound wall and a permanent structure in Chalta no 37 and 37A in PT sheet no 106, Panaji.

The Authority noted that the Expert members of GCZMA has in its report has interalia observed that the structure in question is located in CRZ II zone. The structure has also away from it towards Northeast side of property has a tidally influenced *Rua de Ourem* creek.

The inspection report further observed that there is a water body in front of plot bearing no 37-A which is not a natural water body and there is sluice gate to the eastern boundary of water body 170m away from plot boundary.

The Respondent who was present at the inspection produced the NOC dated 03/05/2007 issued by the GCZMA for construction of workshop of their Motor Company and buffer of 10 m to be maintained from the edge of the water body.

The said inspection report of Expert Member GCZMA also noted a wooden shed, pergola and metallic structure were within 10 buffer zone as per NOC dated 3/05/2007 issued by this Authority for construction of workshop. The main building “Panaji Community Centre” is located away from 10 mtrs buffer, 500 mtrs away from banks of the Creek and lying much behind existing authorized structures.

The Respondent has placed on record following documents in support of his case: -

1. Letter dated 19/06/1992 issued by the TCP for change in use of land to commercial C1 Zone.
2. Deed of Sale-Cum-Mortgage dated 02/09/1992.
3. Affidavit dated 09/08/2018 of Mr. Christopher Noronha
4. Reconveyance of mortgage deed dated 16/07/2006
5. NOC dated 3/05/2007 issued by this Authority.
6. Order dated 14/06/2012 issued by North Goa Planning and Development Authority.
7. Order dated 22/05/2012 issued by North Goa Planning and Development Authority.
8. Construction licence dated 01/01/2013 issued by Corporation of City of Panaji.
9. Occupancy certificate dated 11/5/2007 issued by Corporation of City of Panaji.
10. Minutes of 30th GCZMA meeting held on 13/03/2007.

The matter was heard by the Authority in 188th GCZMA meeting held on 22/11/2018 wherein it decided to carry out joint inspection with officials from Soil Conservation Division Dept of Agriculture, officials from WRD, from DSLR and Expert members (GCZMA) to confirm if it is beyond sluice gate or a creek.

In terms of decision taken in the 188th GCZMA meeting held on 22/11/2018, a site inspection was carried out by the Expert Members of GCZMA. The site inspection revealed that with reference to cadastral map part of plot under Chalta no 37-A appears to be reclaimed, the legality of reclamation needed to be verified.

The Authority sought comments vide letter dated 10/6/2018 from office DSLR, Panaji on the aspect of reclamation. The DSLR office vide letter dated 2/12/2019 informed the authority that they didn't have record regarding reclamation of land in Chalta no 37 & 37-A PT sheet no 106, Panaji city. Hence the aspect of reclamation raised in the report is answered in the negative.

It is the case of the Respondent that Chalta no.37-A PT sheet 106, Panaji is owned by M/s Albuquerque Noronha. Further that NGPDA have given them Order dated 14/6/2012 for development permission and also a CCP license dated 1/01/2013.

It is the case of the Respondent that they have sought Revision on account of minor deviations from concerned authority and not encroached buffer Zone of 100mts and FAR permissible.

It is the case of the complainant that the structure of the Respondent is in violation of CRZ norms. Further that the Original Application no.171/2017 filed is pending before the Hon'ble National Green Tribunal, Pune. A Writ Petition bearing filing no.1458/2021 was filed by the Respondent which was later withdrawn. The Complainant prayed that the present matter may be kept sine die as matter is subjudice before Hon'ble National Green Tribunal, Pune.

In terms of the decision taken in the 222nd meeting held on 04/03/2020, a site inspection was held. The Site Inspection Report submitted by the Expert Member GCZMA along with plan submitted by DSLR has *inter alia* revealed that Community Centre is on landward side of the existing structure line. The buffer of the 10 metres for Chalta no.37 PT sheet 106 Panaji City is maintained by the Respondent. The DSLR plan also revealed structures 1 to 3 as non-existing. Further part of structure identified at number 4 has also been demolished.

The Authority observed that pursuant to complaint there were certain structures, 3 sheds which were within 10 mts of buffer zone. The latest DSLR mapping and report of Expert Member reveals that said main structure of the respondent is beyond 10mts buffer as prescribed by Authority in its permission dated 3/05/2007. Further the latest DSLR mapping has noted that demolition of structures 1 to 3 and portion identified as structure no.4 which were earlier observed in the DSLR plan forwarded to this Authority vide letter dated 27/08/2018.

The Authority has granted NOC dated 3/05/2007 to the Respondent. The said NOC dated 3/05/2007 was granted after examination of proposal of the Respondent in the 31st meeting held on 17/04/2007 regarding a proposed workshop in property bearing no.37 of PT Sheet no.106 Panaji City. The said NOC dated 3/05/2007 the Authority has recorded that: *"It is seen that if the last point of authorized structure in the adjacent property in survey No. 13/73 is considered, that construction can be permitted on the landward side of a straight line drawn from the end point of the authorized structures parallel to the submerged land in property No. 37/A. This is CRZ-II area and as such construction of building is permitted on the landward side of authorized structures. The survey plan shows approved residential house and the project is on the landward side of these structures. After due deliberation on the issue GCZMA has been pleased to grant necessary clearance for the said project subject to maintaining of 10 mts buffer zone alongside your property which is adjacent to the property survey No. 37/A which is*

currently filled with water. It should be ensured that the project is beyond this area of 10 mts. should not be utilized for any activity and should be left free. The approval is further subject to compliance all building bye laws / local laws and obtaining all relevant permission of other authorities concerned. ”

The said NOC dated 3/05/2007 granted to the Respondent under provisions of CRZ Notification 1991 which was in force at the relevant time. The relevant Provision of 1991 Notification reads as follows: CRZ-II (i) *“Buildings shall be permitted only on the landward side of the existing road (or roads approved in the Coastal zone management Plan of the area or on the landward side of existing authorize structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorized structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio... ”*

The relevant provision of 2011 Notification reads as follows: *“II. CRZ-II,- (i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures; (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the ‘existing’ norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.”*

It is clear from the provisions that construction is subject to existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio.

It is matter of record that the Respondent after obtaining NOC dated 3/05/2007 issued from this Authority obtained subsequent construction licence from Corporation of City of Panaji, Order from North Goa Planning and Development Authority and finally an occupancy certificate from Corporation of City of Panaji.

