

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

O.A. NO. 170/2024 [WZ]  
[ Formerly O.A. No. 26(THC)/2013 [WZ] ]

**BETWEEN:**

**THE GOA FOUNDATION AND ANR.**

**...APPLICANT**

**AND**

**DLF Homes Goa Pvt. Ltd. & Ors.**

*(Earlier known as M/s. Sarawati*

*Builders & Constructions Pvt. Ltd.)* **...RESPONDENTS**

**Written Submissions on behalf of the Applicant**

1. In the present O.A., a detailed Rejoinder affidavit was filed by the Applicant dt. 11.11.2024. In paragraph 33 of the said Rejoinder, it was submitted that a challenge to the N.G.T. judgement dt. 12.09.2023 regarding the work of the Review Committee-II was pending in the Hon'ble S.C., and that the issue was likely to come up for consideration in the near future.
2. In this regard, it is necessary to bring to the notice of this Hon'ble Tribunal that the Applicant's appeal of the NGT's judgement was taken up by the S.C. on 03<sup>rd</sup> March 2025, whereupon hearing the parties, the Hon'ble Supreme Court passed the following order and directed as under:



"We grant time of four weeks to the respondent to file counter affidavit.

In the meanwhile, no further conversion sanad shall be issued in respect of the lands mentioned in prayer clause (a).

**Application to be listed for hearing on 28<sup>th</sup> March, 2025."**

3. The order of the S.C. dt. 03.03.2025, along with a copy of the I.A. No. 267501/2024 [where relief has been granted in terms of *lands mentioned in prayer clause (a)*] are enclosed for ready reference.

PLACE: MAPUSA, GOA  
DATE: 07.03.2025

  
Sr. Adv. Ms. Norma Alvares,  
with Adv. Om Anthony D'costa,   
for the Applicants in O.A. 170/2024

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSCivil Appeal No(s). 2135/2024

THE GOA FOUNDATION

Appellant(s)

VERSUS

THE STATE OF GOA &amp; ORS.

Respondent(s)

[IA NO.267501/2024 IS LISTED UNDER THIS ITEM]  
IA No. 267501/2024 - APPROPRIATE ORDERS/DIRECTIONS

Date : 03-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) : Ms. Norma Alvares, Sr. Adv.  
Ms. Srishti Agnihotri, AOR  
Mr. Om D'Costa, Adv.  
Ms. Sanjana Grace Thomas, Adv.  
Mr. D.P.singh, Adv.  
Ms. Tara Elizabeth Kurien, Adv.

For Respondent(s) : Mr. Nalin Kohli, Sr. Adv.  
Mr. Sri Harsha Peechara, Adv.  
Mr. Duvvuri Subrahmanya Bhanu, Adv.  
Mr. Shishir Deshpande, AOR

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Coelho Pereira, Sr. Adv.  
Mr. Mohit Paul, AOR  
Mr. Ayush Agrawal, Adv.  
Mr. Vikrant Singh Bloria, Adv.  
Mr. Sushant Tomar, Adv.  
Ms. Rangoli Seth, Adv.  
Ms. Sanjleena Lal, Adv.  
Mr. Somnath Karpe, Adv.  
Mr. Bernard Fernandes, Adv.

Signature Not Verified



Digitally signed by  
KAVITA PANDUA  
Date: 2025.03.03  
17:57:14 IST  
Reason: 

**1502**

UPON hearing the counsel the Court made the following  
O R D E R

IA No. 267501/2024

We grant time of four weeks to the respondent to file counter affidavit.

In the meanwhile, no further conversion sanad shall be issued in respect of the lands mentioned in prayer clause (a).

Application to be listed for hearing on 28<sup>th</sup> March, 2025.

