

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

M.A. No. 03/2023(WZ)
Earlier O.A. No. 63/2022(WZ)

The Goa Foundation
.....Applicant
Versus

State of Goa & Ors.
....Respondent(s)

WITH

Original Application No. 98/2022(WZ)

The Goa Foundation
.....Applicant
Versus

State of Goa & Ors.
....Respondent(s)

WITH

M.A. No. 04/2023(WZ)
[Earlier M.A. No. 101/2022(PB)]
In
Original Application No. 478/2018
Earlier O.A. No. 16 (THC)/2013(WZ)

The Goa Foundation
.....Applicant
Versus

The State Of Goa & Ors.
....Respondent(s)

Date of hearing: 18.07.2023

**CORAM: HON’BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON’BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

In M.A. 03/2023(WZ)

Applicant : Mrs. Norma Alvares, Advocate
Respondent(s) : Shri Nalin Kohli, Senior Advocate along-with Mr. Sriharsha
Peechara, Advocate, Ms. Harshita Gupta, Advocate,
Mr. Anshal Malik, Advocate and Mr. Anunay Shrivastava,
Advocate for R-1 to 3

Mr. Shivan Desai along-with Mr. S. Swaminathan,
Advocates for R-4/Intervener
Shri J.E. Coelho Pereira, Senior Advocate along-with
Mr. Vinod Korgaonkar, Advocate for R-5 & 6

In O.A. 98/2022(WZ)

Applicant : Mrs. Norma Alvares, Advocate
Respondent(s) : Ms. Manasi Joshi, Advocate for R-1 to 4
Mr. Somnath B. Karpe, Advocate along-with
Mr. Anand Shiroadkar, Advocate for R-5
Shri J.E. Coelho Pereira, Senior Advocate along-with
Mr. Vinod Korgaonkar, Advocate for R-6 & 7

In M.A. 04/2023(WZ)

Applicant : Mrs. Norma Alvares, Advocate
Respondent(s) : Shri Nalin Kohli, Senior Advocate along-with Mr. Sriharsha
Peechara, Advocate, Ms. Harshita Gupta, Advocate,
Mr. Anshal Malik, Advocate and Mr. Anunay Shrivastava,
Advocate for R-1 to 3
Shri J.E. Coelho Pereira, Senior Advocate along-with
Mr. Vinod Korgaonkar, Advocate for Respondent
Mr. Harsha Peechara, Advocate for Respondent

ORDER

M.A. No. 03/2023(WZ) & M.A. No. 04/2023(WZ)

1. From the side of applicant, learned Counsel Mrs. Norma Alvares has appeared, who has addressed us at length. She has submitted a written submission in order to assist the Tribunal and has gone through all the points, which are contained therein.

2. Thereafter, heard the argument of learned Senior Counsel Shri Nalin Kohli, who has appeared on behalf of Respondent No. 1/State of Goa, for Respondent No. 2/CCF and for Respondent No. 3/PCCF. He has filed reply affidavit, which is annexed at page nos. 4443 to 4599 of the paper book.

3. The learned Senior Counsel for the respondent Nos. 1 to 3 has given some information orally during argument with respect to the 4.55 sq. km. area to have been found as private forest after 100 % verification and 5.44 sq. km. area is required to be re-verified before being identified

as private forest. But these figures have been given by him orally. In this regard, the learned Senior Counsel prays that ten days' time may be allowed to submit additional facts with respect to the application for interim stay. We allow the same.

4. From the side of respondent No. 4/Project Proponent, learned Counsel Mr. Shivan Desai has appeared, who apprised us that reply affidavit has already been filed. He has made the same argument, which has been made by the learned Senior Counsel Shri Nalin Kohli. Further, the learned Counsel for the respondent No. 4 prays that he may be allowed one week's time to file written submission, the same is allowed.

5. From the side of Respondent Nos. 5 & 6/Private Respondents, learned Senior Counsel Shri J.E. Coelho Pereira along-with learned Counsel Mr. Vinod Korgaonkar have appeared, who seek one week's time to file written submission, the same is allowed.

6. We direct that whatever replies/written submissions have to be filed, a copy of the same shall be served upon the learned Counsel for the applicant in advance so that no further adjournment would be required. Within one week thereafter, the learned Counsel for the applicant may file reply, if any, against those replies/written submissions.

O.A. No. 98/2022(WZ)

7. From the side of applicant, learned Counsel Mrs. Norma Alvares has appeared.

8. From the side of Respondent No.1/The State of Goa, for Respondent No.2/Goa Forest Department, for Respondent No.3/The District Collector, North Goa and for Respondent No.4/Town and Country Planning Department, learned Counsel Ms. Manasi Joshi has appeared,

who states that she would be filing reply affidavit only after knowing the outcome of M.A. No. 03/2023(WZ).

9. From the side of Respondent No. 5/The Village Panchayat of Assagao, learned Counsel Mr. Somnath B. Karpe along-with learned Counsel Mr. Anand Shirodkar have appeared.

10. From the side of Respondent Nos. 6 & 7/Private Respondents, learned Senior Counsel Shri J.E. Coelho Pereira, along-with learned Counsel Mr. Vinod Korgaonkar have appeared, who apprised us that reply affidavit has already been filed.

11. Registry is directed to put up these matters for final hearing on 10.08.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 18, 2023
M.A. No. 07/2023(WZ)
and other connected matters
P.Kr