

AGENDA ITEMS FOR THE 1st MEETING OF THE COMMITTEE TO DECIDE ON THE CRZ MATTERS AS PER THE NOTIFICATION NO. GCZMA/CONST/05/STE/98 DATED 03/08/2016 TO BE HELD ON 05/08/2016 (FRIDAY) AT 3:00 P.M. IN THE CONFERENCE HALL, 2ND FLOOR, SECRETARIAT, PORVORIM – GOA.

Item No. 1: To discuss and decide on Court Matters / Directional Matters / Complaints of Violation of the CRZ Notification 1991 / 2011 and Allied / Connected Matters

Case No. 1.1:

To discuss and decide on the application dated 06/05/2016 received from Goa State Infrastructure Development Corporation (GSIDC) seeking CRZ Clearance in compliance with the Judgment dated 07/04/2016 of the Hon'ble NGT, Pune passed in Application No. 85/2015 in the matter of Goa Foundation V/s. GSIDC & Ors.

Background:

1. The Office of the GCZMA was in receipt of an Application dated 06/02/2014 seeking NOC / Permission for proposed Construction of Bridge across river Mandovi at Panaji including approaches on NH-17 between Pundalik Nagar Junction (Porvorim) and Mercedes Junction.
2. Accordingly, upon receipt of the said application a site inspection was conducted by Dr. Antoino Mascarenhas and Shri Ragunath Dhume, Expert Members of GCZMA on 14/02/2014. The report indicated that the proposed bridge will have width of 14.00 m to 22.50 m. and the clear distance between two existing bridge is minimum 45.00m. In the report the members have recommended that a rapid EIA for the above project may be carried out through agencies like National Institute of Oceanography and also recommended the flow of current to be regularized by keeping the alignment of column of three bridges uniformity parallel to flow to prevent silting.
3. Accordingly, the said matter was placed in the 99th GCZMA meeting held on 20/02/2016 wherein the Authority after detailed discussion and due deliberations and on considering the report of the inspection conducted by the Expert Members of the GCZMA on 14/02/2014, decided to grant approval subject to the suggestions made by Dr. Antonio Mascarenhas and Chief Engineer (WRD) as given below:
 - i) The project proponent shall obtain the following information available with N.I.O:
 - a) Impact on river banks Morphology, Bathymetry and sedimentation
 - b) The flow of current to be regularized by keeping the alignment of column of three bridges uniformly parallel to flow in order to prevent silting.
 - c) No coffer dams should be constructed in the river.

4. Accordingly, the GCZMA vide NOC / Permission bearing No. GCZMA/N/13-14/95/1618 dated 04/03/2014 communicated the decision taken in the aforementioned meeting to the GSIDC.
5. Further, it may be noted that an Application bearing No. 85/2015 was filed by Goa Foundation before the Honøble NGT, Pune thereby challenging the construction of the third bridge across River Mandovi in Goa allegedly being constructed without necessary Environmental Clearance (EC), Environmental studies, Environmental Management Plan or other environmental safeguards.
6. Subsequently, the said application was disposed off by the Honøble NGT at Pune on 07/04/2016 with following directions:
 - i) GSIDC to submit Application for CRZ Clearance as per clause 4.2 of the CRZ Notification 2011 alongwith necessary information including EIA, CRZ classification etc. with GCZMA who shall consider and take a decision on application on its own merits without any prejudice or influence of the findings of this Order within one month thereafter.
 - ii) GCZMA to immediately carry out inspection of construction activity and ensure that the bridge construction is not adversely affecting the coastal environment.
 - iii) GCZMA to deposit cost of Rs. 5,00,000/- (Rs. Five Lakhs) with Collector, North Goa who shall utilize this amount on environmental activities including awareness, coastal protection, mangrove re-plantation etc. Besides this GCZMA shall pay cost of Rs. 1,00,000/- (Rs. One Lakh) to the Applicant as litigation cost which shall be paid in four weeks.
 - iv) Accordingly, in view of the aforementioned Judgment an amount of Rs. 1,00,000/- (Rs. One Lakh) to the Applicant, Goa Foundation has been paid as litigation cost. Further, vide letter bearing No. GCZMA/APPL No.:85/2015/WZ/NGT/05/343 dated 09/05/2016 issued to the Collector & District Magistrate (North) requesting to provide details with respect to payment of an amount of Rupees Five Lakhs only towards costs.
 - v) Subsequently, the Office of the GCZMA was in receipt of a copy of Memorandum dated 04/07/2016 from the Office of the District Collector, North Goa addressed to the Assistant Accounts Officer, Collectorate North Goa informing that the Assistant Accounts Officer has been directed to open a separate account for utilizing the said amount.
 - vi) Further, in compliance of the direction at point (i) of the Judgment dated 07/04/2016 of the Honøble NGT, Pune, the Office of the GSIDC vide application dated 06/05/2016 sought for CRZ Clearance with respect to the project on design and construction of the 3rd bridge on the River Mandovi.
 - vii) Upon receipt of the said application / proposal, a notice of site inspection bearing No. GCZMA/APPL No.:85/2015/WZ/NGT/05/342 dated 09/05/2016 was issued to the GSIDC to remain present for the site inspection to be conducted on 25/05/2016.

- viii) Accordingly, the inspection of the site under reference in view of the Judgment of the Honøble NGT was carried out by the Expert Members of the GCZMA on 25/05/2016 and subsequently, site inspection reports were prepared and submitted to this Office on 01/08/2016 and 03/08/2016.

The site inspection report dated 21/07/2016 inwards on 01/08/2016 prepared by Shri. Ragunath Dhume, then Expert Member (GCZMA) and the site inspection report dated 31/07/2016 inwards on 03/08/2016 prepared by Dr. Antonio Mascarenhas, then Expert Member (GCZMA) are enclosed herewith as **Annexure 'I colly'** which are self explanatory.

In view of the above, the Officials / representatives of the GSIDC are requested to remain present for the said meeting for detailed presentation.

In this regards, the matter is placed for presentation by GSIDC and discussion and decision in the matter.

Case No. 1.2:

To Comply with the Order dated 02/09/2015 passed by the Hon'ble High Court of Bombay at Goa in the matter of Shri.Uday K.Naik V/s State of Goa & Ors. in W.P. No. 642/2015.

Background

1. Earlier a Public Interest Litigation Writ Petition (PIL WP) no.11/2014 was filed by the Chicalim Villagers Action Committee through its member Ms. Mary Da Costa and 3 ors v/s State of Goa & 6 ors interalia aggrieved by alleged illegal reclamation of land and land/mud filling in river Zuari being undertaken by M/s Abhishek Engineers in survey nos.16/6, 16/7 &72/1 of village Dabolim, Mormugao Taluka and alleged inaction on part of Goa Coastal Zone Management Authority (hereinafter referred to as "the GCZMA" in short) and various other authorities .
2. In this regard site was jointly inspected by Goa State Bio Diversity Board and expert member GCZMA Dr. Antonio Mascarenhas on 07/03/2014 and report prepared by the expert member dated 07/03/2014 along with photographs noted

various violations pertaining to CRZ Notification 2011. The observations recorded by the expert member, GCZMA during the site inspection are as follows:

- i) The plot is located at Chicalim bay, adjacent to NH 17A, along the southern bank of River Zuari.
- ii) The mandatory setback between the road edge and the property is lacking; instead, wire mesh fencing is fixed along the road edge.
- iii) Encroachment into the riverine area is clearly identified. The obvious evidence is the filling the bank with earth, thus spreading barge repair activities further into the river. Some mud is appears fresh, indicating that the filling is done regularly (may refer to photos and multi-dated Google Earth images on pages 2 ó 3 of the inspection report).
- iv) In addition, there is also evidence of some mud filling done earlier; this is proved by the presence of an older embankment at the site.
- v) An old ramp with rails laid into the water was noted; this is used to haul marine craft onto the reclaimed bank.
- vi) Since the road is located at a higher level, cutting along road side has been done by the owners; this mud is used for reclamation; a truck transporting mud was seen at the site.
- vii) A large barge, around 60 m long, was being built at the site.
- viii) The Chicalim bay constitutes a mud flat; this feature is observed in the toposheet of 1964, and also NHO charts of 1970, 1986 and 2003. Presently, the mud flat appears degraded / eroded probably due to the continuous movement of barges that touch river bed at low tide.
- ix) An analyses of multi dated Google images (3 scenes) reveals the following:
(1) In 2010, the river bank was fairly natural, with trees lining the river bank; (2) In 2012, a large strip along the bank has been reclaimed; also, there is evidence of a retaining wall being built;

(3) In 2013, the GE image shows that a very large patch, with a retaining wall in the northern half, has been reclaimed. A roughly rectangular plot 130 m x 55 m that corresponds to a minimum of 3900 sq. m. area now exists in the river. This reclamation has been carried out in less than 3 years. The figure 3900 m² needs further confirmation and may need a detailed survey with measurements at site for accurate comparisons (may refer to page 3 of the report).

x) The presence of 17 barges in the GE image indicates a major barge building activity. The confirmed reclamation described above stretch falls under the NDZ, and is therefore a gross violation of the prevailing CRZ 2011 notification.

3. The site was also inspected by Mr.Fletcher Fernandes (Technical Officer GCZMA) on 21/11/2014 also observed various violations pertaining to CRZ Notification 2011. The observations recorded by the Technical Officer, GCZMA during the site inspection are as follows:

- a) The site is located adjacent to NH 17 ó A along the banks of River Zuari.
- b) There are rails which lead to River Zuari which are used for ingress and outgress of barges / fishing boats for the purpose of repairs and building etc.
- c) There is evidence of mud filling of the bank along the riverside of the plot which appears to have been over a period of years.
- d) At the time of inspection it was found that no repairing or building activity of barges / fishing boats or any other marine craft is carried out but were cutting and piling of barges for scrap.

4. Earlier, GCZMA was also in receipt of a complaint dated 08/01/2015 filed by Chicalim Villagers Action Committee regarding alleged illegal mud filling in river Zuari adjacent to survey no.16/6 and 72/1 of village Dabolim, Mormugao Taluka by M/s Abhishek Engineers in violation of interim order to maintain status quo

dated 01/12/2014 passed by the Honøble High Court of Bombay at Goa in the said matter.

5. Pursuant to the said complaint directions dated 12/02/2015 bearing no.GCZMA/MORM/DAB/10-11/11/2010 were issued by this authority to maintain status quo cum stop work of mud filling under Section 5 of the Environment (Protection) Act 1986 read with Rule 4 of the Environment (Protection) Rules, 1986.
6. Thereafter, a show cause notice dated 18/02/2015 bearing no: GCZMA/MORM/DAB/10-11/11/2047 was also issued by this authority based on inspection report dated 21/11/2014 of Technical Officer GCZMA.
7. The said M/s Abhishek Engineers through its proprietor has filed a reply dated 09/03/2015 to above mention show cause notice dated 18/02/2015 which interalia raised many preliminary objections with regard to the inspection report of the Technical Officer.
8. It may be noted that, the GCZMA has granted NOC dated 27/01/2010 bearing Ref. No. GCZMA/S/09-10/06/480 for construction of barge repair workshop which was examined in the 53rd GCZMA meeting held on 15/01/2010 and the same is approved with a condition that temporary workshop shed shall be restricted to the size block ãAö 9.68 x 330 m and block öBö 11.65 x 3.20 m in Sy. No. 16/6, Chicalim Village subject to NOC from GSPCB and the conditions stipulated therein.
9. It may also be noted that earlier the Additional Collector, South Goa vide his letter dated 14/02/2011 under reference number AC-II/File-Sub Rep/26059/2010/1619 forwarded 3 reports to the Goa Coastal Zone Management Authority which were submitted by the Deputy Collector & SDO, Mormugao one of which report related to the retaining wall erected and land filling covering an area of 15 square meters

within 100 m of HTL in Survey No. 16/6, Dabolim done by Shri. Uday Naik proprietor of Abhishek Engineers, Vasco da Gama, Goa. Accordingly earlier the Goa Coastal Zone Management Authority had issued a Show Cause Notice dated 08/03/2011 for illegal construction / erection of retaining wall and land filling covering an area of 15 Sq. m under reference No. GCZMA/MORM/DAB/1041/11/919 and also subsequently issued another a Show Cause Notice dated 06/07/2012 for illegal construction of retaining wall with rubble stones having length of 40 m and 1 m height at water front without obtaining permission to M/s. Abhishek Engineers through its proprietor Shri. Uday Naik. Earlier the site was also inspected by AG Untawale Member Secretary of GCZMA along with Member Secretary Goa State Bio Diversity Board (GSBB) along with Directorate of Settlement Land Records (DSLRL) on 16/11/2012. The DSLR later submitted a survey plan vide letter dated 28/12/12 (Inwarded on 2/1/2013) pertaining to mapping of structures existing in Syno.72/1 (Part) & 16/6 & 7 of Dabolim Village, Mormugao Taluka.

10. The matter came up for hearing before the Honorable High Court of Bombay at Goa wherein vide order dated 24/02/2015 the Honorable Court was pleased to dispose the abovementioned matter with a direction to the concerned authorities to proceed with the show cause notice as expeditiously as possible within three months of date of order.
11. Accordingly, a notice of personal hearing dated 12/05/2015 bearing ref. No. GCZMA/MORM/DAB/10-11/11/266 was issued to all the concerned parties to appear remain present for personal hearing with all the documents, approved site plans and / or other related documents before the Member Secretary of the GCZMA on 21/05/2015.
12. On the said day of the personal hearing, alleged violator, Mr. Uday Naik, Proprietor of M/s. Abhishek Engineers was present along with his advocate Ms.

Gina Almeida, Adv. Zeller D'Souza appeared on behalf of Village Panchayat, Chicalim, Mr. Rui Costa Araujo represented Chicalim Villagers Action Committee and also Dr. Nitin Sawant, Member Secretary, Goa State Biodiversity Board (GSBB) was present.

13. The Complainant / Petitioner filed written submissions dated 21/05/2015 and M/s. Abhishek Engineering also filed their reply. The main contention of M/s. Abhishek Engineering was that there is no reclamation being carried out at site under reference which is subject matter of the proceedings. The Complainant Mr. Rui Costa Araujo representing Chicalim Villagers Action Committee stated that there is reclamation being carried out over the period of time prejudgement of the Honøble High Court.
14. Thereafter matter was placed before the authority in the 118th GCZMA meeting held on 06/07/2015 for final decision in the mater. In the said meeting the Authority after detailed discussion and due deliberation noted that there is land reclamation being carried out by the violator and hence decided to issue directions under Section 5 of the Environment Protection Act, 1986 read with other enabling provisions to the violator, M/s. Abhishek Engineers to restore the land to its original state in consultation and under supervision of the Goa State Biodiversity Board (GSBB). Accordingly directions dated 21/07/2015 bearing ref no. GCZMA/MORM/DAB/10-11/11/980 were issued by GCZMA to M/s. Abhishek Engineers.
15. The said M/s. Abhishek Engineers later filed a Writ Petition no.642/2015 before the Honøble High Court of Bombay at Goa interalia being aggrieved by directions issued by GCZMA dated 21/07/2015. The said matter came up of hearing before the Honøble High Court of Bombay at Goa on 02/09/2015.
16. The Honøble High Court vide order dated 02/09/2015 has observed as under
õUpon hearing the learned counsel appearing for the respective parties, without going into the merits of the rival contentions a short point which arises for

consideration in the above Writ Petition is whether the impugned order dated 21.07.2015 stands vitiated for not complying with the principle of natural justice.”