(KAVITA PAHUJA)  
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)  
COURT MASTER (NSH)

**1503**

**IN THE HON'BLE SUPREME COURT OF INDIA**

**CIVIL APPELLATE JURISDICTION**

**I.A. NO. \_\_\_\_\_ OF 2024**

**IN**

**CIVIL APPEAL NO. 2135 OF 2024**

**IN THE MATTER OF:**

**THE GOA FOUNDATION**

**...APPELLANT**

**VERSUS**

**THE STATE OF GOA & ORS.**

**...RESPONDENTS**

**APPLICATION FOR URGENT DIRECTIONS**

**WITH**

**I.A. NO \_\_\_\_\_ OF 2024: APPLICATION FOR PERMISSION TO PLACE  
ADDITIONAL DOCUMENTS ON RECORD**

**PAPER BOOK**

**(FOR INDEX: PLEASE SEE INSIDE)**

**ADVOCATE FOR THE APPELLANT:**

**MS. SRISHTI AGNIHOTRI**

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FILED ON: 19.11.2024

PLACE: NEW DELHI

**FILED BY:**

**MS. SRISHTI AGNIHOTRI**

**ADVOCATE FOR THE APPELLANT**

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. \_\_\_\_\_ OF 2024

IN

CIVIL APPEAL NO. 2135 OF 2024

**IN THE MATTER OF:**

**THE GOA FOUNDATION**

**...APPELLANT**

**VERSUS**

**THE STATE OF GOA & ORS.**

**...RESPONDENTS**

**APPLICATION FOR URGENT DIRECTIONS**

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION  
JUSTICES OF THE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE  
APPELLANT ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. This application has been filed by the Appellant herein on urgent grounds due to a serious situation that is developing in the state of Goa, where large areas of natural forests identified as such by the South and North Goa Forest Division Committees (Araujo and Thomas Committees) are in danger of being permanently and irreversibly diverted to non-forest use,

due to their wholly unwarranted exclusion as private forest by a Review Committee II appointed by the Goa government.

2. The two aforementioned forest division committees comprised senior, experienced forest officials, and the committees were notified under the order dated 12.12.1996 passed by this Hon'ble Court in *T. N. Godavarman v. Union of India* [(1997) 2 SCC 267] to identify private forests in the State of Goa. Unfortunately, the potentially ecologically destructive work of this Review Committee-II -- which has led to huge areas of private forests being excluded from protection of the FCA, 1980 -- was upheld by the Hon'ble NGT vide its judgment dated 12.09.2023. It is submitted that the impugned judgment suffers from an absence of cogent reasons in its support and non-application of mind to salient issues raised before the Ld. NGT.
3. The applicant has challenged the judgment of the Ld. NGT before this Hon'ble Court in the present appeal. One of the grounds taken in the civil appeal is that the Review Committee II went beyond its jurisdiction in reviewing the areas already identified as "final" by the two Expert Committees, in breach of the Terms of Reference appointing it to the task. The appeal has also challenged the methodology used by the Review Committee. This appeal has been listed by this Hon'ble Court for final disposal on 4<sup>th</sup> December 2024. A true and correct copy of the most recent

order of this Hon'ble Court in Civil Appeal No. 2135/2024 dated 24.9.2024 is annexed herewith and marked as **Annexure A-1 (Pages 14-18)**.

4. The applicant submits that the Ld. NGT being conscious of the fact that the applicant had made out a cogent case that private forests identified and finally demarcated by the Thomas and Araujo Committees had been discarded by the Review Committee II *without physical verification*, took a precautionary stand in its final order, even while upholding the methodology and reports of the Review Committee. At paragraph 91 of the impugned NGT judgment dated 12.09.2023, it directed as follows:

*“91. We are of the view that in order to take extreme precaution that no-one suffers on account of errors in identification of the private forest area, the areas, which were finally identified as private forest area by the T&A Committees, if any area out of that is required to be excluded as per review being made by RC-II, the said area should be got verified physically with respect to all three criteria laid down for determination of the private forest cited above by us. Till the final decision is taken with respect to whether the area being excluded from the list of being treated as final forest land by the RC-II which was finalized by T&A Committees as private forest, in keeping with our direction, no permission shall be granted by the State Government for any kind of development work, in the said survey numbers. This exercise shall be completed within three months of uploading of this order.”*

5. Therefore, as per the said judgment, which is still prevailing, all the survey numbers identified finally as private forests in the report of the Thomas and Araujo Forest Division Committees are required to be *verified physically with respect to all three criteria* laid down for determination of private forest.