The Respondent has relied upon minutes of 30th GCZMA meeting held on 13/03/2007 in support of his case. In the said meeting it was decided as follows: *“It is decided that whenever applicants seeking to revise their construction plans for which CRZ clearance has already been granted, than there is no requirement to approach the GCZMA again for clearance. They would need to obtain the requisite clearances from the TCP/Panchayat / Municipality concerned subject to the fact that the proposed changes are within the permitted requirement of CRZ guidelines. This should be determined by the Authority concerned who grants construction permissions.”*

The Authority found merit in reliance of abovementioned decision taken in the 30th GCZMA meeting held on 13/03/2007. The Authority noted that the said decision was taken in a meeting prior to granting NOC dated 30/05/2007 i.e. (30th GCZMA meeting held on 13/03/2007). In view of the facts and circumstances of the present matter, the Authority opined that it is the concerned municipality and planning authority who can consider proposed changes/revision in terms of existing norms governing the same in accordance with law. It is nobody's case that there is any revision application is pending before this Authority.

The Authority did not find merit the prayer of the Complainant that the matter may be kept *sine die* as matter is subjudice before Hon'ble NGT, Pune. Moreover, in the Original Application no.171/2017 filed before the Hon'ble Tribunal, the Complainant himself has specifically pleaded at Para 16 of the application that the same was filed before the Hon'ble Tribunal on account of inaction on part of authorities. The Authority is therefore duty bound to dispose of the complaints filed before it in accordance with law.

The Authority, in view of the above observations and findings, decided to discharge proceedings pertaining to M/s Tarcar Real Estate Pvt Ltd c/o “Panaji Community Centre” in respect of structures of respondent in property bearing Chalta no 37, PT sheet no 106 of Panaji city.

The inquiry has revealed that there is small “gazebo” which is the only structure existing within 10 mtrs in Chalta 37-A PT sheet no 106 Panaji city belongs to M/s Albuquerque Noronha. It is the case the Complainant that the property bearing no.37 of PT Sheet no.106 Panaji City belongs to the Respondent. The records before the Authority reveal that an affidavit dated 09/08/2018 of one Mr. Christopher Noronha has been forwarded by Respondent *inter alia* stating that the same pertains to old ancestral structure made of laterite and baluster existing prior to 1991 which was in existence even when property bearing Chalta no.37 PT sheet 106 Panaji City was sold to the Respondent and the same entitled for protection. The records further reveal that other Respondent M/s Albuquerque Noronhas not been served in the matter. The Authority, in order to adhere to principles of natural justice, decided to grant liberty to the Complainant to furnish fresh address to this Authority and thereafter proceed in the matter with regard to gazebo which is the only structure existing within 10 mtrs in Chalta 37-A PT sheet no 106 Panaji city in accordance with law.

Case No.1.8

To comply with the Order dated 12/01/2017 in Application No. 170/2016 of the Hon’ble National Green Tribunal at Pune filed by Mr. Kashinath Shetye and to decide on the alleged illegal construction carried out by Mrs. Sheila Dhody by building / constructing various hotels i.e. (Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Casa Anjuna) within NDZ area of Bardez Taluka. (NGT Matters)

Background: The GCZMA earlier pursuant to detailed inquiry in the matter and decisions taken in the 180th GCZMA meeting held on 31/07/2018, 190th GCZMA meeting held on 04/12/2018, 191st GCZMA meeting held on 4/12/2019 had passed a demolition order to various structures belonging to Mrs. Sheila Dhody.

The said order of demolition was challenged before the Hon’ble NGT in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) by the said Respondent.

Vide order dated 06/02/2020 in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) passed by Hon'ble Tribunal has directed as follows: *“The parties shall appear before the GCZMA within a period of 15 days from hence. The GCZMA shall permit the Appellant to file her objections to the Inquiry Report and also responses in each of the five cases. The Appellant shall be at liberty to submit additional documents and place additional facts if relevant and necessary for an effective adjudication of the matter. The GCZMA shall then hear the parties and take decisions afresh by reasoned orders. The entire exercise shall be completed within six weeks”*.

During 240th GCZMA meeting held on 17/12/2020. Complainant Kashinath Shetye, Surendra Govekar, Sheetal Dabholkar, Suhasini Govekar remained present in person. Adv Shivan Dessai appeared on behalf of Respondent. Adv. Shivan Dessai briefed about each individual case. Shri. Kashinath Shetye also pointed out certain illegalities.

The Authority after long discussion directed the Respondent to file the detailed reply in each individual case and furnish the advance copy to the Complainants. The Authority also decided to separate the cases into five cases for better adjudication and decision. The matter is fixed on 28/01/2021 at 3.30pm.

During 245th meeting held on 28/01/2021. The representative of the Respondent present and moved an application praying for the time. Complainant Mrs. Suhasini Govekar present. Complainant Shri. Kashinath Shetye was absent. The Authority decided to post the matter on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. The Complainant Kashinath Shetye present in person for Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Complainant Suhasini Govekar present in person for Casa Anjuna. Ld Adv. appeared for Respondent. The Authority heard the Complainant and Respondent.

The Authority after hearing both the parties decided to separate the cases into five different cases for better adjudication and decision as the complaint is in respect of different structures at different places. The matter is posted on 11/02/2021 at 3.30 pm.

During 248th Meeting held on 11/02/2021 Authority decided following.

(a) Casa Britona

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the offending structures such as extension done to the Massage Parlour, Kitchen and the Swimming pool and all additional extensions within two weeks. The Expert members to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority asked the Respondent to submit comprehensive reply and compliance about the demolition carried out in the property as per survey plan.

(b) Casa Colvale

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove all additional extensions done by them in violation of CRZ Regulation within two weeks. The Expert members and DSLR to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

During the 258th GCZMA meeting the Authority directed the Respondent to file detailed reply along with documentary evidence of the existence of structure before 1991. The matter is posted on 17/06/2021 at 3.30 pm through VC.

The Authority during 252nd GCZMA meeting held on 04/03/2021 decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The

Authority postponed the said matter to 25/03/2021. Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 261st GCZMA meeting held on 17/06/2021 Advocate S. Desai present on behalf Respondent. Complainant Mr. Kashinath Shetye present.

The Complainant states that all the structures part of the present proceedings are being used for commercial purposes. The Complainant relied upon written arguments filed by him. The Complainant submitted that even the report of Inquiry Committee of GCZMA is negative and mapping is carried of all the structures. The Complainant submitted that the Respondent has not produced Permission/NOC from any Authority to utilize the said structures for commercial use. The Complainant relied upon various judgements already placed on record to indicate commercial use is not permissible.

Advocate for Respondent submitted that usage of structure is only specifically indicated with regards to CRZ II area. With regards to CRZ III area there is restriction of use of structure for commercial purposes. Further the Respondent relied upon minutes of Authority dated 26/10/2019 on this point. The Respondent advocate pointed out to relevant provisions CRZ 8 (2) CRZ II sub clause 3.

During 262nd meeting held on 24/06/2021 The Authority after hearing the matter decided to direct the Respondent to ensure service of said compliance reports upon Complainant. The matter was posted on 01/07/2021 for reply and arguments.