“5. Mr. D. Pangam, learned counsel appearing for the petitioner has pointed out that the impugned order does not disclose any reasons to arrive at the conclusion stated therein. The learned counsel further pointed out that during the course of the hearing the respondents relied upon a report which was not furnished to the petitioner in advance nor any opportunity given to the petitioner to meet the allegations in such report. The learned counsel further submits that as no adequate opportunity was given to the petitioner to meet the allegations of the respondents in the show cause notice, the impugned order deserves to be quashed and set aside.”

17. The Honøble High Court noted that *“On the other hand, Mr. Salkar, learned Government Advocate appearing for the respondents points out that the petitioner has committed a breach of the conditions of licence and as such the respondents are entitled to issue the show cause notice to the petitioner and take necessary action in accordance with law. The learned Government Advocate further submits that though there are no reasons in the impugned order nevertheless, the impugned order refers to the minutes of the meeting which according to him would disclose such reasons. The learned Government Advocate as such submits that in case this Court is inclined to remand the matter, directions may be issued to decide the show cause notice as expeditiously as possible.”*

18. The Honøble high Court observed that *“We have considered the rival contentions of the learned counsel and we have also gone through the records. On plain reading of the impugned order dated 21.07.2015, we find that there are no reasons discloses therein to show how the respondents have arrived at such conclusion. Apart from that, the reliance upon the report which was not furnished to the petitioner would also result in a breach of the principle of natural justice. On this short point, we find that the impugned order dated 21.07.2015 passed by the*

respondent no.2 cannot be sustained and deserves to be quashed and set aside. Needless to say that the respondent no.2 can proceed to take a decision on the show cause notice dated 18.02.2015 after hearing the petitioner in accordance with law as expeditiously as possible and in any event within four months from the date of the receipt of the order. In view of the above, we pass the following : O R D E R (i) The impugned order dated 21.07.2015 is quashed and set aside. (ii) The respondent no.2 shall proceed to decide the said show cause notice in the light of the observations made herein above in accordance with law. (iii) Rule is made absolute in above terms. (iv) All contentions of both the parties on merits are left open. (v) The petition stands disposed of accordingly”.

19. In the light of the above, the authority was required to decide show cause notice after giving an opportunity of being heard to M/s Abhishek Engineers and concerned in accordance with law as expeditiously as possible and in any event within four months from the date of receipt of the order (i.e. order dated 02/09/2015 passed by Honøble High Court at Goa in Writ Petition no.642/2015 filed by M/s Abhishek Engineers v/s The State of Goa & ors).

20. The course of action decided for compliance of the abovementioned order was to conduct fresh site inspection to be carried out by Dr.Mascarenhas, Dr. Sawant and Technical officer of GCZMA and thereafter after perusal of fresh site inspection report and thereafter personal hearing to be given to the parties and decide the final course of action.

21. In this regard, a site inspection notice was issued dated 24/11/2015 bearing ref no: GCZMA/ MORM/ DAB/ 10-11/ 11/1983 was issued by the GCZMA fixing the site inspection on 27/11/2015 to which written objection was filed by M/s Abhishek Engineers interalia stating that the same is not permissible as per law and further is being undertaken to widen the scope if the subject matter. Further another site inspection notice dated 15/1/2016 bearing ref no: GCZMA/ MORM/

DAB/ 10-11/ 11//2431 was issued the GCZMA fixing the site inspection on 25/1/2016 to which another written objection dated 19/1/2016 was filed by M/s Abhishek Engineers. Although the site inspection was conducted on 25/1/2016 successfully the report of the expert member GCZMA was awaited.

22. The fresh report of the expert member GCZMA dated 20/3/2016 was only received via email on 28/7/16. The said report has interalia recorded the following findings:-

1. The plot is located at Chicalim bay, along the southern bank of River Zuari. The saline river is influenced by the daily tides and thus comes under the purview of CRZ. The near shore zone comprises a mud flat that extends from Chicalim to Cortalim; tidal mud flats are categorized as CRZ I under the prevailing CRZ 2011 rules. The plot falls in the No Development Zone (NDZ).
2. National Highway 17 passes adjacent to the plot. The mandatory setback between the road edge and the property boundary is lacking; instead, wire mesh fencing is fixed along the present edge of the asphalted road.
3. Since the highway is located at a higher level, cutting along road side has been done by the owners; this mud is used for reclamation; a truck transporting mud was seen at the site
4. Encroachment into the riverine area is clearly identified. The obvious evidence of reclamation is the filling along the river bank with loose earth, thus spreading barge repair activities further into the river. Some mud is appears fresh, indicating that the filling has been done regularly and progressively (see photos and multi-dated Google Earth images on pages 3 and 4 of this report.
5. In addition, there is also evidence of some mud filling done earlier; this is confirmed by the presence of an older embankment at the site. Also, a large quantity of metal / ferruginous waste as well as used tyres, ropes and plastic material was seen scattered all along the water line. Metal, rubber and

plastic debris pose a danger in the form of contamination of the riverine environment.

6. An old ramp with rails laid into the water that was seen during the earlier site visit (March 2014) was noted this time as well (January 2016); this is used to haul marine craft onto the reclaimed bank. Several pontoons(?) / small vessels(?) were found to be in the initial stages of construction. The 60 m long barge that was being built at the site in March 2014 was not seen during the second inspection in January 2016.
7. The Chicalim bay constitutes a gently sloping mud flat; this feature is observed in the toposheet of 1964, and also NHO charts of 1970, 1986 and 2003. Presently, the mud flat appears highly degraded / eroded, probably due to the continuous movement and anchoring of barges, some of which touch the river bed at low tide.
8. In the earlier inspection dated 07 March 2014 by the undersigned, an analyses of multi dated Google earth (GE) images (3 scenes) had revealed the following:
 - (a) In 2010, the river bank was fairly natural, with trees lining the river bank;
 - (b) In 2012, a large strip along the bank has been reclaimed; also, there is evidence about a retaining wall being built;
 - (c) In 2013, the GE image shows that a very large patch, with a retaining wall in the northern half, has been reclaimed. A roughly rectangular plot 130 m x 55 m that corresponds to a minimum of 3900 sq. m. area now exists in the river. This reclamation has been carried out in less than 3 years.
9. The figure 3900 m² needs further confirmation. But it is pertinent to note that the DSLR had already conducted a detailed and accurate field survey with measurements in 2012. A coloured map dated 28 December 2012 was then submitted to GCZMA. The reclaimed portion that is clearly delineated and shown in the DSLR map roughly corresponds to the observations made in this report.

10. In this present report, the GE images (two different scenes) are presented once again. A comparison of two multi-dated images reveals the following (see page 3):

- i) GE image of March 2010: A natural river bank with substantial vegetation can be identified along the NH 17. Only a thin strip of land can be observed between the road and the water line.
- ii) GE image of October 2015: A drastic change in the landscape is clearly observed. A large riverine area has been reclaimed with mud brought from elsewhere. The presence of 18 barges / boats in the GE image indicates a major barge building activity.

11. Earlier inspection of March 2014 and analyses of available images had identified reclamation. The second survey of January 2016 has confirmed encroachment by mud filling along the tidally influenced Zuari river bank. The attached satellite images (page 3) offer undisputed proof of mud dumping.

