

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Environment and Climate Change (Govt. of Goa)

4<sup>th</sup> floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref. No. GCZMA/NGT Matter / O.Appt No.03/2018/22-23/21/1488 Date : 13/10/2022

**MOST URGENT**  
**NGT DIRECTIONAL MATTER****NOTICE OF SITE INSPECTION**

**Sub: Site inspection interms of order dated 22/08/2022 and 24/09/2022 passed by Hon'ble National Green Tribunal in Original Application bearing no. 03/2018 filed by Goa Paryavaran Savrakshan Sangharsh Samitee.**

**WHEREAS**, an original application bearing no.03/2018 (WZ) was filed by the Goa Paryavaran Savrakshan Sangharsh Samitee interalia seeking prevention of ongoing commercial activities in the illegal and unauthorizedly constructed, permanent buildings/ structures in the CRZ/No Development Zone land survey no.318/2, 319/2 and 320/2 village Siolim.

**AND WHEREAS**, the Hon'ble National Green Tribunal after hearing the matter vide order dated 22/08/2022 directed as follows:-

*"7. We deem it just and proper to constitute a Committee comprising:- (i) One Member from the Central Pollution Control Board (CPCB) (ii) One Member from the Maharashtra State Pollution Control Board (MPCB) and (iii) One Member from the Goa Coastal Zone Management Authority(GCZMA)*

*8. The said Committee shall visit the spot after informing the Applicant as well as the Respondent No. 1 and conduct the inspection, in order to ascertain the factual condition on the spot with respect to the illegal construction and submit its report within a period of 03 (three) weeks from now.*

*9. The Maharashtra Pollution Control Board (MPCB) will be the nodal agency for coordination and logistic support.*

*10. The report in the matter be filed by the Committee by e-mail at ngt\_pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. 11. Applicant is directed to supply the required documents and copy of the application to the members of the Committee within three days from today.*

*Put up this case on 11-10-2022."*

AND WHEREAS, the matter was again heard by the Hon'ble Tribunal on 24/09/2022. The Hon'ble Tribunal vide order dated 24/09/2022 directed as follows:-

*"1. We have received an e-mail from Law Officer, MPCB- Mr. Netra Chaphekar with a prayer that in the present Original Application No. 03/2018 (WZ), vide order dated 22.08.2022, this Tribunal had constituted a Committee consisting of following Members:- (i) One Member from the Central Pollution Control Board (CPCB) (ii) One Member from the Maharashtra State Pollution Control Board (MPCB) and (iii) One Member from the Goa Coastal Zone Management Authority(GCZMA) 2. Due to typographical error, Maharashtra Pollution Control Board (MPCB) is made Member of the above Committee though the case belongs to State of Goa, it is prayed that this error may kindly be rectified and appropriate order be passed. 3. We have considered the matter and perused the record. It is apparent from the perusal of the order dated 22.08.2022 that the facts mentioned in the e-mail are correct. In fact, the matter relates to State of Goa, hence, in the said order in Para no. 7 Sub-clause (ii) in place of Maharashtra, it shall be read as Goa and also in para 9 of the said order, in place of Maharashtra, it shall be read as Goa. 4. Office is directed to upload the corrected order on the website forthwith."*

A copy of the said order dated 22/08/2022 and 24/09/2022 passed by National Green Tribunal in Original Application no.03/2018 (WZ) which is self explanatory is annexed hereto for perusal and reference and marked Annexure "A" colly.

AND WHEREAS, the matter was heard on 11/10/2022 by Hon'ble National Green Tribunal. The Hon'ble Tribunal after hearing the matter vide order dated 11/10/2022 directed as follows:-*"3. By our previous order dated 22.08.2022 with its corrigendum dated 24.09.2022, a Committee was constituted with a direction that it shall make spot visit in presence of the parties and ascertain the factual condition on the spot with respect to the illegal construction and submit its report within a period of three weeks from the date of said order. The said report is still awaited. 4. It is a matter of great concern that none has appeared from the side of respondent No.3/GCZMA, which was also made a member of the said Joint Committee. The Registry is directed to issue show-cause notice to the Member Secretary of GCZMA/respondent No.3 as to why no-one has appeared today nor any report has been submitted in compliance of this Tribunal's order dated 22.08.2022. A copy of this order shall be served upon the Member Secretary of GCZMA by the Registry forthwith. 5. Put up this matter for further consideration on 21.11.2022."*

A copy of the said order dated 11/10/2022 passed by National Green Tribunal in Original Application no.03/2018 (WZ) which is self explanatory is annexed hereto for perusal and reference and marked Annexure "B".