During 263rd meeting held on 01/07/2021 The Authority after considering the Email sent by the Complainant requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 the meeting is postponed to 15/07/2021 at 3.30 pm. During 264th meeting held on 15/07/2021. The Authority decided to share the site inspection report of Casa Britona with Respondent and Complainant and further posted the matter on 22/07/2021.

During 266th GCZMA meeting held on 22/07/2021 The Proceedings were conducted through VC. Mr Kashinath Shetye present in person. Adv Shivan Desai present on behalf of present on behalf Respondent. The Complainant states that there was no demolition carried out as compliance but only cosmetic demolition was carried out. Adv For the Respondent objected and stated that the Respondent had complied with the directions. The Complainant referred to the Site Inspection report wherein in the report it has clearly been mentioned that the directions are not complied with.

The Authority in Casa Vagator and Casa Anjuna decided to pass orders in the matter. The Authority directed to seek compliance from the Expert Members with regards to Casa Britona and Casa Colvale. The Authority considered the request of the Respondent seeking time to submit compliance.

Respondent has submitted the compliance with respect to Casa Britona and Casa Colvale.

During 286th GCZMA meeting held on 25/01/2022 Mr Kashinath Shetye present in person and submitted that no compliance is done as per the report of expert member (GCZMA). Adv Shivan Desai present on behalf of present on behalf Respondent and submitted that compliance in both matters are been submitted by them and prayed for the dropping of the present proceedings.

The Authority decided to conduct site inspection on the compliance report submitted with respect to Casa Colvale and in case of Casa Britona the Authority decided to pass the appropriate order.

Decision: The present matter is arising from complaint dated 19/01/2016 Mr. Surendra N. Tari *inter alia* alleging illegal construction work in “Casa Britona”. Subsequently another complaint dated 07/03/2016 was also filed by Mr. Kashinath Shetye and others.

The subject matter of both the complaints were same i.e., “Casa Britona” located in property bearing no.62/2, 3,5,6. The records reveal a Show Cause Notice cum Stop Work Order dated 08/02/2016 was issued to the respondent by the Authority.

The Authority after detailed inquiry in the matter and decision 191st GCZMA meeting held on 4/12/2019 had passed a demolition order dated 11/12/2019 to various extension done to the structures belonging to Mrs. Sheila Dhody in the subject matter property. The Extensions to the structures/ illegalities were clearly indicated in map submitted by office of DSLR vide letter dated 04/12/2018.

The said demolition orders were challenged before the Hon’ble NGT in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) by the said respondent. vide order dated 06/02/2020 in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) passed by Hon’ble Tribunal directed as follows : *“The parties shall appear before the GCZMA within a period of 15 days from hence. The GCZMA shall permit the Appellant to file her objections to the Inquiry Report and also responses in each of the five cases. The Appellant shall be at liberty to submit additional documents and place additional facts if relevant and necessary for an effective adjudication of the matter. The GCZMA shall then hear the parties and take decisions afresh by reasoned orders. The entire exercise shall be completed within six weeks”*.

The Authority is hearing the present after order dated 06/02/2020 passed by the Hon’ble Tribunal. The Respondent has submitted the objections to inquiry report in terms of order dated 06/02/2020 passed by the Hon’ble Tribunal.

The Authority observed that the office of DSLR vide letter dated 04/12/2018 has mapped the structures and extensions in the subject matter property. The said map clearly indicates structures existing as per survey plan along with extensions and new structures. The Authority noted that accordingly in the 248th GCZMA meeting held on 11/02/2021 upon hearing the party and considering the record decided as follows:

“(a) Casa Britona

Proceeding : *The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.*

Decision: *The Authority after hearing both parties directed the Respondent to remove the offending structures such as Extension done to the Massage Parlor, Kitchen and the Swimming pool and all additional extensions within two weeks. The Expert members to inspect the site on 25/02/2021 and submit the report to this authority on 04/03/2021 at 3.30 pm.”*

The records reveal that site inspection was carried out on 30/03/2021 by Expert Member GCZMA noted that demolition was not carried out. The Respondent thereafter has filed a compliance report dated 23/06/2021 along with photographs stating that swimming pool and another structure has been demolished. The matter was further kept of further for submission of compliance report. The records further reveal that a site inspection was further carried out on 15/07/2021 by Expert Member GCZMA which noted following observations:

- a) The structure existing on the Southern side of Syno.62/6 remains intact at loco.
- b) The extended portion of the structure existing on the eastern side of Syno.62/6 remains intact. However, the part Mangalore roofing tiles have been removed.
- c) Swimming pool has been filled with coir and mud (as informed by Mr. Mehul Talsania) and presently covered with lawn.
- d) The new structure existing on the Northern side of Syno.62/6 remains intact. However, the roof has been completely removed and the walls remains intact.
- e) The Extension to the ramp is found to be intact at loco.
- f) There is no full compliance to the observation made by DSLR report dated 20/11/2018.

Consequent to the report dated 15/07/2021 the respondent has submitted compliance report dated 22/07/2021 interalia stating they have complied with recommendations in the report dated 15/07/2021. The matter was kept for further compliance and verification.

The site was again inspected by Expert member GCZMA on 07/09/2021. The said report revealed the following observations: -

- a) The structure existing on the eastern side of Syno.62/6 is partially demolished by removing only the roofing and the beam is partially demolished.
- b) The structure existing on the southern side of Syno.61/6 is partially demolished.
- c) The structure & shed on the northern side of Syno.62/6 is partially demolished.
- d) The Extension to the ramp is found to be intact at loco.

The Respondent further submitted another compliance report dated 23/09/2021 interalia stating that all the observations have been complied with. Another inspection/verification was done by Expert Member GCZMA on 30/09/2021 which noted compliance to all the recommendations in the earlier report.

The Authority observed that the Respondent has demolished the additional structures and extension to structures on his own in terms of oral directions of the Authority.

The Authority noted that the subject matter property has been inspected thoroughly by Expert Member GCZMA who has closely monitored the demolition work carried out on various occasions. The Compliance Report dated 23/09/2021 has been verified by Expert Member GCZMA on 30/09/2021 and noted complete compliance on the part of Respondent.

The Authority found merit in the submissions and documents on record that the main structure of the Respondent is shown in the Survey plan. The said structure is also reflected in the map submitted by DSLR vide letter dated 04/12/2018. The Respondent has produced documents on record that house no.217 was existing said property bearing Survey no.62/6, village Salvador-do-Mundo is prior to the appointed date i.e 19/02/1991.

The Authority thus in view of the observations and findings decided to discharge proceedings pertaining to structures of respondent "Casa Britona" in property bearing Syno.62/6, Village Salvador do Mundo, Bardez-Goa.

Case No.1.9**To decide on the Complaint filed by Goa Paryavaran Savrakshan Sangharsh Samittee against Morjim Holiday Beach Resort through Agnelo D'Souza**

Background: Goa Paryavaran Savrakshan Sangharsh Samittee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

The Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast".

The Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

The Goa Paryavaran Savrakshan Sangharsh Samittee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014.

Vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures

constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

The Respondent Agnelo D'Souza has filed an Appeal bearing No 19/2020 NGT Pune thereby challenging the Order of the GCZMA wherein the Authority had imposed a penalty of Rs.2,00,000/-.

The Hon'ble NGT vide order dated 16/11/2021 has decided as follows: *"3. The Tribunal had entertained the said Appeal on 27/08/2020 ordered Notice to the Respondent. When the matter was listed on 01/09/2021 the learned Counsel appearing for the Appellant would submit that whatever portion pointed out in the impugned order dated 3 18/02/2020 caused by the sole Respondent, have been removed and to that effect he has also filed additional affidavit dated 22/09/2021.*

4. The learned Counsel appearing for the Appellant would submit that the Respondent also caused site inspection on 12/11/2021 and Mr. Shivanand Kampli, Civil Engineer, attached to the 1st Respondent had also informed that there are 12 cottages present on the site and no loudspeakers kept and no shacks present made up of Bamboos and no sunbeds present and in the light of same nothing remains to be adjudicated.

5. The learned standing Counsel appearing for the Respondent would submit that the Appellant had paid the penalty of Rs.2 Lakhs and the Tribunal put a query as to levying of environmental compensation. The learned standing Counsel appearing for the sole Respondent would submit that the proceedings in this regard are yet to take place. 6. In the light of the said development nothing remains for further adjudication in this Appeal, and therefore, it is closed. However, it is open to the Respondent to follow due process of law and also by adhering the principles of natural justice while assessing levying environmental compensation against the Appellant and the said exercise shall be completed within twelve (12) weeks from the receipt of copy of this order and decision taken in this regard, be communicated to the Appellant also.

That the Respondent has paid the penalty of Rs.2 Lakhs to the Authority.

This Authority is also in receipt of a letter from the Mamlatdar of Pernem Taluka seeking directions to re-connect the Electricity to Morjim Holiday Beach Resort Morjim.

In view of the above, the matter is put up to the Authority for decision and necessary direction regarding Environmental Compensation to be levied on Morjim Holiday Beach Resort, Morjim as per the directions in Appeal 19/2020.

During the 285th GCZMA Meeting held on 13/01/2022 the Authority decided to defer the matter for discussion in next meeting due to paucity of time.

In the 286th Meeting Held on 25/01/2022 The Authority deferred the matter for further deliberation on the Environmental compensation.

Decision: The Authority decided to form the committee to work out the formula for calculation of Environmental Compensation to be recovered from the violators. The committee shall consist of the members: (1) Sujeet Kumar Dongre (Expert Member GCZMA), Pranoy Baidya (Scientific Consultant), and Savio J F Correia (Expert Member GCZMA). The Committee to submit the study report within 15 days by keeping in mind the deadline given by the Hon'ble NGT.

Case No.1.10

To decide on the Complaint filed by Goa Paryavaran Savrakshan Sangharsh Samittee against Sea View Resort through its owner Denis Britto, Mandrem

Background: Goa Paryavaran Savrakshan Sangharsh Samittee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

The Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast".

The Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

The Goa Paryavaran Savrakshan Sangharsh Samittee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014.

Vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

That after conduct of an inquiry an order of demolition dated 02/05/2019 was issued against the alleged violators by GCZMA.

That a show cause notice cum hearing notice was issued to various alleged violators by GCZMA directing the Respondent to file reply before taking any decision.

That the Hon'ble High Court of Bombay at Goa vide common order dated 28th June 2019 while disposing all the matters filed against demolition orders passed by Goa Coastal Zone Management Authority (GCZMA) against shack/huts/cottages interalia directed as follows: *“The petitions are accordingly disposed of by reserving liberty to the petitioners to make written representations to the Respondent within a period of two weeks from today. Respondent No.1 shall pass final orders on the Show Cause Notices after considering such representations. It is also agreed by the Respondents that, in the event, the orders to be passed on the Show Cause Notices are adverse to the petitioners; they shall not be enforced for a period of 15 days from the communication of the orders. The statements of all parties are accepted, and the petitions are disposed of in the above Terms”*.

That, all the representations filed by petitioners were placed for final decision in various the GCZMA Meetings.

That vide order dated 15/07/2019 directed the Respondent to demolish the illegal construction stated above within a period of 15 days Further, recover the expenses incurred for the same as the arrears of Land Revenue.

That the Alleged Violator has approached the Hon'ble High Court and Hon'ble National Green Tribunal wherein the Hon'ble Courts have in some matters stayed the Order and, in some matters, have set aside the Orders passed by the GCZMA with directives to hear the parties and reconsider the case and pass respective orders in terms of law.

The Authority in its 281st Meeting held that the Authority directed the Respondent to file written synopsis with regards to maintainability of review and limitation period to file review application. Further directed the Respondent to clarify on the area of the structures with regards to area of the structures when the demolition order was issued in 2013 and the current position at loco. The matter stands adjourned and fixed on 13/01/2022 at 3.00p.m.

During 285th GCZMA meeting held on 13/01/2022Adv Nigel Fernandes appeared on behalf of the Respondent and sought for time on account of Covid 19. None present for Complainant.

The Authority considered the request and granted adjournment. The matter is posted for further hearing on the 27/01/2022 at 3.00p.m

During 287th GCZMA meeting held on 27/01/2022Advocate Nigel Fernandes appeared on behalf of Sea View Restaurant. Applicant has filed reply on 27/02/2022. The same has been taken on record. Authority heard the advocate for applicant on point of procedural review application.

The Authority after hearing the party decided to keep the matter for Orders.

Decision: The Respondent Mr. Denis Britto, the Owner /Proprietor of Sea View Resort, at Mandrem, Pernem District, Goa State; had filed an application dated 26/11/2020 seeking for review/procedural review of the Order bearing Ref No. GCZMA/NGTMatter/19-20/01/247 dated 10/02/2020.

Firstly, the Review Application is barred by limitation as the same is filed beyond the limitation period of 30 days and as such, no cogent reason is explicitly stated for the condonation of the delay in the filing of the Review Application. Even otherwise, power to condone delay must be conferred by statute. Hence the review application is barred by limitation.

Secondly, based on the Order passed by the GCZMA dated 10/02/2020; the Respondent filed an appeal before the Hon'ble National Green Tribunal in Appeal No. 47of 2020(WZ); wherein the Hon'ble NGT on 17/11/2020 had observed that there was no violation of the principles of natural justice and had confirmed this with the Order of the GCZMA, by reaffirming the Order of the GCZMA clearly stating that, "*...the constructions being illegal, affecting the turtle nesting sites which needs to be preserved, there is no error in the impugned order. The Appeal is dismissed.*"

The Authority noted that power to review cannot not be exercised where the review petition is based on the identical grounds, that had already been considered in the original proceedings. In the Review Petition, the Respondent had also relied on the same documents filed by the parties along with their reply. These documents had already been taken into consideration and dealt with by the Authority in its Order dated 10/02/2020. Hence, the Review Petition is not maintainable on this count as well.

