

**AGENDA ITEMS FOR THE 176<sup>th</sup> MEETING OF THE GOA COASTAL ZONE  
MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 22/06/2018 (FRIDAY) AT  
3:30 P.M. IN THE CONFERENCE HALL, 2<sup>ND</sup> FLOOR, SECRETARIAT, PORVORIM –  
GOA.**

**Item No. 1:**

**Case No. 1.1**

**To discuss and deliberate upon Original Application bearing No. 181/2016 (WZ) was filed by Mr. Kashinath Jairam Shetye before the Hon'ble National Green Tribunal, Pune (WZ), thereby challenging the alleged illegal construction done by hill cutting, carried out by Mr. Prasad Naik & Ors.**

**Background:** the Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA in short) is in receipt of a complaint letter, dated 27/07/2015 from Mr. Kashinath Jairam Shetye & Ors. with regards to alleged illegal construction by hill cutting in the property bearing Sy.No. 63/1, 2 & 3 of Penha De Franca Village, next to Fisherman Jetty, Betim, Bardez Taluka, being carried out by Mr. Prasad Naik. A Show Cause notice dated 4/08/2015 bearing ref no. GCZMA/ N/ ILLE-COMPL/ 15-16/61/1083 was issued by GCZMA which was duly replied Mr. Prasad Naik vide reply dated 28/08/2015. An Original Application bearing No. 181/2016 (WZ) was filed by Mr. Kashinath Jairam Shetye before the Hon'ble National Green Tribunal, Pune (WZ), thereby challenging the alleged illegal construction done by hill cutting, carried out by Mr. Prasad Naik & Ors. The said Application has been disposed of vide order dated 27/01/17 by the Hon'ble National Green Tribunal, Pune, (WZ), with direction to the GCZMA to take cognizance of the statements made on behalf of respondent Nos. 1 and 2 and shall dispose of the complaint letters dated 27/07/15 and 14/09/15 in accordance with law as expeditiously as possible. The site under reference was inspected on 3/3/2017 by the Expert Members of GCZMA who submitted their report. Later the said matter was placed for hearing during 170<sup>th</sup> GCZMA meeting held on 27/03/2018 wherein the Authority heard both the parties and decided to issue necessary documents like site inspection report and other relevant documents to both the parties and further decided to take up the matter in its next meeting.

**In view of the above, the matter was placed before the Authority for grant of personal hearing to the parties.**

**Case No. 1.2**

**To discuss and decide on the complaint filed by Goa Paryavaran Savrakshan Sangharsh Samitte pertaining to alleged illegal construction of buildings / structures within NDZ carried out by M/s. Thalasa Resort in the property bearing Sy. No. 214/1 of Anjuna Village, Bardez – Goa.**

1. An Application bearing No. 106/2015 was filed by Goa Paryavaran Savrakshan Sangharsh Samitte before the Hon'ble NGT, Pune thereby challenging the alleged illegal construction of buildings / structures within NDZ area by M/s. Thalasa Resort in the property bearing Sy. no. 214/1 of Anjuna Village, Bardez . Goa.
2. The said Application came to be disposed off by the Hon'ble NGT, Pune with a common order dated 29/10/2015 with a direction to the Applicant to file proper complaint to the GCZMA and then GCZMA to take necessary action.

3. Accordingly, as directed by the Hon'ble NGT, Pune a complaint letter dated 30/10/2015 was filed by Goa Paryavaran Savrakshan Sangharsh Samittee with regard to the alleged illegal construction of buildings / structures within NDZ area at various beaches in the State of Goa viz. Anjuna, Vagator, Morjim, Mandrem etc. carried out by various Beach Resorts etc.
4. It may also be noted that, the GCZMA had received another complaint letter dated 23/11/2015 from Mr. Kashinath Shetye with regard to the same subject matter.
5. Accordingly, upon receipt of the said complaints the same were forwarded to the Inquiry Committee of the GCZMA for inquiry and report.
6. The Inquiry Committee of the GCZMA after conducting due inquiry which includes site inspection and grant of personal hearing to the parties, submitted their report on 10/06/2016. The Inquiry Committee report concludes as under:
  - a) To remove all the temporary seasonal structures of M/s. Thalasa Resorts in Sy. No. 214/1 of Anjuna Village if they are existing after the end of the season May 2016 and
  - b) Direct the Village Panchayat of Anjuna and the Tourism Department not to grant any permission for M/s. Thalasa Resorts for erection of temporary seasonal structures unless prior approval in accordance with CRZ Notification is obtained from GCZMA.
7. The GCZMA is in receipt of additional complaint from Goa Paryavaran Savrakshan Sangharsh Samittee regarding demolition of unauthorized construction of buildings of M/s. Thalasa at Vagator Beach and Guest House at Anjuna beach situated in NDZ in Sy. No. 214/1 of Village Anjuna, Bardez . Goa.

The said matter was placed in the 160<sup>th</sup> GCZMA meeting held on 17/10/2017 for grant of personal hearing to the parties wherein the Authority noted that the complainant sought time. Accordingly Authority decided to place the matter in its next meeting.

During 163<sup>rd</sup> meeting held on 14/11/2017 Authority after detailed discussion and due deliberation and upon hearing the parties so also, on perusal of documents on record decided to conduct inspection of the site under reference in order to verify on site on 22/11/2017. The site under reference had been inspected by expert member alongwith DSLR surveyor and submitted report.

#### **Site Inspection Report:**

A site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Eng. Audhoot Bhonsule on 22/11/2017. The DSLR representatives, Mr. Rajesh Harmalkar and Mr. Sudesh Sawant accompanied the site inspection. At site, Mr. Sadanand Morajkar was present who showed the site and explained about the constructions present at site. Also present was Mr. Haresh Karmalkar, who is a representative of the complainant, Mr. Kashinath Shetye. The details of site observation are as follows;

- i) The site is a plot of land with Sy. No. 214/1 and is lying towards the west of Ozrant - Vagator road.
- ii) The plot is having an area of 700 sq.m. and it is in the name of Mr. Sadanand Morajkar as per Form I and XIV submitted.
- iii) The plot is surrounded by a compounded wall starting from the Ozrant-Vagator road by keeping a setback of 1 . 2.5m from the edge of the road and is provided with a main wooden gate in the centre.
- iv) The survey plan brought by DSLR representative indicated only 2 existing structures in the plot, but these structures are not in the survey plan of 72-74.

- v) However, the permit (No. 33/81-82) for the year 1981-82 issued by the Village Panchayat, Anjuna . Caisua and occupancy certificate No. VP/ANJ/33/81-82 dated 31/3/1982 issued in the name of Eliano Mario Pinto indicate that the structures in Sy. No. 214/1 were existing prior to 1991.
- vi) Presently, at site, the constructed structures are apparently in two rows, one row towards the right of the gate entry is having an office block and a kitchen.
- vii) Behind the kitchen are 3 wooden huts in a row and lastly one partially open showroom like structure displaying the clothes for sale and is lying towards the east near the gate entry.
- viii) Office block and kitchen are masonry structures, constructed of lateritic stones covered with cane sheets and white washed to give an impression of temporary structures.
- ix) The flooring done inside is of tiles and is of permanent nature.
- x) In the left row, there are 3-4 rooms, covered with cane sheets and white washed, a toilet and a big water tank fitted just near to the gate entry.
- xi) The passage in between the two rows of structures and its surroundings is laid with rough kotah stone flooring with cemented joints.
- xii) Roofs of all the structures are covered with coconut leaves to give an outlook of temporary shacks.
- xiii) As regards the toilet block erected within the premises in the left row, the owner says that the toilet waste is dispensed off with the help of tankers.
- xiv) Outside the Sy. No. 214/1 towards the seaside is the Restaurant Shack white washed and is having white cemented floor with 40 no. tables and 160 no. chairs.
- xv) No NOC / permission from GCZMA could be produced by the owner for the said shack during the site inspection.
- xvi) The report dated 09/06/2016 submitted by the Enquiry Committee of GCZMA identified all the temporary structures of M/s Thalasa Resort as illegal and directed the GCZMA to remove all these structures in Sy. No. 214/1 if they are existing after May 2016.
- xvii) Also suggested the GCZMA to direct V.P. of Anjuna and the Tourism Department not to grant any permission to M/s Thalasa Resorts for erection of temporary seasonal structures unless prior approval is granted by GCZMA.

### **Conclusion and Recommendation**

- i) The survey map of the site with Sy. No. 214/1 at Ozrant, Vagator indicates two old existing structures almost fully covering the plot.
- ii) Presently, the structures constructed in Sy. No. 214/1 included some temporary wooden structures and some permanent lateritic structures.
- iii) All these structures are constructed within 0-200m from the HTL at Ozrant and are within the NDZ area.
- iv) All the structures are constructed without any permission from GCZMA.
- v) Though Mr. Sadanand Morajkar claims that he has obtained permissions from GTDC and Anjuna-Caisua Village Panchayat, he never bothered to take GCZMA permission.
- vi) So also, the structures erected of temporary and permanent nature at site covers up almost the whole plot area as seen from the site inspection, which accounts for more than 33% of the plot area and are in contravention to the Carrying Capacity Report.
- vii) As per CRZ Regulation, the construction done without GCZMA permission is a violation.
- viii) Similarly, the erected structures occupying more than the 33% of plot area (prescribed limit for temporary structures as per Carrying Capacity Report), indicates another violation.

- ix) Thirdly, the violator has encroached in the other plot next to Sy. No. 214/1 (as per the DSLR survey) without obtaining the permission of the land owner and is a third violation.
- x) All the erected structures thus become illegal structures.
- xi) The Enquiry Committee vide its report dated 09/06/2016 had instructed the GCZMA to remove all the temporary seasonal structures.
- xii) So, the Authority may deliberate for a decision on the matter.

Later the said matter was placed for hearing during 170<sup>th</sup> GCZMA meeting held on 27/03/2018 wherein the Authority heard both the parties and decided to issue necessary documents like site inspection report and other relevant documents to both the parties and further decided to take up the matter in its next meeting.