12. File records show a request for land filling of an area of 980 m² (70 m x 14 m). In comparison, the land filling identified is 4 times that area. The confirmed reclamation, described in the above stretch (done after 2011) and dumping of industrial waste in an area that falls under the NDZ, is prohibited. These activities are therefore tantamount to gross violations of the prevailing CRZ 2011 notification.

23. In the light of the above the issue before the authority is that considerable time period has been lapsed and the show cause notice has to be decided after giving an opportunity of being heard to M/s Abhishek Engineers and concerned parties in accordance with law as expeditiously as possible.

In this regards, the matter is placed for discussion and decision in the matter.

ADDITIONAL AGENDA:

Case No.: 1.3

To discuss and decide on the alleged illegal construction of the structures carried out by M/s Mabarest Hotels Pvt. Ltd. in the property bearing Sy. No. 212/5, 6 and 7 of Village Anjuna, Bardez-Goa

1. The GCZMA vide an Order of demolition bearing No. GCZMA/ILLE-COMPL/14-15/159/1846 dated 30/10/2015 directed M/s Mabarest Hotels Pvt. Ltd. to demolish the illegal construction of structures in the property bearing Sy. No. 212/5, 6 & 7 of Village Anjuna, Bardez ó Goa and to restore the land to its original condition within a period of 15 days and to file a compliance report within a period of 3 days failing which directions will be issued to the Deputy Collector & S.D.O, Bardez to verify if the structures are removed and in the event the same are not removed / demolished the Deputy Collector shall remove the said structures within a period of 2 weeks thereafter and recover the expenses from M/s Mabarest Hotels Pvt. Ltd.
2. The said Order was accordingly served to M/s Mabarest Hotels Pvt. Ltd.on 02/11/2015, however, it is observed that M/s Mabarest Hotels Pvt. Ltd. have not complied with the directions for demolition of the structures issued by the GCZMA.
3. It is also pertinent to note that, Mr. Sagardeep Sirsaikar had filed an Application bearing No. 48/2016 thereby challenging the alleged illegal construction carried out by M/s Mabarest Hotels Pvt. Ltd. in the property bearing Sy.Nos. 212/5, 6 and 7 of Village Anjuna, Bardez ó Goa and also brought to the notice of the Honøble NGT, Pune about the demolition Order dated 30/10/2015 by the GCZMA.
4. The Honøble NGT vide Order dated 18/05/2016 was pleased to dispose of the matter as the GCZMA has already taken the steps against the illegal construction by issuing an Order of dcemolition and further directed the Applicant to pursue with the GCZMA to expedite with the execution of the Order of demolition issued against M/s Mabarest Hotels Pvt. Ltd.

Copy of the Order dated 18/05/2016 of the Honøble NGT, Pune in Application No. 48/2015 is enclosed herewith as **Annexure 'II'**.
5. In view of the above, the matter is placed for further course of action in the matter.

Case No. 1.4:

To comply with orders dated 12/01/2015 and 21/06/2016 passed by the Hon'ble High Court of Bombay at Goa in the matter of Suo Moto W.P. 2/2006

Background

The matter is Suo Moto cognizance of Honøble High Court of Bombay at Goa, Panaji about the illegalities/constructions in CRZ area. The Honøble High Court of Bombay at Goa vide Order dated 26/09/2007 passed in the matter of Suo Moto Writ petition no.02/2006 had directed all Panchayats /Municipalities to submit action taken report with regard to constructions in NDZ/CRZ area as per terms mentioned therein along with an affidavit.

The GCZMA has also filed necessary compliance reports from time to time in view of various orders passed by the Honøble High Court of Bombay at Goa in the matter.

The above matter came up for hearing on 12/01/2015 before the Honøble High Court of Bombay at Goa and the Ms. N. Alvares, learned Amicus Curiae produced a list of pending structures which according to her no action has been taken. The structures are essentially concerning the respondent no.9 Anjuna Village Panchayat; the respondent no.10 Calangute Village Panchayat; the respondent no.17 Majorda Village Panchayat; and the respondent no.18 Betalbatim Village Panchayat. Further the respondent nos. 9, 10, 17 and 18 in the said matter were directed by the Honøble High Court of Bombay at Goa to file an additional affidavit disclosing the action taken in respect of such structures referred to in the said list which is marked 'X' for identification.

With regard to the respondent no.19, Village Panchayat of Colva, it was the contention of the learned Amicus Curiae that GCZMA has directed the local village panchayat to examine the legality of 19 structures which were referred to in the application for intervention filed by the intervenor. The learned counsel appearing for the local village panchayat has pointed out that there is material on record to suggest that the structures are not illegal.

The Honøble High Court called upon the respondent no.19/village panchayat of Colva to furnish such material before the GCZMA and such Authorities/the respondent no.16 shall examine such material after hearing the parties in accordance with law.

In the said matter Mr. Manish Salkar, learned Government Advocate (Appearing on behalf of GCZMA)before the Honøble High Court of Bombay at Goa stated that such exercise shall be completed within six weeks from the receipt of such material from the

respondent no.19 village panchayat Colva who shall produce the material within one week from today before the GCZMA.

Accordingly the said village panchayat of Sernabatim, Vanelim, Colva & Gandaulim has produced its action taken report along with all the material record of relevant replies of the parties etc to the office of GCZMA vide letter dated 19/1/2015 bearing ref no.VP/SVCG/1928/14-15.

Earlier pursuant to directions issued by the Honøble High Court of Bombay at Goa in Suo Moto W.P. 2/2006, as well as directions under section 5 of the Environment Protection Act,1986 issued by GCZMA the Village Panchayat, Colva had issued Show Cause Notices to various parties/alleged violators.

The action taken report was filed by the Village Panchayat, Colva to the Honøble High Court of Bombay at Goa in the said matter with two Additional Affidavits dated 03/10/2012 and 23/06/2014 respectively annexing all the documents with regard to structures pointed by the intervener (Colva Civic & Consumer Forum) in its intervention application dated 13/07/2012 bearing MCA No.635/2012.

In this regard, the action taken report filed by the Village Panchayat, Colva was placed for necessary decision in the 115th GCZMA meeting held on 04/05/2015 wherein the Authority after detailed discussion and due deliberations, decided to refer the matter to the Inquiry Committee to examine all the documents on record and hear the parties if required and submit the detailed report to the GCZMA within 30 days. The Authority also decided to seek additional time of 3 months from the Honøble High Court of Bombay at Goa to place a detailed report of the GCZMA.

The decision taken by the authority was communicated to the Inquiry Committee of GCZMA vide letter dated 15/05/2015 bearing ref no. GEN- Misc/ 13-14 / 312 thereby referring the matter to them for necessary inquiry and report.

The GCZMA has also filed an affidavit dated 11/04/2016 before the Honøble High Court of Bombay at Goa informing that the inquiry committee of GCZMA has completed the inquiry in all cases except for structure located in the property bearing Sy no. 96/1, village Betalbatim and further that the authority will take final decision in respect of reports submitted by the Inquiry Committee of GCZMA and the entire exercise will be

likely completed within 4 months and thereafter final order/ decision in all matters will be taken.

The matter came up for hearing before the Honøble High Court of Bombay at Goa on 21/06/2016 and was pleased to dispose off the matter with a direction which can be seen as under *“Besides the above directions, the Anjuna as well as the Colva Panchayats namely respondent nos. 9 and 19 and the GCZMA are directed to take necessary action with regard to the structures identified in the report of the GCZMA and proceed to take necessary action in accordance with law within three months from today and file a compliance report with that regard”*.

The Inquiry committee of the GCZMA has completed its inquiry and has submitted 19 reports interalia stating its recommendations.