The Authority further noted that the Review Petition was filed on 26/11/2020 and strangely after the appeal was already dismissed by the Hon'ble NGT on the 17/11/2020. The Authority noted that the issue of Res Judicata had to be brought out in the Appeal then and not in the Review Application now. The issue of res judicata is a proposition in law and the same cannot be raised as a ground in the Review Application. As decided in *Dolat Industries vs Krishna Oil Industries* (AIR 2002 Guj 91), it has been held "...that a wrong decision can be subject to appeal to a higher forum, but a review is not permissible on the grounds that the Court proceeded on wrong proposition of law...."

The Authority noted that the grounds raised by the Respondent does not come within the purview of procedural lapse but are to be decided on merits. Since there is no procedural lapse, the review application is not maintainable at this stage.

Further, the Authority also noted that the jurisdiction of the Authority to entertain such a review petition is lost once an appeal to such a superior Appellate Court is filed and decided.

The Authority noted that filing a Review Application before this Authority and that too after the appeal was dismissed by Hon'ble NGT must be rejected as the doctrine of merger would apply to the order of the GCZMA dated 10/02/2020. Since the Respondent has earlier filed an appeal before the Hon'ble NGT and the Hon'ble NGT had dismissed this particular Appeal; the Order of the GCZMA has merged with the Order of the NGT and has attained finality. Therefore, taking into all the facts on record, any review if at all would only lie would before the NGT and not before the GCZMA.

It has been held in the matter of *Behari Lal vs Gobordhan* that once the appeal is heard, the decree on the appeal is the final decree in the case and the application for review of judgment of the Court of the first instance can no longer be proceeded with.

The Authority also noted that this Authority has no jurisdiction to review the matter after the Hon'ble National Green Tribunal has already decided the controversy in Appeal 47 of 2020. Moreover, the Review Application does not meet the requirements of CPC and the Limitation Act.

In view of the above discussion and reasoning given hereinabove, the Authority does not find any merit in the Review Application filed by the Respondent Mr. Denis Britto, Owner / Proprietor of Sea View Resort, Mandrem, Pernem District, Goa State dated 26/11/2020 and the same stands dismissed, and these proceedings stand closed.

Case No.1.11

To decide on a complaint letter dated 22/11/2021 from Mrs. Rama Rani Arora, with respect to illegal construction of a metal stage on the beach and compound wall. Illegally placed stone pavers on the beach in NDZ Area. in the property bearing survey no 176/17 Calangute Village Bardez Goa carried out by Mr. John Jude Adolfo Crecencio Lobo and his wife Mrs L. Lobo.

Background: the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 22/11/2021 from Mrs. Rama Rani Arora, resident of B224, Priyadarshini Vihar, Laxmi Nagar, Shakarpur, East Delhi, 110092 and presently residing at H. No. 5/154, Umta vaddo, Calangute, Bardez Goa; with respect to Illegal construction of a metal stage on the beach and compound wall. Illegally placed stone pavers on the beach in NDZ Area. in the property bearing survey no 176/17 Calangute Village Bardez Goa carried out by Mr. John Jude Adolfo Crecencio Lobo and his wife Mrs L. Lobo, c/o Souza Lobo, both resident of Calangute, Bardez Goa within NDZ area.

The Authority through its field surveyor and Engineer conducted a Site Inspection on 07/12/2021. Subsequently the Authority issued a Show Cause Notice with a direction to file reply and remain present for personal hearing today.

During the 280th GCZMA meeting Ld. Adv for the Complainant present, Adv Naik for Respondent. Complainant seeks copy of the report. The Authority directed both the parties to peruse the file and take the required documents and report from the file during working days. The Authority further directed the Respondent to file reply with advance copy to the Complainant. The matter is posted on 23.12.2021 at 3pm.

During the 281st Meeting due to paucity of time the matter is adjourned and posted on 13/01/2022 at 3.00p.m

During 284th GCZMA meeting held on 06/01/2022 Complainant absent. Adv Abhijeet Gosavi appeared for Respondent. Adv Gosavi requested for copy of site inspection report and the copy of the complaint based on which the Show Cause Notice was issued.

The Authority directed the party to collect the documents from the office file during working hours and granted last opportunity to file reply failing which the Authority will proceed with the matter. Matter is posted for Reply/arguments on 27/01/2022 at 3.00 p.m.

In the 287th GCZMA Meeting held on 27/01/2022 the proceedings are that Advocate for Complainant appeared on VC. None appeared for the Respondent Advocate for Complainant submitted that the dance floor is been used for commercial activity. Respondent is failed to submit a reply. The inspection report is available in the file. The Complainants to collect the report and move an application to add interested parties as party to the present proceedings. However, after Authority decided to issue sealing orders the advocate for respondent appeared and filed reply and the decision was orally communicated to the respondent and next date of hearing was intimated to the party.

In the 287th GCZMA Meeting held on 27/01/2022; the Authority decided to seal the property bearing survey no 176/17 Calangute Village Bardez Goa and posted the matter on 24/02/2022 at 3.00 pm.

The Member Secretary brought to the notice of the Authority that this Authority had issued the direction dated 01/02/2022 for sealing the property bearing survey no.176/17 of village Calangute of Bardez Taluka. The Member Secretary also brought to the notice of the Authority after discussion for sealing of property the Ld Advocate for respondent appeared and filed the reply and furnish the name of violator. The Member Secretary after going through records and in consultation with the Expert Members vide order dated 07/02/2022 the sealing order was kept on hold the Member Secretary requested the members to ratify the said decision of the Member Secretary.

Decision: The Authority decided to ratify the decision dated 08/02/2022 by the Member Secretary to keep the sealing Order on hold and further decided to recall the sealing order dated 01/02/2022 and decide the matter on merits. ‘

Case No.1.11

To decide on post facto approval and payment of M/s Techno Tricks to carry out georeferencing and mapping of sand dunes etc for draft CZMP.

Background: The Authority had taken technical assistance of M/s Technotrix for georeferencing and mapping of sand dunes etc identified by Expert Committees after ground truthing of draft CZMP inputs received from the public. However, prior approval could not be obtained at that time in view of the urgency of the exercise. As discussed in the last meeting and also agreed by Hon’ble Chairman, *post facto* approval for engagement of said M/s Technotrix could be granted.

Decision: The Authority after discussion and deliberation decided to approve and effect the payment to M/s Technotrix for work carried out by them.

Meeting ended with thanks to the chair.

Sd/-
Member Secretary
 (GCZMA)

Sd/-
Chairman
 (GCZMA)

NO. GCZMA/NUT Matter/ Appl. No. 171/201/18-19/16/13

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To.
Ms. Albuquerque Noronha,
Malg, Panaji - Goa.