**In view of the above, the matter was placed before the Authority for grant of personal hearing to the parties.**

### **Case No.1.3**

**To comply with the Order dated 10/11/2017 passed by the Hon'ble NGT, Pune in Miscellaneous Application bearing No. 163/2017 (WZ) in Application 61/2016 (WZ) in the matter of Kashinath Shetye V/s Nazri Beach Resort & Ors.**

1. The Office of the Goa Coastal Zone Management Authority was in receipt of a Complaint letter dated 23/09/2015 from Kashinath Shetye along with Ors, with regards to the alleged illegal construction of mega project known as Nazri Beach Resort+ in the property bearing Sy. No. 319/2, 3, 4, 5, 7 & 12 of Village Calangute, Bardez-Goa carried out by M/s. Elite Builders, having office at one stop, Porbawaddo, Calangute, Bardez-Goa, in contravention of the CRZ Notification 2011 and without obtaining prior approval from the Ministry of Environment and Forests (MoEF), etc.
2. Accordingly, this office had issued Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/15-16/114/1902 dated 11/11/2015 was issued to M/s. Elite Builders, a Partnership Firm, having office at one Stop, Porbawaddo, Calangute, Bardez-Goa.
3. Also, an Application bearing No. 61/2016 has been filed by Mr. Kashinath Shetye before the Hon'ble NGT thereby challenging for constructing a building and running a hotel without valid EC has not been considered by GCZMA.
4. Since GCZMA has already issued show cause notice to the violator, Delay of course is manifesting but that does not generate a cause of action under the provisions of section 14 of the NGT Act 2010, thus reserving the liberty to the applicant NGT disposed off the said matter vide Order dated 10/05/2016.
5. Further, an Application bearing No. M.A. No. 163/2017 in O.A No. 61/2016 has been filed by Mr. Kashinath Shetye before the Hon'ble NGT, Pune.
6. Now Hon'ble NGT has disposed off the said matter directing the applicant and respondent to appear before GCZMA with all the relevant material either in support of their respective cases against the rival cases and place the same before the GCZMA on 29/11/2017.
7. Also GCZMA to hear the parties and carry out enquiry as it deems fit and pass order in accordance with law within 2 months.

The said matter was placed for hearing during 164<sup>th</sup> GCZMA meeting held 29/11/2017 Authority heard the both parties and decided to conduct a site inspection of the proposed project and site on 12/12/2017. The site under reference had been inspected by expert member alongwith DSLR surveyor and submitted report.

### **Site Inspection Report:**

A site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Eng. Audhoot Bhonsule along with the representative of DSLR Mr. Rajesh Harmalkar. From the complainant's side, the members present were Mr. Mukundraj Mudras and Mr. Narendra Chodankar. Mr. Michael Lobo was personally present at the site who explained about the said construction and the details are as follows;

- i) At site, where the construction has been done, Mr. Michael Lobo showed the buildings and explained about his construction and also told that he has done the construction by obtaining proper permissions from the Authority. He also told that he got the survey done from the retired field surveyor of DSLR whose report says that the said constructions are situated beyond 500m from the HTL.
- ii) The documents attached to the file are the survey plan of property bearing Sy. Nos. 319/2, 3, 5 and 12 along with the report dated 15<sup>th</sup> Sept., 2009 prepared by the retired field surveyor of DSLR, Mr. E. B. Naik.
- iii) The plan and the report indicate that the building No. 1: A - B is 508 m away from the HTL, building No. 2: C . D is 502.5m away from the HTL and the buildings E - F is 501.00m away from the HTL.
- iv) The letter dated 27/06/1995 from the Chief Town Planner of the Town and Country Planning Department, Panaji attached indicates that the plot bearing Sy. No. 319/5 of Calangute village is outside the 500m line from the HTL.
- v) Other letters dated 27/06/1995 from the Associate Town Planner, TCP, Panaji also indicate that the plot bearing Sy. Nos. 319/12, 319/3 and 319/5 of Calangute Village are outside 500m from the HTL.
- vi) After getting the info from Mr. Michael lobo and doing the site inspection at the constructed site, the team proceeded towards the seaward side for locating the HTL marking for doing the measurement.
- vii) There are many constructions on the way while going to the beach across the road for taking the measurement.
- viii) Upon reaching the beach the old landmarks could not be located for deciding the HTL.
- ix) It was therefore decided to first identify the HTL. As per the information provided by the DSLR, the only HTL available with DSLR is that of the year 2006, which is the identified HTL line by NIO for which the survey done by DSLR based on High Court order.
- x) The DSLR suggested that the demarcation can be done by using the said line.

### **Conclusion and Recommendation**

- i) As the HTL line could not be decided at site on the day of site inspection, the available HTL line of 2006, identified by NIO as per the High Court order can be considered for measuring the distance from the HTL to the buildings constructed by M/s Elite Builders.
- ii) This work can be entrusted to DSLR by using Total Station measurement.
- iii) So, in the absence of any HTL line, prior to or after 2006 with DSLR, the Authority can decide to direct the DSLR to do the measurement of the distance from the HTL to the alleged illegal structures of M/s Elite Builders by considering the HTL of 2006.
- iv) This may be deliberated in the Authority meeting for a decision.

The said matter was placed for hearing during 170<sup>th</sup> GCZMA meeting held on 27/03/2018 wherein the Authority heard both the parties and decided to issue necessary documents like site inspection report and other relevant documents to both the parties and further decided to take up the matter in its next meeting.

In view of the above, the matter was placed before the Authority for grant of personal hearing to the parties.

**Case No. 1.4**

**To discuss and decide on the Complaint dated 09/03/2016 with regard ,to alleged illegal construction of structure and using the same for commercial purpose in the name of U. V. Bar & Restaurant situated in the property bearing Sy. No. 128, Anjuna, Bardez – Goa carried out by Mr. Sandeep Chimulkar**

1. The GCZMA was in receipt of a complaint letter dated 09/03/2016 from Mr. Desmond Alvares, R/o. H. No. 470, with regard to alleged illegal construction of structure and using the same for commercial purpose in the name of U. V. Bar & Restaurant situated in the property bearing Sy. No. 128, Anjuna, Bardez . Goa carried out by Mr. Sandeep Chimulkar, R/o. H. No. 1110, Mazal Waddo, Anjuna, Bardez- Goa.
2. upon receipt of the said complaint, the GCZMA issued a Show Cause Notice dated 28/04/2016 to Mr. Sandeep Chimulkar, to which reply was filed by him on 09/05/2016 stating that there are many sub division of Survey No. 128 of Village Anjuna and he owns some of the sub divisions as such inorder to file proper and detailed reply to the Show Cause Notice it is necessary to specify the sub division number.
3. Accordingly, in view of the same, a letter was issued to the Complainant with a direction to provide the specific sub-division number of the property bearing Sy. No. 128 of Village Anjuna, Bardez . Goa pertaining to the illegal activity in question.
4. Further, the Complainant, Mr. Desmond Alvares vide letter dated 16/08/2016 informed that the U.V. Bar & Restaurant is situated in the property bearing Sy. No. 128/30, 32 and 35 of Village Anjuna, Bardez . Goa.
5. Upon receipt of the said letter, a Show Cause Notice Cum Stop Work Order dated 26/09/2016 was issued to Mr. Sandeep Chimulkar in respect of the property bearing Sy. No. 128/30, 32 and 35 of Village Anjuna, Bardez . Goa. A reply dated 17/10/2016 was received for the said Show Cause Notice Cum Stop Work Order.

The reply in brief states as under:

- a) He is the owner in possession of the property bearing Sy. No. 128/35 of Village Anjuna, Bardez . Goa only.
- b) The property bearing Sy. No. 128/30 and 32 does not belong to him and it belongs to Pooja Chimulkar and Medha Chimulkar.
- c) The structure referred to in the Show Cause Notice has been existing in the property bearing Sy. No. 128/35 prior to 19/02/1991 i.e. before coming into force of the CRZ Notification.
- d) the structure in question is also reflected in the DSLR Survey Plan.
- e) Also, a letter has been issued by the Village Panchayat stating that as per the demand and collection register of House and Light tax, the house bearing No. 719/1 stands in the name of Mr. Sandeep Chimulkar from the year 1985-86.
- f) Also, the Village Panchayat of Anjuna vide letter dated 12/10/1990 has granted NOC to keep tourist paying guest which proves the existence of the structure in the property and also, that the said structure was used for commercial purposes even prior to coming into force of the CRZ Notification.
- g) The issue of the legality of the structure came up for consideration before the Panchayat and a Show Cause Notice was issued, which he had replied to. The issue came up for consideration in resolution No. 142/2008-2009 and in the said resolution upon consideration of the records of the Panchayat and

the survey records it was resolved to withdraw the Show Cause Notice thereby endorsing the legality of the structure and the fact that it has been in existence prior to 1991.

- h) The structure in the said property was in existence and was used for commercial purpose prior to coming into force of the CRZ Notification and the complaint is baseless and frivolous.

The said matter was placed in the 159<sup>th</sup> GCZMA meeting held on 10/10/2017 for grant of personal hearing to the parties wherein the Authority noted that the respondent sought time to submit written submission as he has received the notice late. The respondent was asked to submit written reply by 17<sup>th</sup> October 2017 with a copy to the complainant. Accordingly reply from Shri. Sandeep Chimulkmar dated 17/10/2017 received by this office enclosing certificate/NOC issued by the Village Panchayat Anjuna Caisua dated 12/10/1990 alongwith resolution passed issued by village Panchayat Anjuna- Caisua and copy of electricity bill of his house dated 28/08/1989.

The said matter was placed in the 161<sup>st</sup> GCZMA meeting held on 24/10/2017 for grant of personal hearing to the parties wherein respondent Mr. Sandeep Chimilkar submitted request letter before Authority seeking extension of 30 days time. Authority after discussion and perusing letter submitted by respondent decided to grant 30 days time for the applicant and decided to take up the matter in next Authority meeting on 29/11/2017.

The said matter was placed in the 164<sup>th</sup> GCZMA meeting held on 29/11/2017 Authority heard the both parties and directed respondent to produce documents stating that the structure is prior to 1991 and bar licenses. Also original certificate from the Village Panchayat Anjuna stating that the structure present prior to 1991, before 06/12/2017 to the office of Goa Coastal Zone Management Authority. Further Authority decided to take further call on the matter after receiving reply from the respondent. This office has not yet received any reply from the respondent. The said matter was placed for hearing during 170<sup>th</sup> GCZMA meeting held on 27/03/2018 wherein the Authority heard both the parties and decided to issue Show Cause Notices to Pooja Chimulkar and Medha Chimulkar who are owners of the said property. This office received a reply dated 28/05/2018 from Mrs. Pooja Chimulkar for said Show Cause Notice stating inability to file reply and requesting for additional time to file a reply.