6. The total number of Survey numbers finally concluded as private forest (as opposed to provisional identification) is 558 in the SGFDC report and 297 in the NGFDC report. Thus, the total number of survey numbers finalized as private forest in both reports is 855. The total area included in these survey numbers amounts to 8.5 sq km.
7. The applicant submits that despite approving the methodology of the RC-II, the Ld. NGT nevertheless directed that all the Survey numbers that were finalized by the Thomas and Araujo Committees committees be physically verified, as the applicant had shown that a large number of the finalized Survey numbers were deleted from consideration solely on the basis of the satellite imagery shown on the Forest Survey of India (FSI) maps and that they were not visited at site before deletion.
8. The Ld. NGT has also ordered that, till the final decision is taken with respect to whether the areas identified as final forest meet the criteria of forest on physical verification, no permission shall be granted for any kind of development work in the said Survey numbers. The Ld. NGT had granted three months' time for the exercise of physical verification of these Survey numbers to be completed. The period expired on 12.12.2023.

9. Pursuant to the impugned order of 12.09.2023 (which was in connection with 6 interim reports challenged by this applicant), the Review Committee II produced an additional report called the ‘7<sup>th</sup> Part Final Report’ in which it listed the total number of survey numbers identified and marked as final forest by the two Expert Committees as 550 (and not 855). The Appellant does not accept this figure of 550 Survey numbers. A true copy of the 7<sup>th</sup> Part Final Report of the Review Committee dated November 2023, also filed as an annexure in the counter affidavit of Respondent Nos. 1-3 in the pending civil appeal (*Annexure R-2, Pages 69-151*), is at **Annexure A-2 (Pages 19-101)**.
10. Assuming, however, that this figure of 550 Survey numbers is correct, the counter affidavit of the State Government provides the breakup of how these Survey numbers. have been dealt with. In the course of the first 6 Reports of the RC-II, a total of 281 survey numbers (out of the 550) had been deleted by the RC-II without a site verification.
11. The Review Committee II in its 7<sup>th</sup> Part Final Report states that it was not necessary to undertake a physical verification of those 281 survey numbers which had been deleted in the first 6 reports on the grounds that the methodology adopted by the Review Committee II to generate its 6 interim

reports had been upheld by the Ld. NGT in the judgement dated 12.09.2023.

**12.** Of the balance 269 survey numbers of finalized forest to be verified (out of the 550 survey numbers), the affidavit of the State Government [*based on the RC-II's 7th Part Final Report*] states that 212 survey numbers are confirmed as private forest after the ground verification exercise was carried out. A further 9 Survey numbers were found to have already been finalized as private forest by the previous Review Committee – I and were consequently added to the figure of 212 survey numbers. Thus, as per the State Government affidavit, a total of 221 Survey numbers qualified in all respects as Private Forest – making it a grand total of 221 survey numbers out of 269 survey numbers found to be correctly identified by the Thomas and Araujo Committee as private forest.

**13.** The decision of the RC-II not to visit the site and reassess the earlier finalized survey numbers deleted from the category of private forests is in clear disregard of the directions issued by the Ld. NGT in the said judgment. The Review Committee is not empowered to take a decision that is contrary to a direction of the Ld. NGT. Neither is this power given to it under its Terms of Reference. A true and correct copy of the gazette

notification notifying the Review Committee dated 30.01.2020 is annexed herewith and marked as at **Annexure A-3 (Pages 102)**.

**14.** The record further shows that on 19.10.2023 this unilateral decision of the Review Committee II to simply ignore the Ld. NGT's direction was placed by the Office of the Deputy Conservator of Forests for post-facto approval of the government, stating that the legal opinion of the Ld. AG, Government of Goa may be obtained in light of the NGT order dated 12.09.2023. A true and correct copy of the note of the DCF signed by the PCCF dated 19.10.2023 is annexed herewith and marked as **Annexure A-4 (Pages 103-108)**. Thereafter, the Forest Minister endorsed the view of the PCCF, however stated that the department may take the opinion of the Ld. AG. The government note (file notings) dated 07.12.2023 is annexed as **Annexure A-5 (Pages 109)**.

