

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

[Through Physical Hearing (with Hybrid Option)]

APPEAL NO.08 OF 2023 (WZ)

Thomas Fernandes & Ors.

Appellants

Versus

The Goa State Coastal Zone
Management Authority & Ors.

Respondents

Date of hearing : 15.05.2024

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

Appellants : Mr. Jitendra Supekar, Advocate along with
Mr. Shivshankar Swaminathan, Advocate

Respondents : Ms. Supriya Dangare, Advocate along with Ms. V. Gracias,
Law Officer for R-1
Mr. Aagney Sail, Advocate for R-3 and R-9

ORDER

1. By our previous order dated 20.02.2024, respondent No.1-GCZMA was directed to provide photographs of structure, Form I and XIV as well as Survey Plan, which were forming part of site inspection report of respondent No.1 dated 01.08.2017, but today, learned counsel for respondent No.1-GCZMA has sent us an e-mail dated 14.05.2024, wherein different report of site inspection is submitted, stating that this is the actual site inspection report which was conducted on 01.08.2017 and that the site inspection report of that date submitted by the appellants at pages 73 and 74 of the paper-book is a forged one as there was no enclosure with that report in handwriting by anyone with “(i)photography of structure, (ii) I & IV Forms (and not XIV), (iii) Survey Plan”. Besides that, we also find after comparing these reports that text of page No.2 of this report, which has been submitted by the appellants has addition of

two paras and signatures are also missing and conclusions and recommendation are mentioned in (viii) clauses in the report submitted by the appellants while in the report submitted by respondent No.1-GCZMA, there were (ix) points in conclusion and recommendations.

2. The learned counsel for respondent No.1-GCZMA states that this is a manipulated report which has been submitted by the appellants before this Tribunal. We direct that a copy of this report submitted by respondent No.1-GCZMA be served on the learned counsel for the appellants as well.

3. From the side of respondent No. 3, learned counsel Mr. Aagney Sail has argued that at pages 67 to 71 of the paper-book is the show-cause notice dated 10.11.2017 issued by respondent No.1 under Section 5 of the Environment (Protection) Act, 1986, wherein in page 68, at serial No.(iv), it is recorded that *“the survey plan brought by the DSLR representative indicated only an existing old ground floor structure, where Sun Shine Guest House (G+1 Structure) has been constructed”* and at serial No.(viii), it is recorded, *“the survey plan shown by the DSLR representative indicated no earlier existing structure in the area where Sun shine Food Point is constructed.”*

4. Apart from above, learned counsel Mr. Aagney Sail has also read point Nos.(ii) and (iv) of the Conclusion & Recommendation of the show-cause notice, referred to above, as well, but the main emphasis was laid by him that the survey plan was brought by DSLR representative before respondent No.1 at that point of time i.e. on 10.11.2017, which was brought on record for the sake of clarity. When we enquired from the learned Law Officer of respondent No.1-GCZMA, who has appeared through VC today, about this, she assured that this document would be submitted by them after obtaining the same from DSLR, but lateron, she resiled from the assurance that she would provide DSLR certified map which was presented before respondent No.1 on 10.11.2017, which finds

mention in the show-cause notice, rather she would be providing latest map. We direct her to obtain earlier map which finds mention in the show-cause notice dated 10.11.2017 from DSLR and submit the same before us, which would be submitted with an affidavit.

5. We also require from the Member Secretary, GCZMA to submit on affidavit the fact that the site inspection report, which has been filed by the appellants, which is annexed at pages 73 and 74 of the paper-book, is a manipulated report and that the actual report is one which has been sent to us along with the e-mail sent by learned counsel for respondent No.1-GCZMA dated 14.05.2024. Copy of this affidavit shall also be served on all parties one week in advance.

6. Put up this matter for next consideration on 18.10.2024. Till then, interim relief to continue.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 15, 2024
APPEAL NO.08/2023(WZ)
npj