**In view of the above, the matter was placed before the Authority for grant of personal hearing to the parties.**

#### **Case No. 1.5**

**To comply with the Order dated 24/11/2017 passed by the Hon'ble NGT, Pune in Original Application No. 173/2017 in the matter of Kashinath Shetye v/s Nirmala P. Sawant & Ors.**

#### **Background:**

- 1) Kashinath Shetye filed a complaint dated 25/05/2016 against Nirmala Sawant regarding illegal construction of a new house within CRZ area and also, cutting of mangroves and filling of creek carried out in the property bearing Sy. No. 28/1-C, at Tivrem, Ponda . Goa.
- 2) Accordingly this Authority issued Show Cause Notice to the Nirmala Sawant dated 20/06/2016.
- 3) Reply dated 08/07/2016 received from Mrs Nirmala Sawant.

- 4) Further complainant filed an Original Application before Honble NGT, Pune bearing O.A No. 173/2017 (WZ) .
- 5) As per NGT Order dated 24/11/2017 the said matter is disposed off directing the complainant and the Respondent to appear before GCZMA on 12/12/2017 with all the relevant material in support of their respective cases and shall take decision in accordance with law within 2 months. However Authority postponed its meeting to 27/12/2017 due to Winter Legal Assembly session.
- 6) The said matter was placed during 166<sup>th</sup> GCZMA meeting held on 27/12/2017 wherein The Authority noted that an inspection has not been carried out. And hence, decided to carry out a joint inspection and survey along with the surveyor of DSLR. The Authority decided to hear the matter on 09/01/2018 however, the complainant Shri. Kashinath Shetye is not in a position to attend the hearing on 09/01/2018 as he has a matter in Honple NGT. Hence, the Authority has decided to hear the matter on 23/01/2018. The respondent also agreed for the same.

### **Site Inspection Report:**

A site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Mr. Shirang Jambhale along with the DSLR representative Mr. Sudesh Sawant on **22/01/2018**. At site, the respondent's representative present was Mr. Atreya Sawant, whereas from the complainant's side the representatives present were Mr. Narendra Chodankar and Mr. Harish Karmalkar. The details of site inspection are as follows;

- i) The site includes the house constructed in plot with a Sy. No. 28/1-C of Tivrem Village of Goa state.
- ii) The house is located on an elevated land (hillock) lying towards the right side of Banastarim-Marcel main road.
- iii) Towards the left side of the Banastarim-Marcel road, is the Creek with a sluice gate situated closer to the main road.
- iv) Towards the south side of the plot and lying beyond the sluice gate and across the main road is the old agricultural field area with a Sy. No. 30/1.
- v) The said agricultural field is a Khazan field inundated with water.
- vi) Towards the south of the elevated land on hillock and touching the Khazan field water, there are two terraces made.
- vii) One of the terraces is raised upto the road level on which is a foot path or walkway of width of about 1.5 m for public access. The edge of this footpath is provided with a lateritic rubble retaining wall facing the Khazan field water body.
- viii) By the left side of the walkway, the edge of the other terrace is provided with a continuous lateritic rubble retaining wall of average 2m height. The respondent says that both the terraces with the retaining walls are existing since long and much prior to 1991.
- ix) The house has been constructed in the land area on top of the second terrace.
- x) The western edge of the plot (Sy. No. 28/1-C) facing the main road is also provided with a tall cemented lateritic retaining wall.
- xi) The distance from this tall retaining wall to the Creek is 18m, whereas the width of the Creek is 6m. So also, the width of the sluice gate is 2.3m as measured by the DSLR representative at site.
- xii) Towards the southern side, the distance between the house and the edge of the Khazan water body is 8m.
- xiii) The documents submitted by the respondent indicates that the said house was constructed up to the ground floor level well before 1991 as per the



Occupancy Certificate dated 21/07/1988 issued by the Village Panchayat of Tivrem, Goa for the said ground floor structure.

- xiv) The addition of the first floor to the said ground floor structure was subsequently done in 2013 as per the Construction license dated 16/01/2013 issued to the respondent by the Village Panchayat of Tivrem.
- xv) The Technical clearance for the said construction of first floor was issued by TCP on 18/06/2012.
- xvi) There are no mangroves on the southern side of the plot where the foot path/walkway exists.

### **Conclusion and Recommendation**

- i) The house constructed is on the elevated land /plot on the hillock and is towards the eastern side of the main Banastarim-Marcel road.
- ii) The large water body existing towards the southern side of the plot is a Khazan field and is beyond the main Banastarim-Marcel road and the sluice gate.
- iii) This water body beyond the sluice gate is not having any tidal effect.
- iv) The width of the tidally influenced Creek lying towards the western side of the plot is 6m and the NDZ applicable is only 6m from the bank of the Creek.
- v) The protection wall of the plot towards the western side facing the main road is 18m away from the edge of the Creek.
- vi) So, this 18m distance overlaps the 6m of NDZ due to the Creek.

The said matter was placed for hearing during 170<sup>th</sup> GCZMA meeting held on 27/03/2018 wherein the Authority heard both the parties and decided to issue necessary documents like site inspection report and other relevant documents to both the parties and further decided to take up the matter in its next meeting.

**In view of the above, the matter was placed before the Authority for grant of personal hearing to the parties.**

### **Case No 1.6**

**To decide on a complaint letter dated 09/05/2018 from Mr. Jose Fernandes & others R/o of Prial waddo, Near infant Jesus Academy, Velsao-Goa with regard to the alleged massive construction proposed in the property bearing Sy.No. 71/1 of Village Velsao, Goa within the No Development Zone (NDZ) in CRZ area.**

**Background:** The Office of the GCZMA has received a complaint letter dated 09/05/2018 from Mr. Jose Fernandes & others R/o of Prial waddo, Near infant Jesus Academy, Velsao-Goa with regard to the alleged massive construction proposed in the property bearing Sy. No. 71/1 of Village Velsao, Goa within the No Development Zone (NDZ) in CRZ area. The complainant also alleged the said illegal activity is being carried out without obtaining prior permission/approval from the concerned Authorities.

Accordingly a site inspection was carried out on 28/05/2018 by Expert Members of GCZMA. It was noted that the said construction activity was carried out by Saldanha Developers (p) Ltd. The expert Members of GCZMA submitted an inspection report which has interalia noted observations/findings depicting violation of CRZ Notification 2011. Further on 29/05/2018 and 30/05/2018 Saldanha Developers (p) Ltd have submitted a reply/clarification interalia stating that delay in commencement of work from the date of obtaining the N.O.C / Permission from GCZMA. Further on 12/06/2018 Saldanha Developers (p) Ltd

have submitted a reply to the show cause notice cum stop work order dated 01/06/2018 bearing No. GCZMA/S/ILL-COMP/18-19/05/293 stating that they have not commenced any work within the NDZ /CRZ area as of date. The work was started is on landward side of the CRZ area, beyond the village road, eastern side of the village road (photographs are enclosed) clearly indicating sites of the said property bearing survey Nos. 71/1 of village Velsao.

Subsequently this office received objections dated 12/06/2018 from Mr. Jose Fernandes for the said construction project.

**In view of the above, the matter was placed before the Authority for grant of personal hearing to the parties.**

### **Case No 1.7**

**To decide on application from Nalini Da Rosa Fernandes dated 23.03.2018 regarding regularization of existing hotel in survey no. 242/1c (part of plot survey no. 242/1) at Sauntavaddo, Calangute , Bardez, Goa.**

**Background:** The Office of the GCZMA has received a application from Mrs. Nalini Da Rosa Fernandes dated 23.03.2018 for regularisation of existing hotel in survey no. 242/1C (part of plot survey no. 242/1) at Sauantavaddo, Calangute, Bardez, Goa.

Hon<sup>ble</sup> Supreme Court passed an Order dated 17/05/2018 granted interim protection to structures in survey no. 242/1C (part of plot survey no. 242/1) at Sauantavaddo, Calangute, Bardez, Goa. Notification dated 06<sup>th</sup> March 2018 from Ministry of Environment & Forest (MoEF) & (CC). for considering the application for regularisation under clause 4.3 (III) of CRZ Notification by amendment dated 06.03.2018.

**In view of the above, the matter was placed before the Authority for grant of personal hearing to the applicant.**

### **Item No.2**

#### **Case No.2.1**

**NOC for Proposed Repair and Renovation of House bearing No. 869/A (35A/8) located in Sy. No. 155/2 of Candolim Village, Bardez Taluka, Goa.**

#### **Background**

Mr. Benito Pio D<sup>o</sup>souza from Candolim, Bardez, Goa submitted an application to GCZMA on 06/01/2016 requesting for a NOC for repair and renovation of his old house. Accordingly, Earlier a site inspection was carried out by the Expert Members of GCZMA on 04/02/2016. The site inspection report submitted by the Expert Members indicated that the structure at site is already constructed and is also painted by the applicant prior to CRZ permission. The said site inspection report was placed in the 137<sup>th</sup> GCZMA meeting held on 24/01/2017, during which the Authority decided to re-inspect the site due to non-clarity of the earlier site inspection report.

#### **Site Inspection report**

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Eng. Audhoot Bhonsule on 06/02/2018. At site, the applicant's wife Mrs. Isabela D<sup>o</sup>souza was present along with their care taker Mr. Rosha Tolentino, who showed the site. The details of site inspection are as follows;

- i) The house of Mr. Benito D'Souza having H. No. 869/A (35A/8) and situated in plot with Sy. No. 155/2 is located at Camotim Waddo in Candolim, Goa.
- ii) The house is lying towards the west side of Candolim . Sinquerim main tar road.
- iii) The house is also lying towards the north side of Candolim Football ground.
- iv) Towards the north of Candolim Football Ground, one side road extends from the main tar road and proceeds westwards, leading to the house of the applicant.
- v) The said house of the applicant is an old ancestral house of Portuguese era and is more than 100 yrs old.
- vi) The said house is only a ground floor structure having a compound wall around it with a gate facing the main door of the house.
- vii) Total area of the applicant's plot with Sy. No. 155/2 is 12,438 sq. m. of which, 4000 sq. m. is covered by the compound wall.
- viii) Within the compound wall there exist the said old ancestral house, along with one old family Chapel lying towards its north and a coconut store room at the back of the old house along with a toilet.
- ix) The said plot with Sy. No. 155/2 is partly falling within 200-500 m and partly outside 500m from the HTL of the Sea in CRZ III area at Candolim.
- x) The said ancestral house is lying within 200-500m of the CRZ III area.
- xi) The applicant has done the repair and renovation to the back portion of the old house envisaging 110 sq. m. area and has converted it into a G+1 structure within 9m height.
- xii) Initially, the applicant submitted the file to GCZMA on 06/01/2016 requesting for a NOC for repair and renovation of the house, however, the applicant's wife told at site that due to a lot of delay from GCZMA, the applicant waited and finally did the repair and renovation before obtaining the NOC.
- xiii) The plan submitted by the applicant indicated plot coverage of 16.5% and FAR of 18.9% with height of the constructed part within 9m.