~~Ms. Albuquerque Noronha
Malg, Panaji - Goa.
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O/o. Member Secretary
Goa Coastal Zone Management Authority
C/o. Department of Science, Technology
& Environment (DSEA of Goa)
1st Floor, Pundarik Margal, Panaji, Goa. 403021

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GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref. No. GCZMA/NGT-Matter/Applno.171/2017/18-19/16 / 2186 Date: 7/03/2022

ORDER

WHEREAS, GCZMA received a complaint letter dated 07/03/2016 from Mr. Kashinath Shetye & others alleging CRZ violation carried out by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 of Chalta no. 37 and 37-A of Mala, Panaji.

AND WHEREAS, Mr. K. Shetye & Others also filed an original application no. 171/2017 (WZ) before the NGT, Pune allegedly seeking demolition of structure constructed by Panaji Community Centre and M/s Albuquerque & Noronha in property bearing P T Sheet no. 106 and chalta no. 37 and 37-A of Mala, Panaji.

AND WHEREAS, the GCZMA was in receipt of a letter dated 11/07/2018 from the Commissioner of the Corporation of the City of Panaji, stating that during the course of site inspection by the Officials of the Corporation it was noted that within 10m distance of the buffer zone, there are three non-habitable structures erected with M S bracing members and GI sheets. So, a site inspection was fixed to see the site, verify the structures, the CRZ area and the documents. Expert member (GCZMA) conducted site inspection of the proposed site and submitted a detailed report. Accordingly the said matter is placed for the grant of personal hearing. Proceeding for the said hearing may be read as below:

AND WHEREAS, in the 185th GCZMA meeting the Authority heard the respondent and taken on record the submissions made by respondents. It also noted that the complainant not appeared. Therefore, GCZMA decided to grant final opportunity to the complainant to present its case. The matter was adjourned for the next date.



AND WHEREAS, the said matter was placed before the Authority in its 188th meeting held on 22/11/2018 for grant of personal hearing to the parties wherein The Authority heard both the parties and taken on record the oral submissions made by the parties. The Authority after detailed discussion and deliberation decided to carry out joint inspection with officials from Soil Conservation Division Department of Agriculture, official from Water Resources Department (WRD), from DSLR and Expert members (GCZMA). The site inspection was carried out by Expert Members and other officials on 26/12/2018 and submitted the report.

AND WHEREAS, the said matter was placed before the Authority in its 199th meeting held on 14/05/2019 The Authority deliberated on the cadastral map submitted by DSLR and resolved to seek comments of DSLR on issue of reclamation of land. This office was is in receipt of letter from DSLR dated 02/12/2019.

AND WHEREAS, the matter was placed in the 222nd GCZMA meeting held on 04/03/2020. The proceedings in the said meeting can be seen as follows: *"the Complainant submitted that the offending structure that has been constructed by the Respondent is in a ecologically sensitive area which comes within the purview of CRZ-I area as per CRZ Notification, 2011. He stated that mangrove area, salt pans, mudflats etc are ESA's & the construction carried out by the Respondent is in this ESA. The complainant thereafter pointed out to the inspection report prepared by the Expert Members which mentions in the observation that one part of the building is on chalta No.37 & the other part of the building constructed by the Respondent is in chalta No.37A of City survey Panaji which is part of the water body. It that be the case than the construction carried out by the Respondent which is in the water body needs to be demolished is what the complainant strenuously harped upon. He further pointed out that the report of the Expert Member also makes a mention that property bearing chalta No.37A has been reclaimed & a large structure along with multiple structures exist on the reclaimed land. Assuming without admitting that the structure constructed by the Respondent is not in CRZ area the provisions of the wetland Rules would nevertheless get attracted because there ought to*

be a buffer for the wetland. He relied upon the Google imagery map of the offending structure & prayed that orders be passed to demolish the same belonging to the Respondent.

Ld. Adv. for the Respondent submitted that the alleged offending structure is located in CRZ -II area & as per the provisions of section 8 II of the CRZ Notification it has been clearly held that buildings shall be permitted. Only on the landward side of the existing road or on landward side of existing authorized structure. He thereafter pointed out to an inspection report of the Expert Member which is part & parcel of the 185th GCZMA meeting of the GCZMA held on 04/10/18 clearly makes a mention that the so called offending structure is more than 500 mts away from the bank of Rua de Ourem Creek & is much behind existing authorized structure. He stated that the entire structure of his is legal having the requisite permissions which structure is located in survey no.37 & that he has got nothing to do with property bearing survey No.37-A. Even if a buffer of 10 mts has to be kept from any water body, the Respondent stated the inspection report of the Expert Member itself suggests that the alleged offending structure is 15.6 mts away. Thereafter the Respondent submitted that vide letter dt.03/05/07, the Authority itself has cleared the project specifying that the same is in CRZ-II area & the purported building is located on the landward side of an existing authorized structure. He stated that he has not deviated in any manner the construction which possesses all of the requisite permissions & approvals. He thus prayed that the proceedings initiated as against him be withdrawn/dropped as there is no substance in the complaint filed by the complainant".

AND WHEREAS, in the 222nd GCZMA meeting held on 04/03/2020 it was decided as follows "The Authority after going through the records & upon have heard the parties was of the opinion that the inspection report dt.26/12/18 makes a mention in the observation more specifically at '3' that one part of the building is on chalta No.37, while the other part extends into chalta No.37-A which is part of the water body. The DSLR has nevertheless ruled out any reclamation of land as per the conclusion in the said report of the Expert Committee but the observation made in the inspection report dt.26/12/18

seems to be part & parcel of the extension made of the so called authorized & approved construction. The Authority thus decided that the DSLR be directed to do ground truthing more specifically in view of observation made at '3' of the inspection carried out on 26/12/18."

AND WHEREAS, the ground truthing was carried out by the DSLR officials along with Expert Member GCZMA. The plan was submitted by DSLR office. The Expert member GCZMA also submitted his report.

AND WHEREAS, the matter was placed in the 284th GCZMA meeting held on 06/01/2022. The proceedings in the said matter can be seen as follows:-*"The Complainant Kashinath Shetye present in person. Adv Shivan present on behalf of the Respondent. Complainant Kashinath Shetye stated that he has received a report stating that this area does not fall in CRZ. He added that Rua de Orem creek falls in CRZ. He stated that the area is a water body, which has mangroves and is also wet land. The buffer zone had to be maintained. Complainant further stated that the CZMP plan that is forwarded to NCZMA shows that there are mangroves in that area. The Complainant referred to the order passed in Braganza matter by the NGT. The Ld. Adv for the Respondent states that in the year 2007 he approached the GCZMA seeking permission. The Authority examined the location and considering all the factors directed the Respondent to maintain 10 mts buffer zone. The Respondent sought permission from all the other departments and constructed by maintaining the buffer zone up to the area marked by this Authority. The Respondent stated that he has not constructed anything beyond the approval. That there is no construction towards the creek. Moreover the Complainant has not challenged the approval. The Respondent stated that he has not violated any CRZ Laws and prayed that the Complaint be dismissed."*

AND WHEREAS, in the 284th GCZMA meeting held on 06/01/2022 it was decided as follows *"The Authority after hearing the parties at length directed the Complainant to file written arguments in 4 days by serving a copy in advance to the other*

side and posted the matter for order which is to be communicated to the parties." The parties filed their respective written arguments.