**AND WHEREAS**, the matter is fixed by Hon'ble National Green Tribunal for submission of compliance report on 21.11.2022.

**AND WHEREAS**, in this regard, the GCZMA had fixed a site inspection of the above said area/site on 21/10/2022 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.

  
 (Dashrath M. Redkar)  
 Member Secretary (GCZMA)

Enclosed as above

To,

1. M/s Goveia Resorts / Waterfront through its Partner, Goveia Marina Resorts, Vaddy, Siolim Bardez-Goa.
2. Goa Paryavaran Savrakshan Sangharsh Samitee, through its authorised representative Mr.Joaquim Agnelo Martins having office at S-1, Renuka Residency, behind KTC Bus stand, Fatorda, Margao Goa 403601.

Copy to:

1. The Member Secretary, Central Pollution Control Board, Parivesh Bhavan, East Arjun Nagar, Delhi 110032... with a request to depute authorised personnel to carry out the said exercise interms of the order dated order dated 22/08/2022, 24/09/2022 and passed by National Green Tribunal in original Application.03/2018 on abovementioned date and time.
2. The Member Secretary, Goa State Pollution Control Board, Saligao – Goa... with a request to depute authorised personnel to carry out the said exercise interms of the order dated order dated 22/08/2022, 24/09/2022 and passed by National Green Tribunal in original Application.03/2018 on abovementioned date and time.
3. Shri. Sujeetkumar Mariapa Dongre, Expert Member (GCZMA), Programme Coordinator, CEE Goa State, Porvorim Goa .....with a request to make it convenient and attend the same.

1. **Shri Savio Joaquim Filipe Correia**, Expert Member (GCZMA) Newton Apartments-II Mangor Hill, Vasco-da-gama.....with a request to make it convenient and attend the same.
- ✓ 2. **Shri Flaviano Jose Miranda**, Expert Member (GCZMA) Duncolim Seraulim Salcete Goa .....with a request to make it convenient and attend the same.
3. **Shrirang V. Jambhale**, Expert Member (GCZMA) Gram Vikas Kendra (NGO) Savoi – Verem Goa.....with a request to make it convenient and attend the same.
4. **Mr.Satish Kumar Naik** Field Surveyor, Goa Coastal Zone Management Authority (GCZMA).....with a request to make it convenient and attend the same.
5. **Mr. Devendra Gaonkar**, Field Surveyor, Goa Coastal Zone Management Authority (GCZMA).....with a request to make it convenient and attend the same.

**SITE INSPECTION REPORT OF THE COMMITTEE  
CONSTITUTED BY HONOURABLE NATIONAL GREEN  
TRIBUNAL IN THE MATTER OF OA 03/2018 (WZ)**

**1.0 Background**

In the original application No. 03/2018 (WZ) in the matter of *Goa Paryavaran Savrakshan Sangarsh Samitee Versus M/s. Goveia Resorts Pvt. Ltd. &Others*; the applicant interalia sought prevention of ongoing commercial activities in the illegal and unauthorizedly constructed, permanent buildings/ structures in the CRZ/ No Development Zone (NDZ) in land survey nos. 318/2, 319/2 and 320/2 at Siolim Village, Goa. In this matter Honourable National Green Tribunal (NGT) constituted a three-member committee with following directions vide its order dated 22<sup>nd</sup> August, 2022:

*“The said Committee shall visit the spot after informing the applicant as well as the respondent No. 1 and conduct the inspection, in order to ascertain the factual condition on the spot with respect to the illegal construction and submit its report within a period of 03 (three) weeks from now”.*

Since, there was a typographical error in the order dated 22-08-2022, specific direction was given in the subsequent order of the Honourable Tribunal dated 24<sup>th</sup> September, 2022 (Annexure-1) for constituting the committee comprising representatives/ members from Central Pollution Control Board (CPCB), Goa State Pollution Control Board (GSPCB) and Goa Coastal Zone Management Authority (GCZMA). Accordingly, a joint committee comprising following members were constituted by the nodal agency (GSPCB).

1. Dr. Deepesh V, Scientist ‘C’, CPCB, Regional Directorate, Bengaluru.
2. Mr. Flaviano Jose Miranda, Expert Member, GCZMA.
3. Mr. Rohan Nagvekar, AEE, GSPCB.

Subsequently, GCZMA issued 'notice of site inspection' dated 13<sup>th</sup> October, 2022 (Annexure-2) informing the proposed site inspection on 21-10-2022 at 11.00 am to all concerned including applicant: *Goa Paryavaran Savrakshan Sangarsh Samitee* and respondent: M/s. Goveia Resorts Pvt. Ltd.