### **Conclusion and Recommendation**

- i) The repair and renovation done by the applicant to the back (western) portion of his old ancestral house is within 200-500 m from the HTL of the Sea in CRZ III area at Candolim.
- ii) For carrying out the said repair and renovation, the applicant submitted the application to GCZMA well in advance on 06/01/2016 for NOC, but due to a delay from the GCZMA, he went ahead with the proposed repair and renovation of the house before the GCZMA could grant NOC for the same, as there was a marriage function fixed of their grandson.
- iii) The said repair and renovation of the old house done by the applicant is to a small portion of the old house in its backside which has been converted into a G+1 structure within 200-500m from the HTL of sea at Candolim.
- iv) As per the CRZ Regulation, either the construction of a new G+1 structure or repair and renovation of an old house/structure is permissible within 200-500m of CRZ III area, provided the plot coverage is 33%, FAR is 33% and the height is 9m.
- v) The plan submitted by the applicant indicated the plot coverage of 16.5%, the FAR of 18.9% and the height of the structure within 9m, which is within permissible limits.
- vi) So, the proposed repair and renovation done by the applicant is permissible, as it is as per the CRZ Regulation, only thing is that he did it prior to obtaining the NOC from GCZMA.
- vii) As the said repair and renovation done by the applicant is a permissible activity, it can be approved and regularized.

- viii) Even the CRZ Notification 2011 in its Clause 6 (d) suggests that the dwelling units (full house) of traditional coastal communities including the fisher folk which have not obtained formal approval from the concerned authorities can be regularized if they are not used for any commercial activity or they are not sold or transferred to non-traditional coastal community.
- ix) Moreover, the applicant belongs to a traditional coastal community and the said repair and renovation done by him is to a small portion of his house.
- x) Also, it is not for any commercial activity neither it is for selling it to any outsider but only for his own family use, so, the said repair and renovation done by the applicant can be approved.
- xi) If required, an affidavit may be obtained from the applicant that the said renovated structure will not be used for any commercial purpose.
- xii) The Authority may deliberate the case for a decision on approval.

**In view of above, the Authority may deliberate and decide.**

### **Case No.2.2**

#### **NOC for the Proposed Repair and Renovation of the Existing House in Sy. No. 125/1 of Vaddi, Candolim Village, Bardez, Goa.**

#### **Background**

Mr. Gurudas Toraskar from Candolim Village submitted an application to GCZMA on 02/01/2018 requesting for a NOC for repair and renovation of the existing house in Sy. No. 125/1 of Candolim Village, Bardez, Goa. So, a site inspection was fixed to see the site and the existing house, to verify the CRZ zoning and the documents.

#### **Inspection and Observation**

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Member Dr. Prabhakar Shirodkar along with Mr. Santosh Volvoikar of GCZMA on 04/05/2018. At site, the applicant's son Mr. Vishant Toraskar was present along with his mother who showed the site, the existing house and explained about its proposed repair and renovation. The details are as follows;

- i) The site is towards the east of the internal road going to the beach at Vaddi in Candolim.
- ii) At site there is an old house which is a ground floor structure having a sloppy roof with Mangalore tiles on top.
- iii) The house earlier stood in the name of the applicant's mother, Mrs. Radhabai Toraskar as per the Form I & XIV submitted.
- iv) The house tax receipt dated 31/01/1989 submitted by the applicant from the Village Panchayat of Candolim indicates that the said house existed at site prior to 1991.
- v) The said house is a tenanted house and as per Mundkarial Act, the 300 sq.m. of area has been allotted to the applicant vide Judgement Order dated 26/10/2017 by the Mamlatdar of Bardez, Mapusa, Goa.
- vi) The said house at site is an elongated house facing the sea towards west and is lying within 200-500m from the HTL of the Sea at Vaddi in Candolim, Goa.
- vii) The applicant has proposed repair and renovation of the part of the house and to retain the remaining part of the house.
- viii) The plan submitted indicates the existing area of the house as 164.50 sq.m., and the area of the house proposed for repair and renovation is 109.10 sq.m.

whereas, the rest 55.4 sq.m. of the area of the house will be retained without any repair and renovation.

### **Conclusion and Recommendation**

- i) The repair and renovation proposed by the applicant is of the old house existing prior to 1991 as per the tax receipt submitted.
- ii) The said house is a Mundkarial house which has been allotted to the applicant along with 300 sq.m. of land area as per the Mundkarial Act, vide Order dated 26/10/2017 by the Mamlatdar of Bardez, Mapusa, Goa.
- iii) The house is lying within 200-500m of the CRZ III area of Vaddi in Candolim Village.
- iv) As per the CRZ Notification, the construction of a new structure is permissible within 200-500m of the CRZ III area provided the plot coverage is 33% or less, FAR is 33% or less and the height of the structure is within 9m.
- v) The proposal of the applicant is not for a new construction but is for repair and renovation of the part of the existing old structure, without increasing its plinth and height of the structure.
- ix) From the existing 164.50 sq.m. of area of the house, the repair and renovation is proposed only of 109.10 sq.m. area of the house, and the rest 55.4 sq.m. of the area of the house to be retained without doing any repair and renovation.
- vi) As such the proposed repair and renovation of the existing old house is permissible.
- vii) This may be deliberated in the Authority meeting for a decision on NOC for the same.

**In view of above, the Authority may deliberate and decide.**

### **Case No.2.3**

**Incorporation of missing survey nos 146/1, 146/2, 146/3-A, 146/3-B, 146/4-A, 146/4-B, 148/5, 148/5-A for proposed construction of Parking Facilities at Candolim Bardez Taluka submitted by the Goa Tourism Development Corporation Ltd.**

**Background:** The office of the GCZMA was in receipt of an Application dated 08/10/2015 from the Goa Tourism Development Corporation Ltd. with regard to the proposed construction of Parking Facilities at Candolim in the property bearing Sy. No. 146/1, 3B at Candolim, Bardez - Goa.

The said proposal was discussed and deliberated during 153<sup>rd</sup> GCZMA meeting held on 18/07/2017 wherein the Authority perused the agenda Item and the site inspection report submitted by the Expert Members and noted that the said project is a public utility project and is essential for management / control of traffic in a highly populated tourist destination. Also, the said project activity is a part of the Beach Carrying Capacity Report which is included under the proposed infrastructure development along the Coastline in Goa As such the Authority after detailed discussion and due deliberation decided to approve the said proposal for construction of Parking Facilities at Candolim in the property bearing Sy. No. 146/1, 3B at Candolim, Bardez . Goa in terms of the CRZ Notification 2011, as amended.

Accordingly GCZMA vide letter dated 30/08/2017 bearing no. GCZMA/N/17-18/70/950 issued Permission/NOC for proposed construction of parking facility at Candolim in the property bearing Sy. No. 146/1, 3B at Candolim, Bardez . Goa.

Now the office of the GCZMA is in receipt of the letter dated 10/04/2018 requesting to incorporate the missing survey numbers 146/1, 146/2, 146/3-A, 146/3-B, 146/4-A, 146/4-B, 148/5, 148/5-A in the permission issued vide letter dated 30/08/2017.

**In view of above, the Authority may deliberate and decide.**

#### **Case No.2.4**

#### **Recommendation to 'M/s Ramsukh Resort Pvt. Ltd., Pune' for proposed development of 5 star Hotel cum-Resort-in survey no.211/1A at Varca, Salcete Goa.**

**Background:** The office of the GCZMA was in receipt of an Application dated 30/12/2013 from M/s Ramsukh Resorts Pvt. Ltd, Pune for CRZ clearance for proposed hotel cum resort at survey no.211/1A at Varca, Salcete Goa.

Accordingly GCZMA had referred the said proposal to Goa-SEAC on 24/03/2014 bearing no. GCZMA/S/13-14/88/1764 for examination in terms of EIA Notification 2006 and as per Hotel policy of 2011. Further Goa-SEAC vide letter dated 27/05/2015 forwarded to GCZMA stating that the said proposal was appraised in the light of Hotel Policy for utilisation of available open plots in CRZ . III zone for the purpose of establishing hotel beach resort s and it was note that :

1. The proposed construction of 5 star hotel cum resort comprising of 130 seat restaurant and 53 rooms hotel (i.e. basement + ground + first floor) in survey no. 211/1-A Varca village in salcete taluka ( total plot area -15,875 sq mts ) 3effective plot area 14.512 sq. mts ) fall s in CRZ . III zone ( i.e. between 200 . 500mt from TL) as per the provision of the CRZ Notification 2011. The site falls under settlement zone as per regional plan 2021.
2. The project proponent has proposed total built up area (BUA) of 9,762.51 sq. mts with total coverage of 3,235.16 sq. mts (22.19%) and FART of 5,106.75 sq. mts (33% of the plot area). THUS as per the schedule annexed to the environment Impact Assessment (EIA) Notification 2006 ( as amended) the proposed construction activity having total BUA less than 20,000 sq. mts does not attract provisions of the said Notification.
3. The PP has to comply with the Environment management plan (EMP) (*refer chapter -5of the EIA report prepared by NABET/QCI consultant p-M/s Aditya Environmental services Pvt. Ltd Mumbai*) during the pre construction /construction and operational phases as well as make appropriate budgetary provision for effective implementation of CSR-related initiatives.
4. Planning vis-à-vis proposed construction should comply with the local rules/regulations /guidelines as laid in the Town and country Planning (TCP) Act, 1974. Further, construction of the basement is subject to obtaining NOC from the state Water Resources Department (WRD).
5. Details of proposed rain water harvesting (RWH) utilization of non-conventional sources of energy (i.e. solar) and greenbelt development should be implemented as enumerated in sections 2.8, 2.10 and 2.11 resp. of Chapter -2 in the EIA report.