AND WHEREAS, the matter was placed in the 289th GCZMA meeting held on 08/02/2022 for discussion and deliberation and taking final decision. In the said meeting it was decided as follows:- *"The Authority noted that the present matter is emanating from complaint filed on 07/3/2016 by Kashinath Shetye and two others. The complainants have summarily alleged violation of CRZ norms by Vistar group M/s Tarcar Real Estates Pvt Ltd and M/s Albuquerque Noronha in Chalta no 37 and 37A in PT sheet no 106, Panaji City and further destruction of Mangroves.*

The Complainant has thereafter preferred to file an Original Application no.171/2017 before the Hon'ble National Green Tribunal, Pune interalia seeking relief of prayers for demolition of structure constructed by the respondents herein.

The records reveal that the Commissioner of Corporation of City of Panaji had vide letter dated 11/07/2018 also informed that there were 3 non habitable structure erected with MS bracing and G I sheets. The said structures were within 10mts of buffer Zone.

The Authority was pleased to carry out site inspection through the Expert Member of GCZMA along with officials of DSLR. A plan prepared by office of DSLR, Panaji was forwarded to this Authority vide letter dated 27/08/2018, depicting bank of the water body, existence of temporary sheds compound wall and a permanent structure in Chalta no 37 and 37A in PT sheet no 106, Panaji.

The Authority noted that the Expert members of GCZMA has in its report has interalia observed that the structure in question is located in CRZ II zone. The structure has also away from it towards Northeast side of property has a tidally influenced Rua de Ourem creek.

The inspection report further observed that there is a water body in front of plot bearing no 37-A which is not a natural water body and there is sluice gate to the eastern boundary of water body 170m away from plot boundary.

The Respondent who was present at the inspection produced the NOC dated 03/05/2007 issued by the GCZMA for construction of workshop of their Motor Company and buffer of 10 m to be maintained from the edge of the water body.

The said inspection report of Expert Member GCZMA also noted a wooden shed, pergola and metallic structure were within 10 buffer zone as per NOC dated 3/05/2007 issued by this Authority for construction of workshop. The main building "Panaji Community Centre" is located away from 10 mtrs buffer, 500 mtrs away from banks of the Creek and lying much behind existing authorized structures.

The Respondent has placed on record following documents in support of his case: -

- 1. Letter dated 19/06/1992 issued by the TCP for change in use of land to commercial C1 Zone.*
- 2. Deed of Sale-Cum-Mortgage dated 02/09/1992.*
- 3. Affidavit dated 09/08/2018 of Mr. Christopher Noronha*
- 4. Reconveyance of mortgage deed dated 16/07/2006*
- 5. NOC dated 3/05/2007 issued by this Authority.*
- 6. Order dated 14/06/2012 issued by North Goa Planning and Development Authority.*
- 7. Order dated 22/05/2012 issued by North Goa Planning and Development Authority.*
- 8. Construction licence dated 01/01/2013 issued by Corporation of City of Panaji.*
- 9. Occupancy certificate dated 11/5/2007 issued by Corporation of City of Panaji.*
- 10. Minutes of 30th GCZMA meeting held on 13/03/2007.*



The matter was heard by the Authority in 188th GCZMA meeting held on 22/11/2018 wherein it decided to carry out joint inspection with officials from Soil Conservation Division Dept of Agriculture, officials from WRD, from DSLR and Expert members (GCZMA) to confirm if it is beyond sluice gate or a creek.

In terms of decision taken in the 188th GCZMA meeting held on 22/11/2018, a site inspection was carried out by the Expert Members of GCZMA. The site inspection revealed that with reference to cadastral map part of plot under Chalta no 37-A appears to be reclaimed, the legality of reclamation needed to be verified.

The Authority sought comments vide letter dated 10/6/2018 from office DSLR, Panaji on the aspect of reclamation. The DSLR office vide letter dated 2/12/2019 informed the authority that they didn't have record regarding reclamation of land in Chalta no 37 & 37-A PT sheet no 106, Panaji city. Hence the aspect of reclamation raised in the report is answered in the negative.

It is the case of the Respondent that Chalta no.37-A PT sheet 106, Panaji is owned by M/s Albuquerque Noronha. Further that NGPDA have given them Order dated 14/6/2012 for development permission and also a CCP license dated 1/01/2013.

It is the case of the Respondent that they have sought Revision on account of minor deviations from concerned authority and not encroached buffer Zone of 100mts and FAR permissible.

It is the case of the complainant that the structure of the Respondent is in violation of CRZ norms. Further that the Original Application no.171/2017 filed is pending before the Hon'ble National Green Tribunal, Pune. A Writ Petition bearing filing no.1458/2021

was filed by the Respondent which was later withdrawn. The Complainant prayed that the present matter may be kept sine die as matter is subjudice before Hon'ble National Green Tribunal, Pune.

In terms of the decision taken in the 222nd meeting held on 04/03/2020, a site inspection was held. The Site Inspection Report submitted by the Expert Member GCZMA along with plan submitted by DSLR has inter alia revealed that Community Centre is on landward side of the existing structure line. The buffer of the 10 metres for Chalta no.37 PT sheet 106 Panaji City is maintained by the Respondent. The DSLR plan also revealed structures 1 to 3 as non-existing. Further part of structure identified at number 4 has also been demolished.

The Authority observed that pursuant to complaint there were certain structures, 3 sheds which were within 10 mts of buffer zone. The latest DSLR mapping and report of Expert Member reveals that said main structure of the respondent is beyond 10mts buffer as prescribed by Authority in its permission dated 3/05/2007. Further the latest DSLR mapping has noted that demolition of structures 1 to 3 and portion identified as structure no.4 which were earlier observed in the DSLR plan forwarded to this Authority vide letter dated 27/08/2018.

