

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.188 OF 2023

MR. PRAVEEN D'LIMA

... PETITIONER

Versus

STATE OF GOA & ORS

... RESPONDENTS

STATUS REPORT ON BEHALF OF GCZMA

1. That the present Status Report is filed in compliance to the order dated 4/1/2024 passed by this Hon'ble Court in the above petition.
2. That in terms of the said Order which was based on the submissions made by the Respondent No. 2 about the site inspection which was proposed to be conducted on 8/1/2024 and thereafter to table the said report before this Court, the



officials of GCZMA visited the site in question and has observed that the offending structures continue to exist in the property bearing Survey No. 222/5 which were in the name and style as “TAQUILA SUNSET” and “JUST B”.

3. That pursuant to the last inspection carried out by officials of the Respondent No. 2, it is observed that the petitioner himself has erected illegal structures which are forming Annexure-II onwards of the photographs attached to this report operated in the name and style of “JUST B”. *Enclosed copy of the Site Inspection Report and is marked as ANNEXURE- I*
4. That having observed about the apparent illegalities, the Respondent No. 2 has issued Show Cause Notice on 9/1/2024 and the hearing was scheduled on 29/1/2024. *Enclosed copy of the Show Cause Notice and is marked as ANNEXURE- II*
5. That the Petitioner as well as the Respondent No. 5 submitted that they have complied to whatever directions that were issued by the Respondent No. 2 and hence fresh site inspection

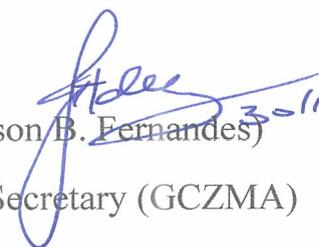


for the purpose of verification ordered to be carried out on

1/2/2024.

Panaji, Goa

30/01/2024


(Johnson B. Fernandes)

Member Secretary (GCZMA)

47 SITE INSPECTION REPORT

Annexure I

As per Direction from the Hon'ble National Green Tribunal,(WZ),Pune Original Application No. 188/2023(WZ) and upon the instructions from the Member Secretary, GCZMA ,The undersigned Inspected the Site on 08/01/2024 at 4.45 p.m.

Background

The Office of GCZMA received a complaint dated 24/08/2023 from Mr.Praveen D'Lima from Green Space, Neurekar Chabers ,IIIrd Floor ,Off No:12/115/9 M.G.Road ,Panaji Tiswadi-Goa regarding illegal construction in the NDZ of CRZ-III Area of Village Anjuna,Ozrant beach road,Vagator bearing Sy.no.222/5 by Mr Vathu Vasu Govekar.

At the time of inspection the Complainant i.e. Mr.Praveen D'lima remained absent.

OBSERVATION AT LOCO

1. The Land in question is located near Ozrant beach road, Vagator of Anjuna village of Bardez taluka bearing Sy.no.222/5.
2. As per latest online computerized Form I and XIV record's from DSLR Official website, the name of Mr.Vathu Vassu Govekar is recorded in occupant's column admeasuring area of 1100.00Sq.mts.
3. At the time of inspection it was observed that there are 3'nos of Commercial establishment by name "TEQUILA SUNSET", "JUST B" and other subsequent establishment **adjacent to "JUST B" were under furbishment** occupying the entire property i.e.Sy.no.222/5 of Vagator,Anjuna village of Bardez taluka.
4. The description of establishments/structures are shown below in tabular columns:-

Sr.No.	Sy.No./Sub-Div	Name Of Establishment	Description Of Structure
1	222/5	TEQUILA SUNSET	<ul style="list-style-type: none">• Establishment consists of 3'nos of intermodal container, often called a shipping container or ISO Container.• The majority of the container components are made of Corten steel, which comprises the roof, walls and floor of the steel box.• The Containers are stationed on Permanent base and attached with metal fabricated staircase with wooden steps.• The Containers are fabricated/renovated into commercial restaurant.• At time of inspection the premises were locked.
2	222/5	JUST B	<ul style="list-style-type: none">• 4'nos of wooden cottages erected on wooden stilt base.• 1 seating area covered with G.I. sheet roofing.• 1 shed with walls covered with plywood

