

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Execution Application No.20/2023 (WZ)
In
Original Application No.70/2022 (WZ)
I.A. No.232/2023(WZ)**

Chandan Suryakant Khorjuvekar

.....Applicant

Versus

GCZMA & Ors.

....Respondent(s)

Date of hearing: 16.01.2024

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

Applicant : Mr. Aagney Sail, Advocate
Respondent(s) : Mr. Dhruv Tank, Advocate h/f Mr. Abhay Anturkar, Advocate
for R-1

ORDER

1. From the side of execution applicant, learned counsel Mr. Aagney Sail has appeared.
2. By our previous order dated 11.01.2024, we had directed the respondent No.1/GCZMA to submit a clear affidavit stating the reasons that as to why final orders in respect of the respondent Nos.6 to 8 were not passed, in pursuance of which an affidavit dated 15.01.2024 has been filed, tendering therein unconditional apology for the delay caused in issuing the final orders in respect of the proceedings against respondent Nos.4 to 8 and also undertakes to ensure that henceforth the authority shall issue appropriate orders immediately after concluding the proceedings.

3. Further, it is mentioned in this affidavit by the respondent No.1/GCZMA that the delay in the present matter has occurred in issuing the final order because a substantial portion of its staff and administrative machinery was involved in complying with the directions of the Hon'ble High Court passed in *PIL Suo Moto No.02 of 2022* and that the normal time, which is taken in issuing the final orders after concluding the proceedings of the meetings, is within two to three weeks.

4. The learned counsel for execution applicant has drawn our attention to the policy decision taken by the respondent No.1/GCZMA itself in its 100th Meeting held on 19.03.2014, which is annexed at page nos.78 to 82 of the paper book, where-in the authority held at Agenda Item No.1: "To take review of the status of CRZ violations in the State of Goa" under Sub-Head (II): "Strengthening of Mechanism to deal with the Complaints pertaining to the CRZ Violations" in which following procedures have been indicated, which is being followed by the authority:-

"On receipt of the reply from the alleged violator, the said complaint is to be placed before the Inquiry Committee of the GCZMA for inquiry and report. Thereafter, the report of the Inquiry Committee is to be placed before the GCZMA for further action against the violators. In case, if the GCZMA decides to issue order of demolition, closure etc., the order of demolition including that of disconnection of water / power supply, cancellation of other permissions issued by various Authorities is to be issued under the Environment Protection Act, 1986 and rules framed there under. The order of demolition, closure etc., are to be executed through the Revenue Authorities and local bodies, in case of non-compliance by the violators within stipulated time period. Simultaneously, these authorities are also to be directed to submit the compliance report to the GCZMA in a time bound manner."

5. Having drawn our attention to this, it is pointed out by the learned counsel for execution applicant that as per this policy itself, the decision taken, in respect of respondent No.8/Mr. Rajendra Kumar Kamra at Case No.1.24 in the Minutes of Meeting of GCZMA held on 30.11.2023, which are annexed at page nos.108 to 111 of the paper book, that "The Authority

decided to communicate the order to the parties”. It is pointed out that this decision is not in consonance with the policy framed by the GCZMA itself and that the said policy suffers from the error because there is no time limit fixed therein, as to how much time would be taken in issuing the final order after concluding of the proceedings. Though in the affidavit dated 15.01.2024 filed by the respondent No.1, it is submitted that normally two to three weeks’ time is taken in issuing the final orders. But the learned counsel for execution applicant prays that some time limit may be fixed in all such matters where a decision has been taken by the respondent No.1/GCZMA to be communicated to the parties concerned.

6. The learned counsel for execution applicant submits that since in the present matter, the decision has been taken long back i.e. on 23.10.2023 in respect of respondent Nos.5 to 7 and on 30.11.2023 in respect of respondent No.8, but no final order has been passed because of which these defaulters are availing the fruits of their own wrong for further period. Therefore, he prays that the GCZMA may be directed to pass final orders within a week in the present matter.

7. No argument has been made from the side of respondent No.1 being represented by learned counsel Mr. Dhruv Tank holding brief of learned counsel Mr. Abhay Anturkar. Rather he admitted that the authority shall pass final order with respect to respondent Nos.5 to 8 within a week. We direct accordingly.

8. With respect to decision in I.A. No.232/2023(WZ), we have granted 15 days’ time to the GCZMA to file objection, if any.

9. We give liberty to the execution applicant to approach us in case the GCZMA does not pass final decision with respect to respondent Nos.5 to 8 within prescribed time.

Put up this matter for further consideration on 13.03.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 16, 2024
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I.A. No.232/2023(WZ)
P.Kr