**In view of above, the Authority may deliberate and decide.**

#### **Case No.2.5**

#### **NOC for Development of GTDC property at Anjuna Under the Project, "Up-gradation and Beautification of Places of Touristic Interest in Goa" as per the Swadesh Darshan Guidelines and Preparation of DPRs for Other Ministry of Tourism Schemes.**

## Background

The Executive Engineer II of GTDC, Mr. Allan Pereira submitted an application to GCZMA on 09/10/2017 requesting for a NOC for carrying out developmental work in GTDC property at Anjuna through beautification and up-gradation of touristic place near Anjuna beach under the Swadesh Darshan Guidelines. So, a site inspection was fixed to see the site, verify its CRZ zoning and the documents.

## Site Inspection Report

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Mr. Shrirang Jambhale on 25/01/2018. At site, the Consultant of GTDC, Mr. Prashant Bule who is the GM of Forth Dimension Architects Pvt Ltd was present along with his colleague Mr. Laxmikant Dharmoiji. Both of them showed the site and explained about the proposed development. The details of site inspection are as follows;

- i) The site is near the Anjuna beach and is on an elevated hilly land having Sy. No.212/8, 9, 10, 12.
- ii) The site is falling within 0-200m from the HTL of CRZ III area at Anjuna.
- iii) The proposed developmental site is having two locations, **a) Site I** is lying towards the northern side of the main tar road approaching Anjuna beach. It is also lying by the side of the new parking place made near Anjuna beach.
- iv) The other location **b) Site II**, is facing the sea and is lying towards the west of the same tar road where it takes a turn, before the road ends at Anjuna beach.
- v) At **Site I**, the applicant has proposed a Rain shelter, First aid and a Toilet block on the area which is having pavers.
- vi) These structures are proposed for the tourists and for the public for their use.
- vii) At **Site II** which is lying at the edge of the elevated hilly land, the area is a sloppy land which has eroded largely by continuous erosion over the past several decades.
- viii) There exist some Coconut trees at the edge of this land which have been planted in the past. Some of these Coconut trees are uprooted due to erosion by sea waves hitting the edge of the land at site.
- ix) In the process, a large part of the land touching the sandy shore is eroded and washed away by sea waves hitting the land at site.
- x) This also shows that the area at site is a highly erosion prone area.
- xi) The tourists and the general public are regularly visiting the place in large numbers for getting down onto the small stretch of beach available down below.
- xii) However, it is a very slippery area and it has become a dangerous spot for the people/tourists going there as one can slip and fall sustaining injuries.
- xiii) Most of the sloppy land is having uneven terraces which are existing at site since the ages.
- xiv) The said area also is largely a rocky area.
- xv) The applicant has proposed to develop the area by making proper terraces out of the land existing within the area and the lateritic steps by cutting the existing rocks thereby putting up the pavers around it so that the area is beautified and made safe for the tourists to visit the site for recreation.
- xvi) Also proposed is the repair of the old existing retaining wall located at the edge of the sloppy land, which is breached presently at many places due to erosion by strong wave action, to protect the land from further wash off and erosion.
- xvii) This will not involve any kind of cement and concrete construction within the proposed area.

## **Conclusion and Recommendation**

- i) The proposed development in the GTDC land Sy. Nos. 212/8, 9, 10, 12 at two sites near Anjuna beach by GTDC is in CRZ III and is falling within 0-200m from the HTL of the Sea at Anjuna.
- ii) At **Site I**, the proposed development includes Rain Shelter, a First Aid and the Toilet block.
- iii) As per the CRZ Notification 2011, in NDZ of CRZ III area, the construction of dispensaries, schools, public rain shelter, community toilets, etc are permissible as per section A(III)(j) of CRZ III.
- iv) At **Site II**, the proposed development involves carving out / making terraces and the steps out of the existing land and the rocks at site for the tourists /public to go to the beach.
- v) The steps carved out of the existing rocks are proposed to be provided with FRP grills at both sides to give it a good appearance and for beautification.
- vi) However, the repair of the retaining wall proposed by the proponent should be done only by using lateritic stone, without the use of any cement/concrete.
- vii) The proposed development at **Site II** has a dual purpose, one is involving the control of erosion of the land at site and secondly it will beautify the area which will attract more tourists and help the Government in its revenue.
- viii) Secondly, the development proposed at **Site I** will be helpful for the public and the tourists as there are no toilets and the rain shelter and the first aid at site.
- ix) The development proposed is from the point of view of tourist and public interest and is a permissible activity as per CRZ Notification 2011.
- x) However, the proponent should be instructed to carry out a Rapid EIA study for the same.
- xi) After obtaining the Rapid EIA study report, the Authority may deliberate for a decision on NOC for the same.

**In view of above, the Authority may deliberate and decide.**

### **Case No.2.6**

**Permission for construction of approach road /access within the property bearing survey nos. 113/2, 4, 5, 112/1, 2 & 115/1-A and 117/1 of Arossim village, Mormugao Taluka.**

**Background:** The office had earlier issued NOC for proposed approach road /access within the property bearing survey nos. 113/2, 4, 5, 112/1, 2 & 115/1-A and 117/1 of Arossim village, Mormugao Taluka vide letter dated 10/03/2017.

This office was in receipt of a letter from Town Planner, Town & country planning department, Panaji regarding the same stating that the major portion of said stretch of land is falling within 200m from HTL and the water bound macadam road with asphalt topping can be permitted within the 200mts from HTL.

Now the applicant vide letter dated 06/06/2018 clarification for the material details to be used for construction of road.

**In view of above, the Authority may deliberate and decide.**

### **Case No.2.7**

**Request to issue order for patrolling on beach by motorcycles.**



**Background:** This office is in receipt of letter dated 28/05/2018 from office of the District Magistrate, North Goa forwarding a letter from superintendent of police, tourist Panaji, Goa with a request to issue order for mobile patrolling on beach by motorcycles.

**In view of above, the Authority may deliberate and decide.**

### **Case No.2.8**

### **NOC for Renovation of Existing Building along the River Bank in Sy. No. 19/5 at Novo Palmar in Cortalim, Goa.**

#### **Background**

Mr. K. Acharya, the Director of K. A. Academy, Cortalim Goa submitted an application to GCZMA on 01/06/2018 requesting for a NOC for renovation of existing building along the bank of Zuari River at Novo Palmar in Cortalim for using it as a Maritime Training Institute.

Earlier, Mr. Acharya had submitted an application dated 18/12/2017 to GCZMA requesting for a NOC for River Front Usage to the Training Institute. After withdrawing the said application, he submitted another application dated 01/06/2018 requesting for a NOC for renovation of the existing building in Sy. No. 19/5 at Novo Palmar in Cortalim for converting it into a Maritime Training Institute. So, a site inspection was fixed to see the site, verify the CRZ zoning and the documents.

#### **Site inspection report**

Upon instruction from the Member Secretary GCZMA, the site inspection was carried out by the Expert Member Dr. Prabhakar Shirodkar on 06/06/2018. At site, the applicant Mr. K. Acharya was present along with the proprietor of the Academy Mr. Shantaram Kamat who showed the site and explained about the proposal. The details are as follows;

- i) The site with Sy. No. 19/5 is along the southern bank of Zuari River at Novo Palmar in Cortalim.
- ii) At site, earlier there existed Kamat Engineering Works for undertaking barge repair activities.
- iii) Due to competition, the proprietor stopped the barge repair activities and wants to open up a Maritime Training Institute.
- iv) At site, presently there exists one G+1 building which is constructed prior to 1991 and was used as an office concerned with earlier barge repair activities.
- v) The existence of the structure prior to 1991 has been verified based on the tax receipt from the village Panchayat of Cortalim submitted by the applicant for the year 1989-90 onwards as well as the certificate dated 26/09/2007 from the Village Panchayat of Cortalim indicating that the structure existed at site since 1989.
- vi) The applicant wants to renovate the said G+1 structure for using it as a Maritime Training Institute.
- vii) The proposed renovation involves construction of walls within the existing plinth area on the ground floor for converting the existing rooms into class rooms.
- viii) The applicant also proposes to construct three toilets within the existing plinth area with painting thereafter on internal walls of the building.
- ix) Also, the applicant is proposing to repair the retaining wall of the river bank as it is weakened.

- x) Lastly, the applicant proposes to fix pavers in the vacant area towards the west side of the building where there is an entrance gate, without using cement.
- xi) In addition, the applicant proposes to place two metallic containers with fire pit and DCP (Dry Chemical Powder) and FOAM installations along the bank of river which is within 5m from the bank of river, without using any cement or concrete.
- xii) The metallic fire pit made of 5 x 5m plates (25 sq. m. area) with 1 feet border on 3 sides for fire exercise would be installed next to the training institute.
- xiii) All these are necessary for imparting fire fighting training to the students of the proposed Maritime Training Institute.
- xiv) In principle, the Approval/permission for the opening of the Post-Sea Maritime Training Institute has been granted to the applicant by the Directorate General of Shipping, Ministry of Shipping, Government of India, dated 08/12/2017.

### **Conclusion and Recommendation**

- i) The proposed renovation of the existing G+1 building prior to 1991 in Sy. No. 19/5 of Cortalim, which includes construction of: i) walls within the existing plinth area on the ground floor for converting the existing rooms into class rooms, ii) three toilets within the existing plinth area and iii) painting on internal walls of the building, is for converting it into a Maritime Training Institute.
- ii) Similarly the applicant wants to put up pavers without using cement at the entrance area outside the building and also wants to repair the retaining wall of the Zuari River bank.
- iii) Also he wants to just place two metallic containers with fire pit and DCP (Dry Chemical Powder) and FOAM installations along the bank of river required for firefighting training.
- iv) All these activities are falling within 07 m from the bank of the river, whereas the width of the river at site is more than 25 m.
- v) As such, all the proposed activities are falling within the NDZ of Zuari River.
- vi) As per CRZ regulation, within the NDZ area, the reconstruction or alteration of the old structure existing prior to 1991 is permissible if it is done on/within the plinth area of the existing old structure without increasing the plinth area.
- vii) As the applicant is proposing the construction of walls (alterations) within the plinth area for converting existing rooms into class rooms and constructing three toilets within the existing plinth area and painting of the walls of the buildings, they are permissible.
- viii) Similarly, putting up the pavers within the NDZ area outside the building without using cement also can be permissible.
- ix) So also, the placing of the two metallic containers with fire pit and DCP (Dry Chemical Powder) and FOAM installations along the bank of river without using without cement can be permitted.
- x) However, the work pertaining to repair of the retaining wall as proposed by the applicant should be allotted to WRD. The Executive Engineer of WRD may be directed to repair the retaining wall of the bank of Zuari River at site.
- xi) This may be deliberated in the Authority meeting for a decision on the same.