K. N. Nair

N. S. S.

			and Roof covered with G.I. metal sheets. <ul style="list-style-type: none"> • The entrance of establishment is erected with wooden frame and paved with tile flooring. • The structures standing in establishment further extends in Sy.no.222/6 and 222/7 respectively.
3	222/5	Under-Construction structure next to JUST B	<ul style="list-style-type: none"> • Metal Fabricated structure with Bison board walls erected on Permanent Plinth with Roof made up of G.I. sheet • The Bottom Ceiling of structure is covered with dropped Ceiling.

5. The Sy.no.222/5 is partly bounded with compound wall from Southern and western side abutting to Sy.no.215/5 and 222/8 respectively.
6. The Property is bearing Sy.no.222/5 is abutting to Sy.no.222/3 from north, Sy.no.215/5 from south, Road from east and Sy.no.222/4,6,7,8 from west respectively.
7. The Site inspection report is enclosed with photographs.

ANNEXURE-I (TAQUILA SUNSET)

ANNEXURE-II (JUST B)

ANNEXURE-III (UNDER CONSTRUCTION STRUCTURE)

Conclusion and Recommendations

1. The Land in question i.e. Sy.No.222/5 of Anjuna village of Bardez taluka falls within 0 to 200m NDZ (CRZ-III) as per CZMP2011.
2. As per the CRZ regulations, no construction is permissible within the NDZ area, except repair or reconstruction of the old structure existing prior to 1991, with proper permission from GCZMA.
3. During the course of site inspection it is noted that there are numerous structures in Sy.no.222/5 of Anjuna village of bardez taluka. legalities of the same need to be verified.
4. This may be deliberated in the Authority meeting for a decision.

Place: Vagator, Anjuna-Bardez

Date: 08/01/2024.



Mr. Keshav Naik
Engineer
GCZMA



Mr. Balkrishna Surlakar
Field Surveyor
GCZMA

Abbreviations:-

GCZMA- Goa Coastal Zone Management Authority.

NDZ- No Development Zone.

DSLRL- Directorate of Settlement and Land records.