The said reports submitted by the Inquiry committee of the GCZMA can be briefly seen as under:-

Serial no	Alleged violator/owner of the property	Nature of construction in CRZ Area	Recommendations/ findings of the Inquiry committee of the GCZMA
1.	M/s Brahma Corporation Hotels	Residential house in Sy no.39/3 of village Colva	Report dated 24/12/2015:- Recommended GCZMA to demolish the entire structure of yellow color shown in photo 1,2,3 & 4 and having an area of 93 sq.mts in the property under Sy no.39/3 of Colva village and restore the land to its original condition.
2.	Mr.Ashok Kumar Vaid	Bungalow in Sy no.53/2 Colva Village	Report dated:- 21/12/2015 The party though duly served didn't appear before the Inquiry Committee of GCZMA. There is a structure having an area of 119sqmts and is for

			<p>commercial purpose. There are no documents in the file of Village Panchayat to substantiate the construction is in accordance with law.</p> <p>Recommended the GCZMA to demolish the entire structure M having area of 119sqmts existing in Sy no.53/2 of Colva Village and restore the land to its original condition.</p>
3.	Captain J.P.Dias	Bungalow in Sy no.23/9 Colva Village	<p>Report dated 22/12/2015</p> <p>The Inquiry Committee GCZMA considered following documents:-</p> <p>a) conversion sanad order issued by Collector, Goa dated 30/06/1977 granted for area admeasuring 183.70 sqmts in Sy no.23/9, Colva Village;</p> <p>b) Letter dated 9/12/1995 issued by the Office of Chief Town planner Town and Country planning Department, Panaji-Goa indicating approval of construction of residential bungalow in Sy.23/9, village Colva in 5th meeting</p>

			<p>of Goa State Committee on Coastal Environment (GSCCE) held on 109/1994.</p> <p>c) N.O.C for modification of the existing dwelling unit in Sy no.23/9, Colva village, granted by GCZMA vide letter dated 14/06/2004.</p> <p>d) Construction licence bearing no. VP/SVCG/CONST.52/ 2004-05/1827 dated 17/02/2005 issued by Office of Village Panchayat Sernabatim, Vanelim, Colva & Gandaulim for modification of the existing dwelling unit in Sy no.23/9, Colva village</p> <p>Recommended the GCZMA to withdraw the show cause notice , if any issued to the affected party.</p>
4.	Ashok Vikhe Patil	Bungalow in Sy no.53/1 Colva Village	<p>Report dated 23/12/2015</p> <p>The Inquiry Committee GCZMA considered that the affected party had purchased an area of 575 sqmts along with a residential bungalow</p>

			existing therein in the year 1992 (i.e vide sale deeds dated 11/11/92 and 11/09/95) and the residential bungalow is having Hno.290/4 from the year 1991 in the previous owners name, the structure of residential bungalow in area of 575 sqmts of Plot B in the Syno.53/1 of Village Colva is accordance with Law. Recommended the GCZMA to withdraw the show cause notice , if any issued to the affected party.
5.	M/s Crasto Guest House	Structure in Syno. 12/1 Sernabatim village	Report dated :24/12/2015 The Inquiry Committee of GCZMA has considered that affected party relied upon order dated 31/12/2008 passed by the GCZMA thereby dropping show cause notice in respect of structure in Syno.12/1 and recommended closing of proceesings
6.	M/s J.B Guest House	Structure in Syno.12/4 of Colva village	Report dated: 24/12/2015 The Inquiry Committee of GCZMA has interalia considered that the affected party claims to

			<p>be a mundkar of the property which case is pending before the Mamlatdar Salcete. Further that said house was in the name of Custodio Fernandes from the year 1982-83 (i.e as per Form 7 assessment register) and later transferred in the name of the affected party in the year 200-2001 (ie evident from certificate issued by Village panchayat dated 3/5/2008. Further it is the case of the affected party that the he belongs to kharvi community.</p> <p>Recommended the GCZMA to withdraw the show cause notice, if any issued to the affected party.</p>
7.	M/s Shamiraj Hotels	Structure is situated in Sy no.24/1 of Colva Village	<p>Report dated 14/9/2015</p> <p>The Inquiry Committee of GCZMA has interalia considered that the tourist cottages and structures in Sy.no.24/1 of Colva village were existing in the year 1979 before the date of CRZ Notification 19/2/91, Goa State Committee for Coastal Environment (GSCCE) has granted</p>

			<p>approval dated 1/12/95 for reconstruction of traditional building and further license dated 13/12/95 from Village Panchayat Colva and also considered the contention of the complainant the structures have been illegally approved and DSLR plan 31/11/2006 existing structure is extended beyond plinth Recommended that reconstruction of the traditional building is as per law.</p>
8.	Colva Residency Goa Tourism Development Corporation (GTDC)	Structures situated in Sy no.37/1, 3, 4 and 5 of Colva Village	<p>Report dated:15/9/2015 The Inquiry Committee of GCZMA has interalia considered that tourist cottages were inaugurated on 19/4/68 ;that the schematic drawing of the expansion of accommodation was prepared for approval in the year 1976; that the drawing of expansion of accommodation is of the year 1977; that the order of administrative and financial sanction for the construction of 6 cottages and restaurant of expansion of tourist accommodation was</p>

			<p>accorded in the year 1978;the assets of the tourist cottages under construction was transferred to GTDC in the year 1985 and also rival contentions of the complainant that the affected party has failed to produce approval plans and plans are not registered and without any stamps or reference or dated and it would be proper to conduct inspection with the DSLR to map verify the structures.</p> <p>Recommended Colva Residency Goa Tourism Development Corporation (GTDC) was existing prior to CRZ Notification 19/2/91.</p>
9.	Hotel Baywatch	Situated in Sy no. 16/3, 17/4,5,7 and 8, Sernabatim Village	<p>Report dated:15/9/2015</p> <p>The Inquiry Committee of GCZMA has interalia considered that the repairs and reconstruction without increasing the plinth of the existing structure is permissible within area of 200 mts from H.T.L(NDZ) of CRZ III area and the affected</p>

			<p>party has obtained approval from GCZMA repair and renovation dated (i.e 8/7/2005)carried in the structures hno.106 and hno.106/2 in Sy no.16/3, 17/4, 5, 7 and 8 of the Sernabatim village and also rival contentions of the complainant that the affected party has only produced the N.O.C letter and not the approved plan and that earlier vide GCZMA order dated 17/11/2004 structures were ordered to be demolished and compliance report dated 20/9/2005 states that structures in Syno,17/7 are demolished and hence site inspection is required to map the structures with the help of DSLR and that the approval of repairs and renovation is without approval from MOEF. Recommended the structures are as per Law.</p>
10.	Soul Vacations- Colmar Condominium	Structure situated in Syno.40/4 of village Colva	<p>Report dated:7/10/2015</p> <p>The Inquiry Committee of GCZMA has interalia considered that in the year 1995 the Goa State</p>