**In view of above, the Authority may deliberate and decide.**

**The Committee Constituted as per NGT Order dated 08<sup>th</sup> November 2017 for identifying the Independent Chartered Hydrographer for Awarding the Bathymetry Work in MPT's Navigational Channel for Verifying the Depths of Maintenance Dredging.**

**Background**

Based on the Report of the Independent Hydrographer - SGS & Co., Mumbai for verification of maintenance dredging depths in MPT's navigational channel, submitted to GCZMA on 22/01/2018, the Sub-Committee (comprising of Dr. A. Mascarenhas, Dr. P. Shirodkar, Prof. S. Godse and Dr. N. Sawant), gave its comments on 29/01/2018. These comments of the Sub-Committee were produced before the Court by GCZMA. Subsequently, the MPT provided a reply to the comments of the Sub-Committee, who thereafter provided the clarification. This clarification was given jointly by three MPT Officials - Mr. G. R. Jirage (SE), Mr. J. Prema Kumar ( Dy. C.E.) and Mrs. L. A. Mathews (Chief Engineer).

Having gone through the clarification report provided by the MPT Officials, the Sub-Committee decided to call the MPT Officials for an explanation before the Authority in its meeting dated 08/05/2018. However, the Authority found it appropriate that MPT Officials should make a presentation and give explanation only to the Sub-Committee. Accordingly, the MPT Officials made the presentation to the Sub-Committee on 11/05/2018. After subsequent deliberation among the Sub-Committee members on the explanation and clarification in the report provided by the MPT Officials, the Sub-Committee members have given their reply, which is page wise and is as below;

**Brief details**

The clarification report submitted by the MPT Officials consists of three parts; however, only **Part 3** entitled "**MPT's Comments**" is of concern. Some brief details prior to maintenance dredging activity are as follows:

The Capital dredging as mentioned in the MPT's clarification report was carried out in the beginning of 2016 and stopped on 19.09.2016, much prior to the maintenance dredging. Thereafter, the maintenance dredging was permitted and the Sub-Committee was asked to monitor the maintenance dredging. The maintenance dredging was carried out in October . November 2017. Regular progress of activities was informed to the Sub-Committee by MPT Officials as per the Court directive. Thereafter, re-survey for checking the maintenance dredging depths was carried out by the Independent Hydrographer, Dr. Gayad Sing Inda with the help of M/s SGS & Co., Mumbai, which was done in December 2017.

Subsequently, the Sub-Committee gave its comments based on the report of the Independent Hydrographer, to which the clarification was provided by MPT Officials as per the court directive. After presentation and clarification by MPT Officials to the Sub-Committee, the **Sub-Committee's comments on MPT's clarification report page wise** are as follows:

**Page 5:** The maximum depth as given in SGS & Co. report is shown as 16.0 m. Therefore, the value reported in the Sub-Committee's report is correct.

**Page 6:** The first document sent by CWPRS is a research paper, the source / year / journal in which it is published is yet to be known. It largely appears to be a report rather than a peer reviewed research paper. The Sub-Committee does not challenge the contents of the report; but the CWPRS report describes siltation during 1987-1988 and 1993-1994, which is about 30 years ago. Since then, the dredging is being done regularly every year; even the capital dredging is attempted in 2016. Therefore, the

interpretation of data of 1987 or 1993, a time of low key port activities, does not become valid today. Similarly, the second document of CWPRS is a part of some bigger report which appears irrelevant in the present context. Also, in Section 3.5, it is correctly stated that "during post monsoon period, the sea bed is in a disturbed state which keeps the bed material in suspension". So, if it is so, then can the consolidation of clay take place in such unfavorable conditions.

**Page 6:** The topic of "consolidation" is rather curious. When the clayey sediment is perennially in a fluid state, one cannot imagine consolidation in a water-charged seabed environment, and what is the process for consolidation with increasing depth. It is also not convincing that the consolidation of fine grain sediment in a fluid state can take place within a month's time.

**Page 6:** Further, it is mentioned that the echo sounder pulses are reflected off the shallower layers. If consolidation is suspected, where is the occurrence of shallower layers? Sections 3.4 and 3.5 appear contradictory as far as the consolidation and fluid sediment is concerned. To our knowledge, echo sounder frequencies are reflected by hard surfaces, although acoustic masking is widely reported in the deep sea floor. These are in deep sea areas of very low sedimentation rates; in comparison, a harbour channel is a turbulent area characterized by high sedimentation rates. Here, acoustic masking is doubtful. Nevertheless, the echograms presented in the SGS & Co. report do not show any evidence of acoustic masking, but only show sharp surfaces (of settled sediment).

In brief, the comments / explanations provided by MPT Officials based on two reports appear very speculative. These interpretations do not explain the discrepancies in the measured depths by the MPT's final survey and the reported depth values by SGS & Co., which is during the fair weather and merely one month later.

**Page 7, section 3.6:** The paragraph is somewhat confusing. But note that the job of the NGT appointed committee was to monitor the maintenance dredging so as to ensure that the mandated uniform depths of 14.3 m are not exceeded.

**Page 7, section 3.7:** NGT order of 08 November 2017 mentions about the maintenance dredging requirements so as to achieve depths of -14.5 m from CD. This is one reason why the committee only considered this value, and that this depth should not be exceeded by maintenance dredging. If the average depths are considered, values along the flanks of the channel will need to be taken into account. By doing so, the depth values are bound to be lower (<14 m), and will thus give an erroneous picture about the actual depths within the channel. Such an exercise will go against the mandated uniform depths of -14.5 m, also mentioned in the first report of the committee, as well as the NGT order of 08 November 2017.

**Page 7, section 3.7:** Invoking the occurrence of cyclone Ockhi as a cause for the change in depths due to sediment transfer is rather strange. In fact, the cyclone path was some 250 km away from the coast of Goa. The sandy coast of north Goa did experience high sea levels for about two hours in the morning of 03 December 2017; wave up-surge at certain beaches was also noted. But neither the erosion nor accretion along the beach-dunes was reported. Moreover, it is difficult to visualize the processes involved in the transfer of sediment into the channel, at depths of 15 - 20 m. If so, the entire Zuari estuary should have been affected by sedimentation. There is no such evidence of sediment deposition in the estuary, so far at least. Therefore, it is rather absurd to involve Ockhi as the cause for observed changes in depths in the navigation channel of MPT.

**In Summary;**

- i) The clarifications / explanations offered by the MPT Officials in their report dated 29 March 2018 do not explain properly the differences in water depths as mentioned in the Sub-Committee's report of 29 January 2018.
- ii) The Sub-Committee finds a clear deviation in the mandated uniform depths of 14.3 m, already pointed out in their report of 29 January 2018.
- iii) The Sub-Committee therefore reiterates that the observed discrepancy of depth values in the navigation channel is tantamount to violation of NGT orders.

**In view of above, the Authority may deliberate and decide.**

### **Case No.2.10**

#### **NOC /Permission for Proposed Construction of Hotel and a Swimming Pool in Sy. No. 229/6 of Anjuna Village, Bardez Taluka, Goa.**

#### **Background**

Mr. Bharti Sehgal submitted an application to GCZMA on 02/01/2018 requesting for a NOC for the proposed construction of hotel and a swimming pool in Small Vagator in Anjuna in Sy. No. 229/6. So, a site inspection was fixed to see the site, verify the CRZ zoning of the area and the documents.

#### **Inspection and Observation**

As per the direction of the Authority, the site inspection was carried out by the Expert Member Dr. Prabhakar Shirodkar on 05/06/2018. At site, the applicant's POA, Mr. Navint Arsekar was present who showed the site and explained about the proposed project. The details of site inspection are as follows;

- i) The site is nearly a rectangular plot of land, gently tapering towards its south side and is lying towards the west of the Vagator-Ozrant internal tar road, which is passing from the backside of the Chapel located at the road junction.
- ii) The plot is having Sy. No. 229/6 and is a flat land, gently sloping towards its west side.
- iii) The plot is a vacant land with no structures in it but is having various types of trees such as mango trees, other non-economical trees and other bushes.
- iv) The plot measures 4,900.00 sq. m. in area and is owned by three people, viz. Mr. Bharti Sehgal, Mr. Dhiraj Bakshi and Mr. Rakesh Dham as can be seen from Form I & XIV submitted.
- v) The application for the proposed construction of hotel and a swimming pool is jointly submitted by the applicants to GCZMA for a NOC/permission.
- vi) The said plot is falling within 200-500m from the HTL of the Sea at Small Vagator in Anjuna and is in CRZ III area as per the CRZ map submitted by the applicant.
- vii) The plot is not affected by any kind of rivulet or a nulla but there are many residential and commercial structures surrounding the plot.
- viii) Earlier, the GCZMA has granted the NOC, dated 09/11/2017 for the Construction of a Compound wall to the said plot bearing Sy. No. 229/6, which was prior to purchase of the plot by the applicants, (purchased vide sale deed, dated 14/11/2017).
- ix) Presently, the applicants have proposed the construction of a hotel with a swimming pool.
- x) Also, the construction plan submitted shows a G+1 structure with a basement.

- xi) The applicant has attached a Xerox copy of the application letter addressed to the Executive Engineer . I of WRD requesting for a NOC for the basement.
- xii) As per the construction plan submitted, the proposed structure is a G+1 structure with a sloppy roof indicating a plot coverage of 26.13%, FAR of 32.96% and the height of the structure is 8.40 m.

### **Conclusion and Recommendation**

- i) The proposed construction of hotel and a swimming pool in Sy. No. 229/6 at Small Vagator in Anjuna is within the plot owned by the applicants.
- ii) The plot is falling within 200-500m from the HTL of the Sea at Anjuna and is a CRZ III area.
- iii) As per the CRZ Regulation, the construction of a G+1 structure is permissible within 200-500m of CRZ III area provided, the plot coverage is 33%, FAR is 33% and the height is within 9m.
- xiii) The construction plan put up by the applicant shows that the plot coverage is 26.13%, FAR is 32.96% and the height of the proposed structure is 8.40 m. Also, the structure is having a sloppy roof with Mangalore tiles on top.
- iv) So, the proposal of the applicant is within permissible limits of CRZ Regulation.
- v) However, the said proposal attracts Environmental Impact Assessment Studies; so, the applicant should be told to produce the EIA report.
- vi) Similarly, the basement proposed is permissible provided the WRD gives a NOC for the same.
- vii) So, the applicant should be told to submit the NOC for the proposed basement.
- viii) Upon receipt of the EIA report and the NOC from WRD, the proposal can be considered by GCZMA for its onward submission to MoEF, ND.
- ix) This may be deliberated in the Authority meeting for a decision.