Amal

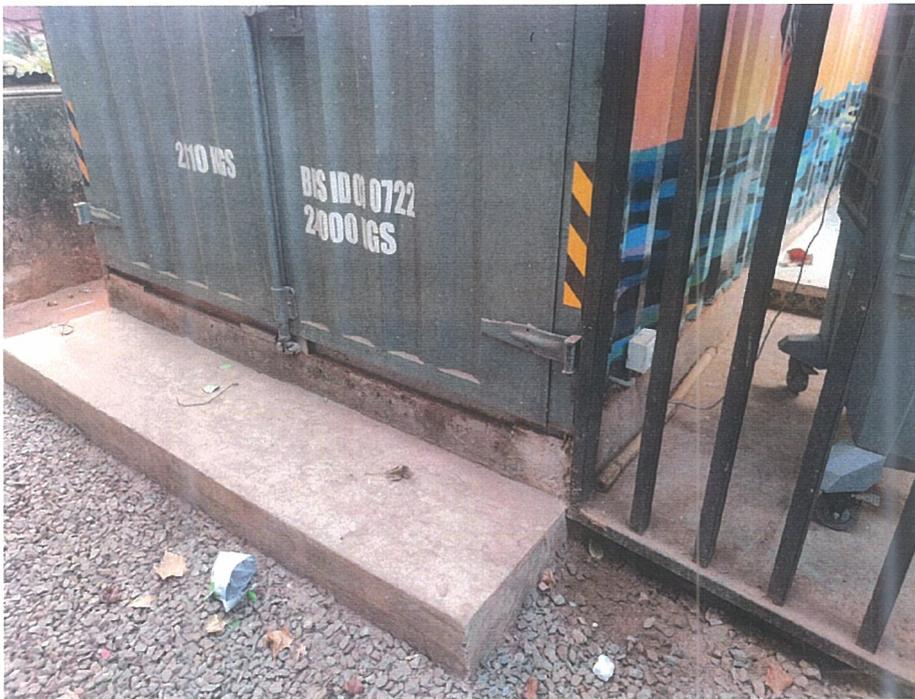
MS

TEQUILA SUNSET
INTERMODAL CONTAINER



Kanika

MS



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Handwritten signature

ANNEXURE-II

JUST B



WOODEN COTTAGES



Kishu

MAN

WOODEN FRAME STRUCTURE AT ENTRANCE



Kanika

MSS

54

SIT-OUT



RECEPTION