			<p>Committee for Coastal Environment (GSCCE) approved the construction of residential complex; that the village panchayat also granted licence on 14/11/95; sanad was also obtained from Dy. Collector & SDM Margao on 18/98; GCZMA also granted approval for construction of compound wall on 12/5/99; that occupancy certificate was issued by the village panchayat on 12/5/99 and also rival contentions of the complainant that the affected party has illegal approval for reconstruction of residential complex (six cottages) from chief town planner and GSCCEE on 6/7/95 ;that N.O.C from Town and Country planning is not produced; that the sanad is granted for residential house; that the DSLR plan dated 31/11/2006 shows the existing structures have been extended beyond the original plinth ; no permission for</p>
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			swimming pool; approval granted was for construction beyond 200 mts H.T.L however the same is done within 200 Mts H.T.L without approval from MOEF. Recommended the structures are as per Law.
11.	Hotel Silver Sands	Structure is situated in Syno.23/12 of village Colva	<p>Report dated 19/10/2015</p> <p>The Inquiry Committee of GCZMA has interalia considered that the Town and country Planning Department had issued N.O.C dated 17/1/78;further construction licence of Village panchayat was issued in the year 1978 and occupancy certificate was issued in the year 1981 to structure identified as 'Mö' is DSLR plan the same is existing prior to Notification 19/2/1991 hence in accordance with law.</p> <p>The Inquiry committee GCZMA perused the survey plan submitted by the panchayat and observed that there are new structures denoted 'Nö, 'Oö, 'Pö and 'Qö existing within 200 mtrs of H.T.L and have no</p>

			documents to indicate the same constructed with any permission or any licensing authority and hence further recommended removal of structures denoted ðNö, ðOö, ðPö and ðQö in syno.23/12 Colva Village.
12.	M/s Tonia Estates and Resorts Pvt Ltd	Structures are situated in Syno.51/2 B and 23/13 and 23/17 of village Colva	Report dated 16/9/2015 The Inquiry Committee of GCZMA has interalia considered that the affected party has obtained approvals from GCZMA; placed on record the GCZMA minutes approving the said project, survey plan of DSLR confirming the construction as per plans, technical clearance from the TCP department ;occupancy certificate from the concerned village panchayat and repair and renovation/reconstruction of existing resort block A, B(6 units) and Block C in Sy no.23/13 and 23/17 having house no.424/2 and Hno.424/3 were carried out within plinth. Recommended the construction is as per

			<p>law.</p> <p><u>Note: There are two writ petitions bearing no. Wp no.751/2008 filed by Theodore Fernandes and Wp no.469/2014 filed by the Colva Civic Consumer Forum (in the latter case the proceedings filed in NGT, Pune were stayed)</u></p>
13.	M/s Boomerang Bar Restuarant	Structure is situated in survey no.39/1 of village Colva	<p>Report dated: 11/9/2015</p> <p>The Inquiry Committee of GCZMA has interalia considered that the village panchayat has granted N.O.C dated 3/10/87 for repair of existing structure to one Max Rodrigues; registration certificate of the establishment "Sunset Restaurant" is of the year 1985 and renewed up to 1988; Trade tax receipts and challans of registration fees are of the years 1986, 1987, 1988, certificate of registration is of the year 1990; tax assessment and notice for the same is of the year 1993; sale deed cum mortgage of the year 1996 plot along with two structure was sold to Peter Coutinho ; N.O.C</p>

			<p>of the village panchayat for release of electricity to hno.468/1 ; registration certificate of was renewed on 27/7/98,15/7/97 to 31/12/98, renewal on 4/4/2008 for the period of 1/1/99 to 31/12/2008 , also considered the rival contentions of the complainant who stated that all the documents submitted by the affected party are post 19/2/91 ;that one Max Rodrigues was granted licence by the Excise department for selling liquor on his temporary stall and he has converted the same into permanent illegal construction and produced letter dated 16/9/1965 of Village panchayat Colva and survey plan of the Syno.39/1, 2 & 3 of the Colva village.</p> <p>Recommended that the structure was existing prior to the CRZ Notification 19/2/91 and in accordance with law.</p>
14.	Colmar Beach Resort	Structure is situated in Sy no. 40/4 of village Colva	<p>Report dated 7/10/2015</p> <p>The Inquiry Committee of GCZMA has interalia considered that the</p>

			<p>affected party obtained construction licence in the year 1980; the village panchayat increased the tax in the year 1987; the Goa State Committee on Coastal Environment (GSCCE) granted approvals in the year 1997; the District judge vide judgement dated 31/12/2004 observed that plan of 19/2/2003 is tallying with plan of 18/11/2002 and also further considered rival contentions of the complainant who stated that affected party has not produced any documents, plans showing original structures and civil court has no jurisdiction in CRZ issues and the existing structure are extended beyond the original plinth in the NDZ area.</p> <p>Recommended that the structure was existing prior to the CRZ Notification 19/2/91 and in accordance with law.</p>
15.	M/s Quinsan Cottages	Situated in Syno.12/3 of village Sernabatim	<p>Report dated 5/10/2015</p> <p>The Inquiry Committee of GCZMA has interalia considered that the</p>

			<p>affected party sought permission from village panchayat to reconstruct huts in the year 1985; Repair permission was granted for Hno.107/4 in the year 1986, N.O.C granted by village panchayat to register the cottages with tourism department of the year 1988, N.O.C granted by village panchayat to open bar and restaurant in the year 1997;payment of house tax ,light tax from the year 1986 -87 till 1991-92 in respect of houseno.107/4 and from 1992-93 till date in respect of new hno.107/1 to the panchayat; and also considered the rival contentions of the complainant that there is no stamp in the letter dated 25/6/85 addressed to the panchayat permission to reconstruct the hut with laterite stones; that the permission dated 8/7/88 is for repairing /maintenance work of a temporary shed and no construction plans or permissions from TCP or GCZMA has been</p>
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			<p>produced.</p> <p>Recommended that the structure was existing prior to the CRZ Notification 19/2/91 and in accordance with law.</p>
16.	M/s Longuinhos Beach Resorts	Structures are situated in syno. 51/2/B and 50/2-A of village Colva	<p>Report dated 14/9/205</p> <p>The Inquiry Committee of GCZMA has interalia considered that the ecological development Council of Goa gave no objection to the Hotel project in the year ; the said clearance was based in Environment impact assessment report ;construction licence was granted by panchayat in the year 1984 and 1987;occupancy certificate was issued by the panchayat in the year 1986 and 1989.</p> <p>Recommended that the structure was existing prior to the CRZ Notification 19/2/91 and in accordance with law.</p>
17.	Department of Tourism	Structures are situated in Sy no.37/5 & 6 and 37/11 of village Colva	<p>Report dated 14/9/2015</p> <p>The Inquiry Committee of GCZMA has interalia considered that the all the 30 stall were taken over by the Tourism Department in the year 1988, and further rival</p>

			<p>contention of the complainant that affected party has not produced approved plans of the structure; that the structures are permanent in nature with extensions; plans produced are unsigned without any stamps or reference number and date and a site inspection to be conducted with the assistance of DSLR to map and verify the structures and the plinth. Recommended that the structure were existing prior to the CRZ Notification 19/2/91 and in accordance with law.</p>
18.	M/s Lucky Star Ventura Fernandes	Structures are located in the property in Sy no.50/2 of village Colva	<p>Report dated 9/9/2015 The Inquiry Committee of GCZMA has interalia considered that the house tax receipts of the Hno.102(old), 294(new) Hno.102/2 (old), 294/1 (new) and 295 are of the years 1973, 1974, 1977, 1978, 1988, 1990, certificate of registration of guest house unit Beach Villa ventura in Hno.2295 was of the year 1988, Toursim registration fees is for year 1989-90, 1990-91;</p>

			<p>inspection report of the Department of Tourism in respect of Hotel lucky star is of the year 1988; Challan payments of registration fees of Hotel Lucky Star are of year 1988;predecessor in title of the affected party filed application for registration of Hotel Lucky Star are of the year 1990 and 1992, Liquor licence predecessor in title of the affected party is from the year 1980; Registration of Hotel by predecessor in title of the affected party under Tourist Trade Act is of th year 1990-91, 1992-93, 1993-94 is for Hotel Lucky Star, Bar and Restaurant and guest house.</p> <p>Recommended that the structures were existing prior to the CRZ Notification 19/2/91 and in accordance with law.</p>
19.	M/s Mickey Bar and Restaurant	Structures in Syno.96/1 of Village Betalbatim	<p>Report dated 19/5/2016</p> <p>The Inquiry Committee of GCZMA has interalia considered that survey plan prepared in the year 1972-73 shows existence of the structure; that the sale deed dated</p>