**15.** Subsequently, the matter of whether the RC should follow the Ld. NGT's direction or not was referred to the state's Advocate General and the Ld. AG has also concurred with government's decision by his advice dated 15.01.2024, a true copy of which is annexed at **Annexure A-6 (Pages 110-113)**. It is submitted that the documents referred to at Annexures A-4 to A-6 came to this applicant's notice only after the state

government filed its counter affidavit on 13.09.2024 bringing these documents on record.

**16.** The Applicant submits that it was shocked to find that the decision of the Review Committee to disregard even the limited but critical direction of the Hon'ble NGT to physically verify / confirm the private forests finalized by two expert committees, was approved by the State government and also the Ld. AG (the highest law officer of the State).

**17.** It needs to be reiterated that the 3-month period given by the Ld. NGT to complete the physical verification of final forest Survey numbers had expired by 12.12.2023. To the best of the applicant's knowledge this work (of physical verification of 550 survey numbers) was not carried out during the period. However, no application has been made to the NGT for condonation of delay/extension of time, despite the Ld. AG specifically recommending the same. Nor has any application been made to the NGT for review / modification / clarification of its order. It is submitted that these actions show a scant regard for the Ld. NGT and its orders.

**18.** It is submitted that on 31.07.2023, 3 months after it had concluded the 6th interim report, the RC II of its own accord recaptioned all the six reports, as "Part Final (Interim) Reports." Thus, the RC-II itself approved all its

own 6 reports. It needs reiteration that the earlier report of the Review Committee I, which had reviewed the reports of the earlier Sawant and Karapurkar committees, was approved by a formal judgment of the NGT dated 18.08.2022, after a full hearing. Hence, the decision to convert the interim reports into part final (interim) reports was taken without approval of the Ld. NGT. The Ld. NGT would be in a position to consider and approve the final report of the RC II only after the full report is placed before it, and not just piecemeal reports, after hearing the applicant.

19. In the meanwhile, the Applicant's concern and the reason for moving the present application is that applications for conversion sanads for some of the plots relieved of their forest status by the Review Committee II are being considered by the Respondent authorities. Copies of two such conversion sanads for lands excluded by the Review Committee II and which were identified as forest by the Araujo Committee are annexed herewith. A true copy of the conversion sanad dated 30.09.2022 issued to Mr. Vikas Santhan Nanu has been annexed hereto and marked as **Annexure A-7 (Pages 114-118)**. A true copy of the conversion sanad dated 08.11.2023 issued to Parmesh Construction Co. has been annexed hereto and marked as **Annexure A-8 (Pages 119-125)**. The conversion sanad granted to Parmesh Construction Co (a real estate developer) has agitated the entire south Goa, as can be seen from media reports. A true

copy of the article dated 23.09.2024 titled 'Goans unite to protect their land' published in The Goan has been annexed hereto and marked as **Annexure A-9 (Pages 126)**. A true copy of the article titled 'Show of unity: Goenkars intensify their fight against Bhutani project at Sancoale' dated 23.09.2024 published in O Heraldo has been annexed hereto and marked as **Annexure A-10 (Pages 127-128)**. As a result, show cause notices have been performe issued to the developer by the local panchayat and the Planning Authority.

20. The Applicant naturally apprehends that since real estate developers are attempting to acquire lands, significant damage will be done to these green areas in the near future, thus frustrating the Civil Appeal filed by the applicant against the impugned NGT order. Hence, even as this Civil Appeal is being taken up for final disposal, the Applicant seeks relief to halt the destruction and diversion of final forest areas identified by both the Thomas and Araujo Committees to non-forest use in view of the refusal of the Forest Department / Goa Government to heed the Ld, NGT's directions.
21. The present Application is bona fide and has been filed in the interest of justice.

**PRAYER:**

22. In light of the above facts and Circumstances, this Hon'ble Court may be pleased to grant the following reliefs:

- a. Pending final disposal of the Civil Appeal, pass an order directing status quo to be maintained on all the 855 survey numbers (whole or sub-division numbers) that are listed as finally identified and demarcated private forest by the Thomas and Araujo Committees in their reports dated 10.12.2018 and 28.12.2018;
  
- b. Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

DRAWN ON: 16.11.2024

FILED ON: 19.11.2024

PLACE: NEW DELHI

FILED BY:

MS. SRISHTI AGNIHOTRI  
ADVOCATE FOR THE APPELLANT