K. K. K.

PKM

GENSET COVERED WITH METAL FAB. SHED



Embroid

MS

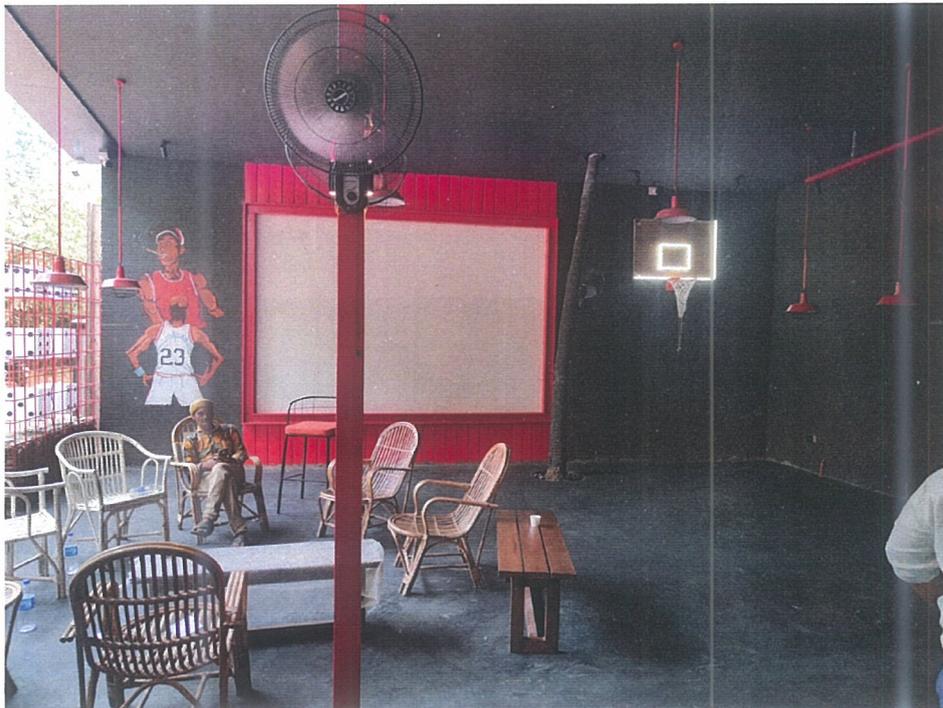
ANNEXURE-III

UNDER CONSTRUCTED STRCUCTURE ADJACENT TO JUST B



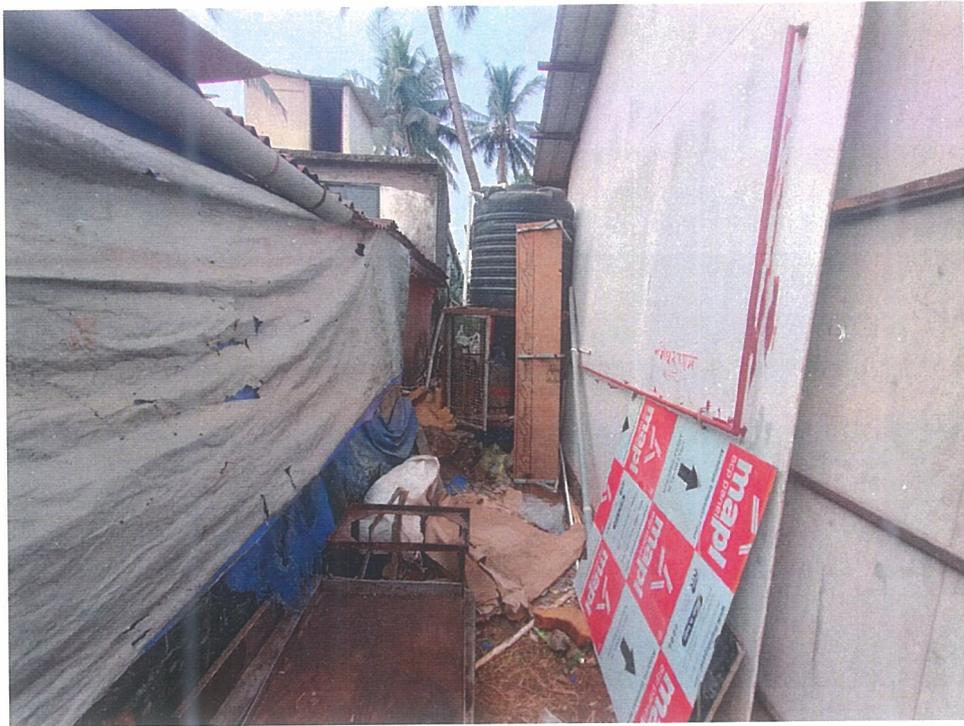
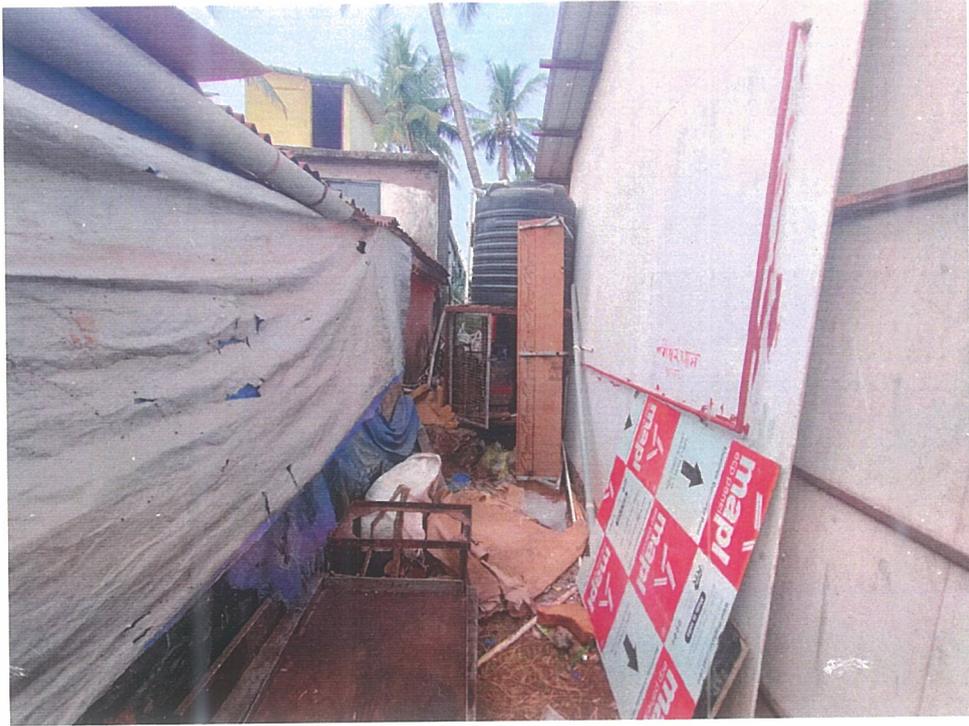
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K. S. S. S.