			<p>28/4/2000 refers to the house existing in Syno.96/1; that affected party purchased the property by sale deed dated 11/10/10; that affected party constructed the residential house on the eastern side leaving open the area on the northern side; that the plinth area of structure M is less than the plinth area of structure P; that the village panchayat allotted Hno. 46 and imposed house tax to the structure Hno.46 and the resolution of the panchayat revoking the allotment of house number was quashed and set aside.</p> <p>Recommended to regularize the structure of residential house having Hno.46 in Syno. 96/1 of village panchayat marked in the site plan and deal with structure and the shed in accordance with rules governing erection of temporary seasonal structure in CRZ area</p>
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In view of the above, the issue before the authority is to comply with the abovementioned orders by providing hearing to the concerned parties and further to consider or reject the recommendations of the Inquiry Committee of GCZMA while deciding the matter.

Case No. 1.5:

To comply with the Order dated 11/07/2016 passed by the Hon'ble NGT, Pune in the matter of Poinguinkarancho Ekvott V/s State of Goa & Ors. in Execution Application No. 1/2016 in Application no. 111/2014 (Disposed on 08/07/2015)

Background

Earlier an application was filed by Poinguinkarancho Ekvott v/s The State of Goa & ors bearing Application no.111/2014 (WZ) before the Honøble NGT, Pune inter alia being aggrieved by N.O.C/Permission/Licenses granted by various authorities for erecting shacks/huts/tents on the stretches of Galgibag Beach, Canacona thereby affecting the turtle nesting sites of Olive Ridley Turtles.

The said application was disposed of vide Order dated 08/07/2015 which can be seen as under:- *“We direct that security measures shall be continued each year hereafter and any foundation if has remained to be destroyed, shall be destructed if so pointed out by the Applicant within turtle nestling area, falling within CRZ. We also direct that the Authorities shall take further care to secure protection of turtle nestling area and no entry to the tourists be allowed, nor the area be allowed to be exploited for commercial purpose in any manner and if any kind of dereliction in duty is found the Applicant may approach this Tribunal for violation of directions of which we will be strained to take notice and take penal action under Section 26 of the NGT Act, 2010”.*

Thereafter, the present Execution Application bearing No. 1/2016 was filed inter alia alleging non-compliance of the directions contained in the Order dated 08/07/2015. The matter came for hearing on 23/2/2016 wherein the Honøble NGT,Pune observed as under :- *øOrder dated 8th July, 2015 has specifically issued direction to the Authorities to protect turtle nesting area from exploitation for commercial purpose in any manner. If*

one looks at the special provisions made for the purpose of CRZ in State of Goa at Paragraph No.8(V)(3) of CRZ Regulation Notification, 2011, the beaches such as Mandrem, Morjim, Galgiba and Agonda have been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972 and no developmental activities are permitted in turtle breeding areas referred to in sub-paragraph (vii). **GCZMA was required to survey these areas and prepare management plan for protection of these turtle nesting sites. We have now been informed by learned Counsel appearing on behalf of GCZMA that the Authority has not prepared management plan with reference to the turtle nesting area at Galgibag.** We have before us private individuals against whom the allegation is made by the Applicant that they are violating the Order passed by this Tribunal, particularly, the Order disposing of the Application No.111/2014. Whether these individuals are exploiting the turtle nesting area for commercial purpose or not is a question which can be answered with reference to the management plan prepared by GCZMA and their version of the facts vis-a-vis the private individual Respondents. Learned Counsel appearing on behalf of GCZMA submits that **the GCZMA will prepare such plan within 03 weeks** and the facts necessary for resolution for the controversy before this Tribunal will be placed. We expect the GCZMA to comply with this assurance. Chairman of GCZMA shall look into this matter for the purpose of rendering expeditious environmental justice".

The Honøble NGT, Pune vide Order dated 23/02/2016 GCZMA was required to prepare a Management Plan with respect to conservation and Protection of Turtle Nesting areas at Galgibaga within 3 weeks. In this regard, Provisional Management Plan for Conservation and Protection of Turtle Nesting sites at Galgibag Village beach area in Cancona Taluka, South Goa District, Goa State prepared by Dr. Joseph S. Rauto De Souza, Chief Scientist, Department of Science, Technology & Environment, Government of Goa along with The Goa State Biodiversity Board as the collaborating, contributing and consultation partners. In view of the above, the provisional Management Plan for Conservation and Protection of Turtle Nesting sites at Galgibag Village beach area in Cancona Taluka, South Goa District, was circulated amongst the GCZMA members for their comments and approval.

In the **126th GCZMA meeting held on 29/3/2016** the matter was placed as additional agenda under case no.7.1 and the authority after detailed discussion and due deliberation and upon perusal of the provisional Management Plan, the Authority decided

to grant in-principle approval for said provisional Management Plan Conservation and Protection of Turtle Nesting sites at Galgibag Village beach area in Cancona Taluka prepared and submitted by Dr. Joseph S. Rauto De Souza, Chief Scientist, Department of Science, Technology & Environment, Government of Goa. The Authority further decided to file the same before the Honøble Tribunal. The Member Secretary, GCZMA further informed the members to submit their comments if any, with respect to the above said provisional Management Plan at the earliest which will be incorporated in the said report and thereafter, the same will be finalized.

The said provisional Management Plan Conservation and Protection of Turtle Nesting sites at Galgibag Village beach area in Canacona Taluka prepared and submitted by Dr. Joseph S. Rauto De Souza, Chief Scientist, Department of Science, Technology & Environment, Government of Goa was filed before the Honøble NGT, Pune vide affidavit in reply dated 26/3/2016. The fact of approval of the abovementioned plan was recorded in the Honøble NGT, Pune in its order dated 27/04/2016. The said plan directed to be furnished to all the respondent so as to enable them for filing counter to it if any.

Now vide order the Honøble NGT, Pune has vide order dated 11/7/2016 has directed the GCZMA as under :- *“Before we record complete satisfaction of the Order dated 8th July, 2016, we will like to understand the physical extent of the designated CRZ area at Galgibag Beach which is identified as Oliver Ridley Turtle Nesting area. Reading of the Management Plan before us only opens a little window on this aspect in following terms: “The Galgibag Village is one of the southernmost villages in Canacona Taluka, South Goa District, Goa State. The Galgibag beach is about 15 kms south of Palolem beach, whilst the Agonda beach is around 5 kms north of Palolem. The Galgibag beach is around 55 kms from the Capital City of Panaji. It is accessible by an all weathered road and partly by rail. The coastline is a fairly undulating shoreline with comparatively sparse vegetation. The Olive Ridleys turtles generally visit the coast of Galgibag during the months from November to May, every year and prepare their nests and hatch their eggs in this region. The beach is about 2.5 kms long with a varying width with the Galgibag River at the southern end and the Talpona River at the Northern end, both draining into the Arabian Sea. The beach has fringes of stabilised sand dunes, with scarce plantation of Casuarina. The confluence of river Galgibag with Arabian Seas is witnessed here. Uniquely, the Galgibag beach is broadly an undisturbed beach in Canacona Taluka in South Goa District, because of its unique conducive characteristics, Olive Ridley turtles, migrate to this beach for nesting; tentatively from November to May, yearly.”*

We, therefore, direct GCZMA to describe in clear terms, particularly, with reference to the map, the physical extent of the turtle nesting area as envisaged in CRZ Notification, 2011 and the present status of the said land in order to reveal whether the first thing required under execution i.e removal of the shacks and temporary structures has been achieved or not".