**In view of above, the Authority may deliberate and decide.**

### **Case No.2.11**

#### **NOC for Repair of the Existing House in Sy. No. 104/1 of Siquerim Village, Candolim, Bardez, Goa.**

#### **Background**

Mrs. Cruz Pereira and Mr. Lawrence Pereira jointly submitted an application to GCZMA on 30/10/2017 requesting for a NOC for repair of their existing house in Sy. No. 104/1 of Siquerim Village in Candolim, Bardez, Goa. So, a site inspection was fixed to see the site, verify the CRZ zoning of the area and the documents.

#### **Inspection and Observation**

As instructed by the Member Secretary GCZMA, the site inspection was carried out by the Expert Member Dr. Prabhakar Shirodkar along with Mr. Santosh Volvoikar of GCZMA on 06/03/2018. At site, both the applicants Mr. Lawrence Pereira and Mrs. Cruz Pereira were present who showed the site and explained about the proposed repair. The details of site inspection are as follows;

- i) The site is towards the left of the tar road going to Hotel Taj at Siquerim.

- ii) At site, there exists an old house, elongated one lying in north- south direction and is a ground floor structure having a sloppy roof with Mangalore tiles on top.
- iii) The entrance hall of the house is to the north side facing the tar road leading to Taj hotel and is just 5m away from the edge of the road.
- iv) The said house is falling within 0-200m from the HTL of the sea at Sinqerim and so it is lying within the NDZ of CRZ III area.
- v) The house is a tenanted house purchased from the Land Lord by Mr. Lawrence Pereira.
- vi) The repair plan put up by the applicants shows a ground floor structure indicating partly a sloppy roof and partly a flat terrace on top, with steps to go to the open terrace on top.

### **Conclusion and Recommendation**

- i) The proposed repair is of the existing old house lying within the NDZ of CRZ III area of Sinqerim.
- ii) The existing old house is a ground floor structure with a sloppy roof having Mangalore tiles on top.
- iii) The house is having its entrance hall facing the road and it is provided with GI sheets on top.
- iv) The repair plan put up by the applicant indicates an open terrace on top, with steps to go to the top.
- v) As per the CRZ Regulation, the repair, renovation or re-construction of the existing old structure in NDZ area is permissible only on the existing plinth, without increasing the plinth area of the old structure existing prior to 1991.
- vi) So, the proposed repair of the existing house can be permitted to be done on the plinth of the existing old house as per the TCP rules.
- vii) Similarly, the open terrace as shown on top of the house with steps to go on top is not permissible within the NDZ area.
- viii) So, the applicant should be requested to submit a revised plan showing only a ground floor structure with a full sloppy roof and Mangalore tiles on top.
- ix) This may be deliberated in the Authority meeting for a decision on NOC for the same.

**In view of above, the Authority may deliberate and decide.**

### **Case No.2.12**

**To discuss & decide on contempt of Order dated 18/09/2017 passed in writ petition No.682/2017 by Mr. Caetano Jose N. Fernandes regarding application for Re-construction of Existing House in Chalta No. 14, 15, 16 and 84 of P.T.S., No. 2, Panaji, Tiswadi, Goa.**

### **Background**

Mr. Caetano Jose N. Fernandes submitted an application to GCZMA on 04/12/2015 requesting for a NOC/Permission for re-construction of his existing house in Chalta No. 14, 15, 16 and 84 of P.T. Sheet No. 2 of Panaji, Tiswadi Taluka. So, a site inspection was fixed to see the site, verify CRZ zoning and the documents.

### **Inspection and Observation**

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Member Dr, Prabhaker Shirodkar along with Mr. Santosh Volvoikar of GCZMA on 17/04/2018. At site, the applicant Mr. Caetano Fernandes was present

along with his son Mr. Jacinto Fernandes who showed the site and explained about the proposed construction. The details are as follows;

- i) The site is along the southern bank of Mandovi River at Ribandar and is a CRZ II area.
- ii) At site, there exists an old house abutting the Panaji-Ribandara main tar road, the mid portion of which is demolished and has become a vacant space.
- iii) The existing old house is a ground floor structure having sloppy roof with Mangalore tiles and the house being elongated is lying parallel to the road.
- iv) The applicant Mr. Caetano Fernandes purchased the said old house from Mrs. Maria Ida Philomena de Rozario Colaco & Others, vide Sale Deed dated 17/07/1985.
- v) The applicant has produced the old house tax receipts dated 05/04/1977 and 28/06/1982, issued by the Panaji Municipal Council.
- vi) The applicant told that house being old needed repair work to be done, so he took it up for repair work in 2015 and removed the ceiling of the mid portion of the house. However, to his bad luck due to the heavy rain on 5<sup>th</sup> May 2015, the walls of the mid portion of the house collapsed and got demolished. So, he could not get it repaired further.
- vii) The applicant has put up a file and has proposed reconstruction of the existing old house.
- viii) The reconstruction plan submitted up by the applicant wrongly indicates that the plot area is 265 sq.m., which is more than the actual plot area of 258 sq.m.
- ix) The reconstruction proposed by the applicant is on the existing plinth and only of the ground floor structure.

#### **Conclusion and Recommendation**

- i) The applicant has proposed a reconstruction of the house, which is an old, existing ground floor structure, having a sloppy roof with Mangalore tiles on top.
- ii) The existing house being along the bank of River Mandovi, it is falling within the NDZ of river.
- iii) However, the structure is an old house, existing prior to 1991 and is falling within CRZ II area.
- iv) The reconstruction plan put up by the applicant is for a reconstruction of the house on the existing plinth without increasing the plinth area.
- v) As per CRZ Regulation, within NDZ, the reconstruction of the old house is permissible only on the plinth of the existing old house without increasing the plinth area.
- vi) Moreover, the area where the old house is existing being a CRZ II, the proposed reconstruction on the plinth of the existing house is permissible.
- vii) The applicant can be permitted to do the reconstruction as per TCP rules and regulations.
- viii) However, the applicant should be instructed to submit the revised plan indicating the actual plot area of 258 sq.m. (instead of the wrongly mentioned area of 265 sq.m.) and work out the area statement - plot coverage and the FAR.
- ix) Upon receipt of the above mentioned plan, the application can be considered for issue of NOC.
- x) This may be deliberated in the Authority meeting for a decision on NOC for the same.

Now this office has received contempt petition dated 07/06/2018 wherein it states that the applicant had applied to the GCZMA vide application dated 04/12/2015 for



reconstruction of his residential house the said writ petition was disposed of on 18/09/2017 on a statement that the application will be considered within 6 weeks period.

**In view of above, the Authority may deliberate and decide.**

**Case No.2.13**

**To discuss on an application from Racke Gupta proposing to conduct wedding ceremony at Utorda beach on 12<sup>th</sup> May 2018.**

**Background:** This office was in receipt of an application from Racke Gupta proposing to conduct wedding ceremony at Utorda beach on 12<sup>th</sup> May 2018. The application was submitted on 09/05/18 along with DD amounting Rs 10, 000/- bearing no. 021179, drawn on HDFC bank Panaji branch vide letter dated 10/05/18.the applicant had intimated this office that they were unable to conduct this programme due to rain and storm occurred on 10/05/2018. The applicant also requested for refund of the amount submitted by DD bearing no. 021179.this involves a policy decision in such circumstances.

**In view of above, the Authority may deliberate and decide.**

**Case No.2.14**

**To comply discuss and decide on the estimate cost with regard to study and restoration of sand dune in Sy. No. 109/2, Village Cavelossim by M/s Sree Sai Champions Family Trust.**

**Background:**

The present matter was initially filed by the Cavelossim Villager forum interalia being aggrieved by project allegedly undertaken in Sy. No. 109/2, Village Cavelossim by M/s Sree Sai Champions Family Trust (Respondent No. 4 therein). The Member Secretary informed the members that earlier a joint site inspection was carried by this Respondent on 30/4/2015 by the Member Secretary of GCZMA and the then Expert Members Dr. Antonio Mascarenhas and Shri Raghunath Dhume. The said site inspection recorded various observations depicting violation of CRZ Notification 2011.

The matter was placed in the 115th GCZMA meeting held on 4/5/2015 and it was decided to issue demolition order to M/s Sree Sai Champions Family Trust. The said decision was communicated to M/s Sree Sai Champions Family Trust vide demolition order dated 8/5/2015. The said demolition order was challenged before the Hon<sup>ble</sup> High Court of Bombay at Goa vide writ petition bearing no.1631/2015. The Hon<sup>ble</sup> High Court of Bombay at Goa vide order dated 3/06/2015 while disposing off the petition granted Respondent No.4 stay of six weeks however also noted that the respondent was required to dismantle the said structures latest by 10/6/2015.

The Hon<sup>ble</sup> High Court of Bombay at Goa vide said order also noted that all the contentions of all parties were left open, to be decided by the National Green Tribunal incase, the petitioner institutes an appeal to challenge the order dated 8/5/2015 passed by the GCZMA. As per oral judgement delivered in open court as recorded in 9/7/2015 the application no.3/2015 was disposed off by this Hon<sup>ble</sup> Tribunal. As per order of this Hon<sup>ble</sup> Tribunal the structures therein were demolished by the demolition squad along with GCZMA. The Member Secretary stated that further pursuant to order dated 10/09/2015 passed by Hon<sup>ble</sup> High Court of Bombay at Goa in Writ Petition no.626/2015 the application no.3/2015 was restored back.

The Member Secretary further stated that M/s Silpam Trade Association (Respondent No.5 therein) had applied for erection of one seasonal shack and 10 huts vide applications dated 14/09/2015 and the said proposals were discussed and deliberated in the 123rd GCZMA meeting held on 21/12/2015 and it was decided to reject the said proposals being violation of CRZ Notification. The said decision taken by the authority was communicated to the Respondent No.5 vide letter dated 25/1/2016 which required the respondent to take note of the decision and restore the land to its original condition and also file compliance report. The said M/s Silpam Trade Association did not file any compliance report pursuant to said letter dated 25/1/2016. Later pursuant to order dated 8/1/2016 passed by this Hon'ble Tribunal this respondent fixed a site inspection which was carried out on 1/2/2016. The said report dated 3/2/2016 submitted by the Expert Member of GCZMA recorded observations depicting violation of CRZ Notification. The Member Secretary brought to the notice of the members that the GCZMA had passed a demolition order dated 8/5/2015 in respect of structures in Sy. No.109/2 and the said Respondent No.4 and Respondent No. 5 (therein) have not obtained any permission for the structures or activity mentioned in the inspection report and hence grossly violated the CRZ Notification 2011 hence issued demolition order dated 19/2/2016 against respondent no.4 and respondent no.5 (therein).

