

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION No. 05 of 2023 (WZ)

**IN THE MATTER OF:**

SAGARDEEP SIRSAIKAR

...APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT  
AUTHORITY & OTHERS

...RESPONDENTS

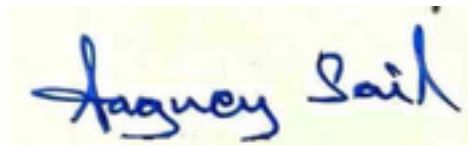
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APPLICANT

THROUGH



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Place: Goa

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**WRITTEN ARGUMENTS BY ORIGINAL APPLICANT**

1. That the present Original Application was heard today and has been reserved for orders by this Hon'ble Tribunal. The Applicant craves leave of this Hon'ble Tribunal to submit the following written arguments / submissions to assist in fair and just adjudication of the issues raised in the present Original Application.
2. That the GCZMA Order dated 30.07.2024 (Pg. 619) directing demolition is not adjudication of the complaint dated 09.11.2022 (Pg.50-59) filed by original applicant before GCZMA for the following reasons:
  - (a) There is neither any mention of original applicant's name or reference to his complaint in this order. In fact this order mentioned complaint letter dated 22.08.2022 filed by one Ramesh Mazumdar in its very first paragraph.
  - (b) There is no mention of the report of site inspection conducted by GCZMA on 13.03.2023 dated nil (Pg. 292-298) wherein original applicant was present in this order. This order mentions site inspection carried out on 28.10.2022 (before complaint filed by original applicant) in its last paragraph at pg. no. 620 (internal page two of order) and another site inspection carried out on 22.11.2023 in its second paragraph at pg. no. 623 (internal page five of order). Both these site inspections were not conducted in the presence of the complainant i.e. the original applicant and reports of these site inspections have neither been brought on record before this Hon'ble Tribunal by GCZMA nor supplied to the original applicant. Even a copy of this order is not supplied to the original applicant in the list of persons provided at the end of order.

- (c) As per Member Secretary, GCZMA affidavit dated 26.09.2023, in para 2 it is stated that pursuant to complaint of original applicant received on 11.11.2022, a site inspection was carried out on 13.03.2023 by GCZMA. In para 4 of this GCZMA affidavit it is mentioned that a show cause notice (dated nil) has been issued to the violators. This Show Cause Notice has till date not been brought on record by GCZMA, neither a copy of the same supplied to original application / complainant.
- (d) As per Member Secretary, GCZMA affidavit dated 26.09.2023, pursuant to issuance of Show Cause Notice this case was taken up during the 349th, 354th, 357th and 361st GCZMA meetings (refer paras 7 to 12 of this GCZMA affidavit). However, none of these GCZMA meetings nor the deliberations/proceedings find mention in the order dated 30.07.2024.

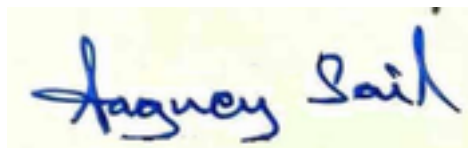
3. Hence, it is submitted that the GCZMA order dated 30.07.2024 is not passed discharging / deciding the complaint dated 09.11.2022 (received by GCZMA on 11.11.2022) filed by original applicant. Resultantly, the issues pertaining to illegal construction in the three survey nos. i.e. 213/5, 213/6 and 206/1 raised in the complaint dated 09.11.2022 have not been decided in direct violation of this Hon'ble Tribunal's direction contained in para 11 of its order dated 19.03.2024 (for whose non-compliance a fine of Rs. 10,000/- was imposed on GCZMA vide order dated 29.05.2024). Today, GCZMA is trying to mislead and misrepresent before this Hon'ble Tribunal through its affidavits dated 29.10.2024 and 06.08.2024 that the complaint dated 09.11.2022 filed by the original applicant has been decided by passing of its order dated 30.07.2024.
4. That, without prejudice to the above, even if the demolition order dated 30.07.2024 of GCZMA is read, it suffers from lack of clarity inasmuch as the description of the structures that have been ordered to be demolished and vagueness with respect to other constructions if found to be beyond approval they should be removed (as rightly held by this Tribunal in para 2 & 3 of its order dated 07.08.2024). Till date the direction that a Sketch Map or Site Plan showing all illegal structures directed by order dated 30.07.2024 to be demolished and clarification on which further structures are referred to in this order, should be filed has not been complied with. Instead, another vague and

unclear compliance report has been submitted which does not describe the illegal structures that were directed to be demolished and only quotes an extract from the order dated 30.07.2024 and simply mentions that the same has been demolished / removed. Original Applicant was not informed about the inspection carried out on 28.10.2024 to check for alleged self demolition carried out by project proponent nor was he present when the same was conducted.

5. The original applicant humbly prays that this Hon'ble Tribunal direct GCZMA to conduct inspection (in presence of original applicant and project proponent) of the survey nos. 213/5, 213/6 & 206/1 of Village Anjuna, Bardez- Goa, especially the status of the illegal structures found by GCZMA in its inspection conducted on 13.03.2023 which report is at Pg. 292-298 pertaining to Survey No. 213/5, and submit a compliance report along with colour pictures. The GCZMA approved two Site Plans for Survey No. 213/5 are on record at pages 229 and 230 which are part of Annexure-A to the affidavit dated 20.03.2023 of Respondent Nos. 2, 3 & 5. These two Site Plans can be referred to during site inspection and compliance / deviation, if any can be reported to this Hon'ble Tribunal.
6. That with respect to prayers D and E, it is prayed that this Hon'ble Tribunal may grant the same in light of the lackadaisical attitude of the Respondent No. 1 GCZMA and Respondent No. 7 NCZMA in not filing a detailed reply / response to these specific prayers despite directions contained in orders dated 19.03.2024 and 07.08.2024.

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