In compliance to the Honourable NGT directions, the committee carried out a site inspection on 21<sup>st</sup> October 2022 in the presence of Mr. Ludovico Goveia, representative of respondent: M/s. Goveia Resort Pvt. Ltd., to ascertain the factual position on the site bearing survey nos. 318/2, 319/2 and 320/2 in Siolim Village, Bardez Taluka, with respect of illegal constructions as alleged by the applicant, *Goa Paryavaran Savrakshan Sangharsh Samitee*. During the site inspection none was present on behalf of the applicant despite service of notice. However, the committee proceeded in the absence of the applicant and site inspection commenced at 12:00 pm on 21-10-022. Mr. Devesh Gholkar, JEE, GSPCB assisted the committee with the site visit, Mr. SatishKumar G. Naik and Mr. Balkrishna Surlakar, Field Surveyors of GCZMA, assisted the inspecting team for taking detailed site measurements.

## 2.0 Observations

Sr. No.	Survey No./ Sub Div. No.	Observations at location	Remarks
1.	318/2, 319/2 320/2 Siolim/ Bardez	The site encompasses a plot of land bearing Survey Nos. 318/2, 319/2 & 320/2 of village Siolim of Bardez Taluka.	As shown in the Survey Plan of Directorate of Settlement and Land Records, Panaji-Goa.
		The properties bearing Survey Nos. 318/2, 319/2 & 320/2 of village Siolim of Bardez Taluka partly falls under NDZ of Chapora River.	As per the CZMP
2.	318/2 Siolim/ Bardez	A Water Body / Lagoon exists at location in Survey No. 318/2 and 319/2(part) of Siolim village of	As per online computerised Form I & XIV records the area of dry crop is

		Bardez Taluka.	4275m <sup>2</sup> and the area of Class "B" i.e. Water Body / Lagoon is 6425 m <sup>2</sup> in respect of Survey No. 318/2 of Siolim village of Bardez Taluka recorded in the name of M/s. Goveia Developers.
		The Northern part of Survey No. 318/2 is a water body / lagoon, the South, East and West side of Survey No. 318/2 is constructed with laterite boulder in combination of cement. There is a cemented pathway all around the lagoon outside the boundary wall of the lagoon.	As per Survey plan issued by the O/o DSLR the plot bearing Survey No. 318/2 consists of Water Body having surrounded by Bharad /Dry Crop land on the all four sides and one structure "A" on the south western side and other structure on the south eastern side presently surveyed under Survey No. 318/3.
		As per site condition, the lagoon is measured into two parts. The length of major part of Lagoon towards Eastern side is 78.50 m whereas it's length is 93.50 m in western side. The width of Lagoon for major part measures 61.00 m.	As per the Survey Plan issued by the O/o DSLR the length of Water Body/Lagoon works out to 96 m stretching from North to South and 67 m from East to West.
3.	319/2	The Survey No. 219/2 consists partly of Water Body / Lagoon and a mud filled bund on the Northern, Eastern and Western side in Survey No. 319/2.	As per Survey Plan issued by the O/o DSLR the Survey No. 319/2 is shown as Water Body.As per Form I & XIV records

		On the Northern side of Survey No. 219/2 there is a Water Body/ Lagoon having opening of 12.10 m wide leading to sluice gate and further to Chapora River.	Survey no. 319/2 is shown as Class "B" admeasuring 1250 m <sup>2</sup> recorded in the name of M/s Goveia Developers.
3.	319/2	There exists a rectangular Water Body/ Lagoon having dimensions of 12.10 m long and 11.00m wide on the northern side of Survey No. 319/2.	As per Survey Plan issued by the o/o DSLR the Survey No. 319/2 is shown as Water Body.
		The shape of the Water Body/ Lagoon does not tally the Survey Plan and also the area does not tally with the class "B" area of Form I&XIV of Survey No. 319/2.	As per Form I & XIV records Survey no. 319/2 is shown as Class "B" admeasuring 1250 m <sup>2</sup> recorded in the name of M/s Goveia Developers.
		The creek of River Chapora lying entirely in Survey No 319/2 is having an inlet into the lagoon situated in Survey No 318/2.	
		Wherein it is extending in North-South direction with a Lagoon towards North, which is further connected to a Creek in the northern-most end falling in Survey No. 319/2.	
4.	320/2	There is an opening / sluice gate having width of 1.90 m in the centre of the bund constructed with cement concrete on the northern side of Survey no. 320/2. At the junction of the lagoon and the creek	As per Survey Plan issued by the O/o DSLR Survey No. 320/2 is shown as Bharad. As per Form I &XIV Survey No. 320/2 is