The matter is now fixed for further **hearing on 22/08/2016** for necessary compliance of the order dated 11/7/2016.

In view of the above, the issue before the authority is to comply with the abovementioned order by preparation of a map as to physical extent of the turtle nesting area as envisaged in CRZ Notification 2011 and present status of the land i.e removal shacks etc affecting the site under reference which may require site inspection/verification and file compliance to the Honøble Tribunal in the matter.

Case No. 1.6:

To stop operation and Illegal/Unauthorized Construction and of temporary seasonal structure, shacks/ huts/ cottages/tents within CRZ area in Coastal areas of State of Goa and comply with orders of NGT in the Execution 21/2016 Application No. 03/2014 (Aleixo Arnolfo Pereira V/s. State of Goa & Ors.).

Background

The Honøble NGT, Pune is pleased to disposed of the Application No. 03/2014 (Aleixo Arnolfo Pereira V/s. State of Goa & Ors.) vide Judgement dated 17/12/2014 which was mainly challenging inter alia permissions granted by the Directorate of Tourism & GCZMA allowing raising of temporary beach shacks and huts in private properties, around villages of Majorda and Utorda.

The said application was disposed off vide various direction contained Para 17(i) to 17 (v) interlia required the project proponent to apply for N.O.C/ Permission of Temporary seasonal shack interms of n terms of para 8 (v) 3 (iii) (CRZ of Goa) of the CRZ Notification 2011, as amended.

The Honøble NGT, Pune had vide order 09/02/2016 passed by this Honøble Tribunal interalia directed the GCZMA to revoke all such permissions issued by them within a week. Accordingly the matter was placed for compliance of the said order in the 125th GCZMA meeting held on 11/02/2016 wherein the authority after detailed discussion and due deliberations, the Authority decided to comply with the Order dated 09/02/2016 passed by the Honøble NGT, Pune in Application No. 3/2014 in the matter of Mr. Aleixo Pereira V/s. State of Goa & Ors. and directed the Member Secretary to revoke all the provisional Approvals / permissions granted / issued to the project proponents for erection of temporary seasonal structures in private properties and file a compliance report accordingly.

After disposal of matter i.e (Stamp number Main no.636/2016 writ petition filed by All Goa Private property Shacks and Hut Owners Association v/s State of Goa & ors) by the Honøble High Court of Bombay at Goa, the issue pertaining to shacks was further discussed and deliberated upon in the 128th GCZMA meeting held on 06/05/2016 wherein the Authority perused the records and decided to issue demolition orders to all the proponents who were granted N.OC/ Permission.

The Honøble NGT, Pune in last order 26/7/2016 passed in execution 21/2016 in application 3/2014 has recorded as under:- *“This is an execution proceeding regarding the Order passed by this Tribunal in Application No.3/2014 on 17TH December, 2014 and further Order on M.A. No.186/2014. The Applicant Execution Petitioner is present in person and rightly points out to the fact that his relentless efforts to get the order of this Tribunal implemented for restoration of environment, particularly to prevent issue of licences illegally has been in futility. The Applicant also points out to us at his submission and on placing relevant material before us we had, issued several directions, in furtherance of our Orders under execution to GCZMA. Having noticed default wilful or otherwise, we were constrained to issue Notice of show cause as is evident from our Order dated 2ndMay, 2016. The Cause Notice required GCZMA and its Chairman to explain lapses and particularly the act of the GCZMA in issuing erratically licences to more than one to Respondents against its own guidelines and order.The Order dated 2ndMay, 2016 has been defied in non-compliance except filing an answer to the Show Cause by GCZMA”.*

*“The learned Counsel representing GCZMA Ms. Fawia M. Mesquita submits that she has been engaged recently and is not in possession of all relevant material record to make her submission with regard to the explanation offered by the GCZMA to the Show Cause Notice and unable to explain whether there is lapses on its part. It is also brought to our notice that on expiry of its term up loss of time or otherwise, GCZMA is no longer legally in existence and new GCZMA has to be constituted. No information is furnished to us to indicate what steps have been taken by MoEF for reconstitution of the GCZMA and the stage at which the process is as on today. **In the circumstances, the legal entity i.e. GCZMA is said to be not in existence as on today. Consequently, who has to answer?***

Undoubtedly, MoEF has to answer to the lapses and act of malfeasance and misfeasance/ or violation of the Orders of this Tribunal. Hence, we issue Notice to the Principal Secretary MoEF to look into these issues and make his submission by the next date of hearing. Registry is directed to forward copy of the Order dated 17 th December, 2014 in Application No.3/2014 and the Order passed on M.A. No.186/2014 as also the copies of the Orders passed in these proceedings i.e. dated 2nd May, 2016, 20th May, 2016 and copy of the Show Cause Notice issued to GCZMA to the Principal Secretary MoEF for his ready reference and response.

The copy of the same documents be furnished to the Chief Secretary, State of Goa requesting him to examine the issues pointed out by this Tribunal. He shall also, after obtaining relevant information from concerned, submit his report to this Tribunal.

“We make it further clear that in case, during this period if new GCZMA is constituted then the new incumbent GCZMA shall follow the stage from which the Show Cause Notice has been issued and make submission on the next date of hearing”.

The next date of hearing in the matter is fixed on 1/09/2016.

The National Centre for sustainable Coastal Management (MoEF) has been inter alia allotted the work of mapping of sand dunes and execution of carrying capacity for coastal beaches which part of compliance of direction 17 (iii) and (v) contained in the order dated 17/12/2014. The status of the said report has been sent vide email dated 28/7/2016 (letter dated 20/7/2016).

The Status is provided as under:

Sr. No.	Project	Status as on 01/06/2016	Remarks
1.	Delineation of sand dunes. Start date : 06/06/2016 End date: 05/10/2016	Mapping of sand dunes from Aerial Photographs completed. Land use / land cover mapping commenced.	Teams for field verification are being inducted by end of July 2016. Cadastral data available only for 600 m from the coast ó some data missing ó detailed map enclosed.
2.	Execution of CZMP of Goa. Start date: 06/06/2016 End date: 05/12/2016	HTL and ESA mapping of Goa required for preparation of CZMP completed.	For some creeks, cadastral data are required ó detailed map enclosed. Municipal limits (Urban and rural boundaries) are required.
3.	Execution of carrying capacity for the coastal beaches of Goa. Start date: 06/06/2016 End date: 05/12/2016	Preliminary field work completed in May 2016. Mapping of beach shacks using aerial photographs (9 cm Ground Sampling Distance) has been completed. Preparation of a framework for beach shack carrying capacity is ongoing.	Field Teams for field verification are being inducted by end of July 2016.

The NCSCM has requested for the Cadastral data of the gap areas and the Municipal boundaries of the coastal areas of Goa which has to be urgently provided to them.

It has been brought to the notice of this authority now that there are many of temporary seasonal structure, shacks/ huts/ cottages/tents being constructed and operated within coastal areas of State of Goa without **any permission/ N.O.C from the GCZMA** and other licensing authorities.

In this regard the authority has taken serious note of the above and decided to discuss the directions to be issued/ course of action to be adopted to ensure immediate

stoppage of operation and or demolition of such Illegal/Unauthorised Construction temporary seasonal structure, shacks/ huts/ cottages/tents and compliance of NGT orders.

Item No. 2:

Any other Item with permission of the Chair.

Sd/-

(Vikas S. Naik Gaunekar)

Director, Environment Department
& Ex- Officio Joint Secretary to
Government