18/11



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Kalish

MS

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/N) JLE-Comp/23-24) 68 / 8133 Dated: 09/01/2024**SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

AND WHEREAS, the office of GCZMA is in receipt of a complaint dated 24/08/2023 from Praveen Diima, Green Space, Neurekar Chambers, 3rd floor, Office No 12/115/9, M.G.Road, Panaji Tiswadi with regards to illegal construction in NDZ by Mr. Vatu Vasu Govekar in Sy.No 222/5 of village Anjuna.

AND WHEREAS, the Applicant approached Hon'ble NGT in OA No 188/2023 (WZ), wherein the Hon'ble NGT directed this Authority to carry out site inspection in the matter. **(Copy of the Complaint and site inspection report along with the photographs are annexed herewith)**

AND WHEREAS, the officials attached to the office conducted the site inspection and accordingly placed the report.

That upon close perusal of the said report the following alleged gross illegal construction resulting violation of CRZ Notification 2011 is noticed:

Sr.No.	Sy.No./Sub-Div	Name Of Establishment	Description Of Structure
1	222/5	TEQUILA SUNSET <i>Posted on 10/01/23</i> <i>[Signature]</i>	<ul style="list-style-type: none"> Establishment consists of 3 nos of intermodal container, often called a shipping container or ISO Container. The majority of the container components are made of Corten steel, which comprises the roof, walls and floor of the steel box. The Containers are stationed on Permanent

			<ul style="list-style-type: none"> base and attached with metal fabricated staircase with wooden steps. The Containers are fabricated/renovated into commercial restaurant. At time of inspection the premises were locked.
2	222/5	<p>JUST B</p> <p><i>Pooja. S. Sukonkar [GRE].</i></p> <p><i>Sukonkar</i></p> <p><i>10/01/24.</i></p>	<ul style="list-style-type: none"> 4 nos of wooden cottages erected on wooden stilt base. 1 seating area covered with G.I. sheet roofing. 1 shed with walls covered with plywood and Roof covered with G.I. metal sheets. The entrance of establishment is erected with wooden frame and paved with tile flooring. The structures standing in establishment further extends in Sy.no.222/6 and 222/7 respectively.
3	222/5	<p>Under Construction structure next to JUST B</p> <p><i>10/01/24</i></p>	<ul style="list-style-type: none"> Metal Fabricated structure with Bison board walls erected on Permanent Plinth with Roof made up of G.I. sheet The Bottom Ceiling of structure is covered with dropped Ceiling.

Ashok Kumar. (Manager for Safety & Security)

AND WHEREAS, all proposed 'construction / re-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 WHEREAS, the alleged construction/ activity appears to be without any prior approval of GCZMA as required under CRZ Notification, 2011.

NOW THEREFORE, 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 .O. 6071(E) dated 27/12/2012 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, hereby directs you to **SHOW CAUSE** as to why a direction to demolish the structures and to restore the land to its original condition should not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

FURTHER TAKE NOTE THAT, you are required to file your reply alongwith compliance report and construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 4th Floor, Dempo Towers Patto, Panaji- Goa on or

before 11/01/2024 at 3.00pm onwards . Further you directed to remain present for the personal hearing or depute your duly authorized representative with all the documents, approved site plans and other related documents if any in support of your case/ structure before the Authority, 4th floor, Dempo Towers Patto, Panaji-Goa Please take note that if you fail to submit your reply/appear along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

(Johnson B. Fernandes)

Member Secretary (GCZMA)

To,

1. TEQUILA SUNSET, Anjuna Bardez Goa
2. JUST B, Anjuna Bardez Goa
3. Vatu Vasu Govenkar, R/o H.No 104, Zorivaddo, Chapora, Anjuna Bardez Goa

Copy to:

1. The Collector & District Magistrate (North), Office of the Collector (North), Panaji -Goa... *for information and necessary action.*
2. The Dy.Collector & S.D.O of Bardez having office at Mapusa Bardez - Goa.... *for information and necessary action.*
3. The Secretary, Village Panchayat of Anjuna- Caisua Chapora - Goa ...*for information.*
4. Praveen Dlima, Green Space, Neurekar Chambers, 3rd floor, Office No 12/115/9, M.G.Road, Panaji Tiswadi