The said order of demolition order was placed on record before the Hon'ble Tribunal vide application dated 19/2/2016. The rejection letter dated 25/1/2016 and demolition order dated 19/2/2016 issued to respondent no.4 and respondent no.5 were challenged before the Hon'ble High Court of Bombay at Goa inter alia alleging to be in violation of the principles of natural justice vide Writ Petition no.278/2016. The Member Secretary then stated that the said Writ Petition no.278/2016 was disposed off by the Hon'ble High Court of Bombay at Goa vide order dated 2/3/2016 which inter alia directed GCZMA to reconsider the applications filed by the respondent no.5 within a period of 4 week pursuant to which the GCZMA after hearing representative of respondent no.5 (therein) in its 127<sup>th</sup> GCZMA meeting held on 29/4/2016 and after considering the records issued a demolition order dated 9/5/2016 to respondent no.5.

The demolition squad demolished all the structures as per order dated 9/5/2016 passed by this respondent on 8/7/2016. Further the Member Secretary informed the members that the Hon'ble Tribunal vide order dated 9/1/2017 passed in the abovementioned matter thereby directed the GCZMA to place before the details of demolition as well as the restoration work, if any, done with particular reference to the sand dunes and the GCZMA filed an affidavit in compliance to order dated 9/1/2017 inter alia stating %say that in so far as restoration of Survey no.109/2, village Cavelossim with special emphasis on sand dune areas is concerned a team of experts would have to ascertain the method, mode and costs involved. I say the entire exercise would take some time+and now the Hon'ble Tribunal now vide order dated 10/2/2017 observed as under %o. The applicant in person submits that Dr Antonio Mascarenhas is competent expert to undertake such study and the study may be assigned to him. Learned Counsel appearing on behalf of GCZMA concedes to the request made. Liberty granted to the GCZMA to appoint Dr. Antonio Mascarenhas and or any other expert for carrying out the requisite study+.

In the light of the above the authority may kindly nominate an expert or team of experts to conduct study, recommend the method of restoration of sand dune and estimate cost towards the same. The Authority noted the Order dated 9/1/2017 passed by the Hon'ble NGT in the abovementioned matter thereby directing the GCZMA to place before the details of demolition as well as the restoration work, if any, done with particular reference to the sand dunes so also, the Order dated 10/2/2017 to appoint Dr. Antonio Mascarenhas and or any other expert for carrying out the requisite study.

Thereafter the said matter was placed in the 142nd GCZMA meeting held on 28/02/2017 wherein after detailed discussion and due deliberation and in view of the Orders of the Hon'ble Tribunal, the Authority decided to nominate team of experts which includes Dr. Nandakumar Sawant, Expert Member of the GCZMA, Dr. Antonio Mascarenhas, Former Scientist, National Institute of Oceanography (NIO) as a special Expert to conduct requisite study and for recommendation of the method of restoration of sand dune. The Authority further decided to appoint the Executive Engineer, Works Division . VIII, Public Works Department (PWD), Fatorda, Margao . Goa to estimate the cost towards the same. The aforementioned decision was communicated to the concerned vide letter dated 14/03/2017.

Further, the matter was placed in the 148th GCZMA meeting held on 03/05/2017 wherein Dr. Antonio Mascarenhas, former Scientist, NIO and then Expert Member, GCZMA was invited for the meeting and Dr. Mascarenhas expressed before the Authority that he is now a member of the Goa State Bio Diversity Board (GSBB) and the GSBB has obtained approval of the State Government for having dune parks in the State of Goa and this project of restoration of the sand dunes could be taken up the Goa State Bio Diversity Board which has the requisite expertise in the field. The members deliberated and discussed and decided to agree with the suggestion of Dr Mascarenhas and decided to request the Goa State Bio Diversity Board to take up the work of restoration of the sand dunes including preparation of report of restoration of sand dunes to be placed before the Hon'ble NGT and Dr Nandakumar Sawant member of the Authority could also be consulted and be part of the restoration programme. The Directorate of Settlement and land Records (DSLRL) to also assist the members with plan etc. also, the cost of restoration to be recovered from the violator.

Accordingly, in view of the above the GCZMA was in receipt of the estimate cost for the restoration of sand dunes from the GSBB.

In view of the above, Dr. Antonio Mascarenhas was requested to remain present to discuss and decide in the matter. Dr. Antonio Mascarenhas and Dr. Pradeep Sarmokadam, the Member Secretary, GSBB remained present during the meeting. Dr. Mascarenhas perused the estimate cost prepared by the GSBB for the said restoration purpose and stated that as far as cost estimate for removal of surface debris and removal of laterite wall from the site and backfilling around the same place and taking away of removed rubbles, rocks, red murrum is concerned, the estimated cost is fair enough, however, the cost estimated for developing of greenery in area with sand dune vegetation, preparing gentle mound, providing stability and wind barricade for sand dune restoration using wooden / bamboo poles ties in wire etc. needs to be revised. He further submitted that in order to carry out restoration, the vegetation in the surroundings of the area to be restored is to be identified by the Botanist and similar kind of vegetation is required to be planted in the area to be restored. He also proposed another method for the same which is by ~~zonation~~ and also submitted that the coconut trees planted in the property by the owners be maintained as it is. He invited the attention of the Authority on the google image of the area to be restored (Part A) and further submitted that besides this area, there is another Part on the other side of the road (Part B) wherein similar restoration is required to be carried out. Accordingly, he informed that restoration of the area on both sides i.e. Part A & Part B is needed to be carried out and as such stated that in case the Authority permits the same the proposal of estimate cost will have to be revised.

The said matter was discussed and deliberated during 156th GCZMA meeting held on 22/08/2018. Wherein the Authority noted that besides the area proposed for restoration i.e. Part A, there is additional area to be restored in similar way on the other side of the road i.e Part B as informed by Dr. Antonio Mascarenhas and accordingly, the Authority after detailed discussion and due deliberation and in view of the above directed the

Member Secretary, GSBB to submit a revised estimate cost for restoration including the entire area as proposed by Dr. Antonio Mascarenhas and to submit the same before 30/08/2017 and thereafter to take up the matter for discussion during the next Authority meeting.

In view of the same the GCZMA was in receipt of the revised estimate cost dated 06/09/2017 for the restoration of sand dunes from the GSBB. Further based on Order dated 10/11/2017 passed by Hon'ble NGT, Pune in its Application No. 3/2015 Wherein the Hon'ble NGT directed "***the Respondent no. 4 and 5 to deposit amount of Rs.6.92 lakhs within 3 months. Amount of Rs. 2 lakhs shall be deposited initially within 2 weeks***".

Accordingly the office of GCZMA was in receipt of Cheque of **Rs. 2,00,000/-** dated 22/11/2017 bearing Cheque No.000077 which got bounce and office didn't receive any cost. Subsequently the respondent no. 4 (Sree Sai Champions) deposited the demand draft bearing DD no. 586274 dated 19/12/2017 amounting **Rs.2,00,000/-** which was received in GCZMA bank account. And on 29/01/2018 respondent No. 4 had deposited an amount of **Rs. 3,00,000/-** via Cheque no. 000067. Accordingly Total amount of **Rs.5,00,000/-** have been received by this office for the restoration of sand dunes in Sy. No. 109/2, Village Cavelossim by M/s Sree Sai Champions Family Trust.

**In view of above, the Authority may deliberate and decide.**

## **ADDITIONAL AGENDA**

### **Case No.2.15**

**To decide on application from Mr. Madan Sawant dated 01/06/2018 regarding regularization of construction of residential house in Chalta No. 10 & 11 of P.T. sheet No. 12 of Panaji , Tiswadi, Goa.**

**Background:** This office is in receipt of an application for regularisation dated 01/06/2018 from Mr. Madan Narayan Sawant, R/o H. No. 2/198/B, Rambhuvan waddo, Raibandar-Goa for regularisation of construction of residential house in Chalta No. 10 & 11 of P.T. sheet No. 12 of Panaji , Tiswadi, Goa.

The GCZMA earlier in its 33<sup>rd</sup> meeting held on 28/06/2007 had granted permission for construction of residential house to the applicant vide letter No. GCZMA/N/1/07/13/2675 dated 06/07/2007. (*copy of the permission along with plans enclosed*). Now the applicant has approached this Authority with a prayer that the actual construction carried out is in excess of the earlier plan approved by the Authority but within the permissible local town country planning regulation, as the building belongs to CRZ-II area.

The matter is presently subjudiced before Hon'ble High Court of Bombay at Goa and Hon'ble NGT, (WZ), Pune based on a complaint filed against the applicant against violation of the plans based on which GCZMA approval was granted. The Authority had issued a demolition order to the said structure as ex post facto approval for revised plan is not permissible.

**In view of above, the Authority may deliberate and decide.**

**Case No.2.16**

**To decide on application from Shri. Deepak Naik C/o Hotel Shaurya,Chimbel , Ribandar dated 07/05/2018 for regularisation of residential cum commercial building in chalta No. 12 of P.T. Sheet No. 12 at Ribandar , Panaji, Goa.**

**Background:** This office is in receipt of an application for regularisation dated 07/05/2018 from Shri. Deepak Naik C/o, Hotel Shaurya, Chimbel, Ribandar, regarding regularization of construction of residential cum commercial building in Chalta No. 12 of P.T. Sheet No. 12 at Ribandar , Panaji, Goa.

The GCZMA has granted permission for construction of a residential building to the applicant in Chalta No. 12 of P.T. sheet No. 12 of Panaji, Goa vide office letter No. GCZMA/N/231/2018 dated 09/10/2002. However the applicant currently running a hotel in the name of shaurya in the said building .the said structure is located in CRZ-II area. Now the applicant has approached with a prayer to regularise the change of use of residential building to commercial use. However that the matter is presently subjudiced before Honϕle High Court of Bombay at Goa and Honϕle NGT (WZ), Pune.

**In view of above, the Authority may deliberate and decide.**

**Item No. 3**

**Any other matter with a permission of the chair.**

**Sd/-  
Ravi Jha  
(Member Secretary)  
Goa Coastal Zone Management Authority**

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