		there exists a sluice gate on its bank, widened at its mouth with length as 12.10m. The sluice gate is having an opening of 1.90 m width for free flow of riverine water into it. The width of the sluice gate presently available on site is only 0.50 m which is not sufficient enough for the villagers to cross the other side for the purpose of fishing activities and Ganesh idol immersion. It is confirmed from Google Earth (GE) Image 2003 that the width of the bund near the sluice gate was 2.50 m with which the villager could easily access the other side comfortably.	mentioned as Garden having area of 500 m <sup>2</sup> .
5.		The land in the North-Eastern corner of the property with concrete base of 0.20 m thickness for an area of 28.00m X 12.00m is found restored back to its original condition.	
6.		There exists an asphalted road along the width of the Lagoon towards the southernmost point.	
7.		The base of the sluice gate opening i.e. 1.90m is seen lying above low tide level.	
8		Towards the north-eastern side within the Lagoon, some remnants	

		of dismantled platform with elongated walkway erected on R.C.C. columns were observed.	
9.		GE imagery of 2003 shows larger size of Lagoon/ ponds admeasuring 125m x 80m approximately which more or less matches with the DSLR plan. With this change in dimension, it is inferred that a rectangular portion on the southern boundary of the plot has been reclaimed by mud filling.	
10.		The GE Image of 2003 also shows a very narrow passage that opens into the creek on the northern boundary of the plot. This was probably must be an ancient sluice gate which was subsequently widened into a 12.00m wide opening leading into the river creek.	
11.		On western side of the Lagoon there are mangroves for which mangrove buffer of 50m is shown in 2011 CZMP, The mud filling done comes within the mangrove buffer all along the effected length of the Lagoon towards western side though filling made falls beyond 43.00m which is NDZ line of the creek.	

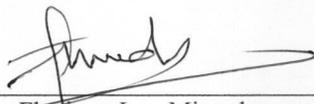
### 3.0 Conclusion and recommendations

1. The width of sluice gate is found to be only 0.50 m during site inspection whereas as per Google Earth image of 2003 the width of the bund near the sluice gate shows 2.50 m, it should be restored back to its original size.
2. The opening of the sluice gate must be restored from 12 m wide to its original size.
3. The dimension of the Lagoon as per old DSLR plan shows 96.00 m x 67.00 m, the mud filling done of water body from the southern side of the Lagoon has to be reclaimed to maintain 96.00m length of the Lagoon, since filling carried out comes within the mangrove buffer zone as per CZMP 2011.
4. The depth of construction of sluice gate opening should be maintained below the lowest tide level.
5. The committee during the site inspection has not observed any other structures as alleged by the applicant in his original application in the plot other than those aforesaid structures in the plot under above mentioned survey numbers.
6. The site inspection conducted to ascertain the factual condition of the plot is just a mere physical observation by the inspection team with the help of old survey records and available documents. However, in order to have precise and accurate evidence of illegal and unauthorized constructed permanent buildings/ structures within the CRZ/ NDZ portions of the land bearing survey No 318/2 ,319/2 & 320/2 of village Siolim, detailed mapping using total station may be done through DSLR.

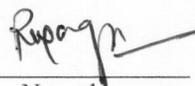
Dated: **27-10-2022**



Dr. Deepesh V  
Scientist C, CPCB



Flaviano Jose Miranda  
Expert Member, GCZMA



Rohan Nagvekar  
AEE, GSPCB



PLAN  
 SHOWING STRUCTURES OR OTHER DEVELOPMENTS  
 IN SY.NO. 318/2,319/2,320/2 OF SIOLIM VILLAGE OF  
 BARDEZ TALUKA.  
 NOT TO SCALE

**LEGENDS**

- HIGH TIDE LINE AS CZMP 2011.
- - - CRZ LINE FOR RIVER OR CREEK AS PER CZMP2011.
- 50M.MANGROVE BUFFER ZONE LINE (CRZ-1A) AS PER CZMP2011.
- SLUICE GATE PRIOR TO 1991 AS PER CZMP2011.
- STRUCTURE AS PER DSLR PLAN.
- WATER BODY (RIVER AND LAGOON).
- CONCRETE PATH-WAY.
- LATERITE STONE MASONRY WALL.
- MASONRY STRUCTURES & PARAPET WALL ON GROUND.
- VEGETATION OR GARDEN.