The Authority has granted NOC dated 3/05/2007 to the Respondent. The said NOC dated 3/05/2007 was granted after examination of proposal of the Respondent in the 31st meeting held on 17/04/2007 regarding a proposed workshop in property bearing no.37 of PT Sheet no.106 Panaji City. The said NOC dated 3/05/2007 the Authority has recorded that: "It is seen that if the last point of authorized structure in the adjacent property in survey No. 13/73 is considered, that construction can be permitted on the landward side of a straight line drawn from the end point of the authorized structures parallel to the submerged land in property No. 37/A. This is CRZ-II area and as such construction of

building is permitted on the landward side of authorized structures. The survey plan shows approved residential house and the project is on the landward side of these structures. After due deliberation on the issue GCZMA has been pleased to grant necessary clearance for the said project subject to maintaining of 10 mts buffer zone alongside your property which is adjacent to the property survey No. 37/A which is currently filled with water. It should be ensured that the project is beyond this area of 10 mts. should not be utilized for any activity and should be left free. The approval is further subject to compliance all building bye laws / local laws and obtaining all relevant permission of other authorities concerned. ”

The said NOC dated 3/05/2007 granted to the Respondent under provisions of CRZ Notification 1991 which was in force at the relevant time. The relevant Provision of 1991 Notification reads as follows: CRZ-II (i) “Buildings shall be permitted only on the landward side of the existing road (or roads approved in the Coastal zone management Plan of the area or on the landward side of existing authorize structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorized structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio...”

The relevant provision of 2011 Notification reads as follows: “II. CRZ-II,- (i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures; (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the ‘existing’ norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.”



It is clear from the provisions that construction is subject to existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio.

It is matter of record that the Respondent after obtaining NOC dated 3/05/2007 issued from this Authority obtained subsequent construction licence from Corporation of City of Panaji, Order from North Goa Planning and Development Authority and finally an occupancy certificate from Corporation of City of Panaji.

The Respondent has relied upon minutes of 30th GCZMA meeting held on 13/03/2007 in support of his case. In the said meeting it was decided as follows: "It is decided that whenever applicants seeking to revise their construction plans for which CRZ clearance has already been granted, than there is no requirement to approach the GCZMA again for clearance. They would need to obtain the requisite clearances from the TCP/Panchayat / Municipality concerned subject to the fact that the proposed changes are within the permitted requirement of CRZ guidelines. This should be determined by the Authority concerned who grants construction permissions."

The Authority found merit in reliance of abovementioned decision taken in the 30th GCZMA meeting held on 13/03/2007. The Authority noted that the said decision was taken in a meeting prior to granting NOC dated 30/05/2007 i.e. (30th GCZMA meeting held on 13/03/2007). In view of the facts and circumstances of the present matter, the Authority opined that it is the concerned municipality and planning authority who can consider proposed changes/revision in terms of existing norms governing the same in accordance with law. It is nobody's case that there is any revision application is pending before this Authority.



The Authority did not find merit the prayer of the Complainant that the matter may be kept sine die as matter is subjudice before Hon'ble NGT, Pune. Moreover, in the Original Application no.171/2017 filed before the Hon'ble Tribunal, the Complainant himself has specifically pleaded at Para 16 of the application that the same was filed before the Hon'ble Tribunal on account of inaction on part of authorities. The Authority is therefore duty bound to dispose of the complaints filed before it in accordance with law.

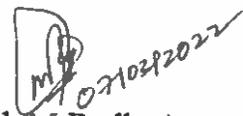
The Authority, in view of the above observations and findings, decided to discharge proceedings pertaining to M/s Tarcar Real Estate Pvt Ltd c/o "Panaji Community Centre" in respect of structures of respondent in property bearing Chalta no 37, PT sheet no 106 of Panaji city.

The inquiry has revealed that there is small "gazebo" which is the only structure existing within 10 mtrs in Chalta 37-A PT sheet no 106 Panaji city belongs to M/s Albuquerque Noronha. It is the case the Complainant that the property bearing no.37 of PT Sheet no.106 Panaji City belongs to the Respondent. The records before the Authority reveal that an affidavit dated 09/08/2018 of one Mr. Christopher Noronha has been forwarded by Respondent inter alia stating that the same pertains to old ancestral structure made of laterite and baluster existing prior to 1991 which was in existence even when property bearing Chalta no.37 PT sheet 106 Panaji City was sold to the Respondent and the same entitled for protection. The records further reveal that other Respondent M/s Albuquerque Noronha has not been served in the matter. The Authority, in order to adhere to principles of natural justice, decided to grant liberty to the Complainant to furnish fresh address to this Authority and thereafter proceed in the matter with regard to gazebo which is the only structure existing within 10 mtrs in Chalta 37-A PT sheet no 106 Panaji city in accordance with law."

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. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, hereby discharges proceedings pertaining to structures in property bearing Chalta no 37, PT sheet no 106 of Panaji city belonging to M/s Tarcar Real Estate Pvt Ltd, Panaji Community Centre, through Sanjeev Tarcar, near Four pillars, Mala Panaji-Goa in terms of decision taken in the 289th GCZMA meeting held on 08/02/2022. The proceedings are accordingly disposed off.

For and on behalf of the
Goa Coastal Zone Management Authority



(Dasharath M Redkar)
Member Secretary (GCZMA)
OLC

To,
M/s Tarcar Real Estates Pvt Ltd, Panaji Community Centre, through Sanjeev
Tarcar, near Four pillars, Mala Panaji-Goa.

Copy to:-

1. The Collector & District Magistrate (North), Office of the Collector (North), Collectorate Office, Panaji-Goa... *for information.*
2. Mr. Kashinath Shetye r/o A-102, Raj Excellency, Ribandar-Goa... *for information and necessary action.*
3. M/s Albuquerque Noronha, Mala, Panaji-Goa ... *for information.*
4. The Scientific Assistant, Goa Coastal Zone Management Authority....*to upload copy of this notice on GCZMA website immediately.*

CORRIGENDUM TO MINUTES OF 289TH GCZMA MEETING HELD ON 08/02/2022 IN RESPECT OF ITEM NO.1.7

The matter was heard by the Authority in 188th GCZMA meeting held on 22/11/2018 wherein it decided to carry out joint inspection with officials from Soil Conservation Division Dept of Agriculture, officials from WRD, from DSLR and Expert members (GCZMA) to confirm if it is beyond sluice gate or a creek.

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Nancy Shah <nancys Shah@chambersofrg.com>

Re: Kashinath Jairam Shetye and ors. vs Panaji Community Centre and ors.

Nancy Shah <nancys Shah@chambersofrg.com>

9 December 2022 at 15:46

To: shetyebabu@yahoo.com, desmondsoasis@yahoo.co.in, ksgovekar@yahoo.com

Cc: Ruchira Gupta <ruchira@chambersofrg.com>, Ruchira Gupta <ruchiragupta2010@gmail.com>

Dear all,

Please ignore the previous mail and please find attached the correctly paginated reply Affidavit to be filed on Respondent No. 4, Goa Coastal Zone Management Authority in the captioned matter.

Kindly treat this as an advance service and acknowledge the receipt of the same.

This is for your information and record.

Best regards,

Nancy Shah

Advocate

8860478898

CHAMBERS of
Ruchira Gupta

E-31, Basement, Jangpura Extension,

New Delhi - 110014 L 011-43562646

[Quoted text hidden]

 **171-2017 Reply Affiadvit .pdf**
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