

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

[Through Physical Hearing (With Hybrid Option)]

APPEAL NO.02 OF 2024 (WZ)

Calangute Constituency Forum

.... Appellant

Versus

The State of Goa & Ors.

....Respondents

Date of hearing : 01.03.2024

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

Appellant : Mr. Rohit Bras De Sa, Advocate

Respondents : Ms. Pooja Natu, Advocate holding brief of Ms. Manasi
Joshi, Advocate for R-1, R-3, R-4 and R-6
Mr. Pankaj Pai Varnekar, Advocate for R-5

ORDER

1. From the side of the appellant, learned counsel Mr. Rohit Bras De Sa has appeared.
2. From the side of newly impleaded respondent No. 9 – M/s Oxford Global Properties Pvt. Ltd., reply-affidavit dated 28.02.2024 has been filed, copy of which has been served on the learned counsel for the appellant last evening. Learned counsel for the appellant states that he wants to file rejoinder to the said reply-affidavit, for which we grant him three weeks' time.
3. We have gone through the reply-affidavit of respondent No.9, wherein it has been stated that the answering respondent is not a necessary party, nor was it a party to the proceedings before the GCZMA. The answering respondent has submitted in paragraph No.3 of the affidavit that the order dated 30.11.2023 passed by respondent No.3 – GCZMA is absolutely in accordance with law and it be upheld.

4. From the side of respondent No.5 – Village Panchayat, Candolim, learned counsel Mr. Pankaj Pai Varnekar has appeared and states that reply affidavit 27.02.2024 has been filed, wherein the impugned order has been sought to be upheld and it is stated that the bund had to be got bridged otherwise the water would have entered into agricultural field. The learned counsel for the appellant seeks time to file rejoinder to the affidavit-reply of respondent No.5 also. We grant him three weeks' time for the same and no more.

5. In compliance with our previous order 09.01.2024, the Joint Committee comprising District Collector, North Goa, GCZMA and Goa State Biodiversity Board was to visit the site in presence of the appellant and submit its report along with photographs and sketches of the site and the action plan and corrective measures as well as calculations of the Environmental Damage Compensation (EDC) in case of environmental damage caused, but no report has been submitted so far from the side of the Joint Committee.

6. From the side of respondent No.1 – the State of Goa through its Chief Secretary, respondent No. 3 – GCZMA, respondent No. 4 – Goa State Biodiversity Board and respondent No. 6 – Department of Water Resources, learned counsel Ms. Pooja Natu, holding brief of learned counsel Ms. Manasi Joshi, has appeared and apprised us that the Joint Committee has visited the site in question on 20.02.2024, but because of some information not having been submitted by the District Collector, report could not be prepared. Therefore she seeks two weeks' time for submission of the report.

7. It is very objectionable that no reply-affidavit has been filed from the side of respondent Nos.1, 3, 4 and 6. We are of the view that whatever these respondents had to say, should have been stated by them on an affidavit. In future, we direct them not to repeat this mistake.

8. By way of last opportunity, fifteen days' time is granted to file the Joint Committee report and it shall also explain as to why the inspection was not conducted in presence of the appellant, without informing him about the date of inspection. We are of the view that before submitting the Joint Committee report, since the inspection has not been done in presence of the appellant, the same shall be done in presence of the appellant and thereafter, the report shall be submitted. This exercise shall be completed within fifteen days.

9. Put up this matter for next consideration on 16.07.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 01, 2024
APPEAL No.02/2024 (WZ)
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