

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION NO.133/2015(WZ)**

CORAM:

**Hon'ble Shri Justice U.D. Salvi
(Judicial Member)**

**Hon'ble Dr. Ajay A. Deshpande
(Expert Member)**

B E T W E E N:

- 1. Cruz Silveira,**
R/o. Tivai Vaddo,
Calangute, Bardez-Goa.
- 2. Paulo J. Mascarenhas,**
R/o. Tivai Vaddo,
Calangute, Bardez-Goa.
- 3. The Goa Foundation**
Through Its Secretary,
G-9, St. Britto's Apts.,
Feira Alta, Mapusa 403 507.

.....Applicants

A N D

- 1. Goa Coastal Zone Management Authority,**
Through : Its Member Secretary,
3rd Floor, Dempo Towers,
Patto, Panaji-Goa 403 001.
- 2. State of Goa,**
Through : Chief Secretary,
Government of Goa,
Secretariate, Porvorim,
Goa-403 001.
- 3. Calangute Panchayat,**
Through : Its Secretary,
Calangute, Bardez-Goa.

4. M/s. Nameh Hotels & Resorts Pvt. Ltd.,
Through : Karan Pal Singh,
Tival Vaddo, Calangute, Goa

.....Respondents

Counsel for Applicants

Norma Alwares, Adv.

Mr. Supriya Dangare, Adv.

Counsel for Respondent No.1 & 2 :

Mr. Dattaprasad Lawande, Adv.

Mrs. Fawia M. Mesquita, Adv.

Counsel for Respondent No.4 :

Mr. Shivam Desai, Adv.

Mrs. Venefreda Gracias, Adv.

P.C.

Date: February 4th, 2016

ORAL JUDGMENT

1. Heard.
2. This Application seeks restoration-rehabilitation of the area lying within No Development Zone (NDZ) at village Calangute, Bardez Goa. It is pointed out to us with reference to para 26 of the Application that the Applicants had made complaint to Goa Coastal Zone Management Authority (GCZMA) about the constructions carried out by Respondent No.4 M/s. Nameh Hotels & Resorts Pvt. Ltd in NDZ area and GCZMA had issued show cause notice/stop work order upon the said complaint, as per Communication dated 23rd July 2015 at Annexure 12 to the Application.

3. Learned counsel appearing on behalf of GCZMA submits that the GCZMA will consider the issues involved with reference to the said show cause notice/stop work order and pass order in accordance with Law within three (3) months. Learned counsel appearing on behalf of Applicants submits that during the said period, there should be no work at the site referred to in the said show cause notice till the order that will be passed is communicated to the Applicants. She further submits that to afford reasonable opportunity to question the outcome of the entire exercise, if need arises, the ban imposed on the work be continued for the period of two (2) more weeks. She further submits that in the interest of justice, GCZMA may give hearing to the Applicants or the representative of the Applicants.

4. In the given facts and circumstances, we dispose of this Application with following directions :

1. Let the GCZMA (Goa Coastal Zone Management Authority) hear the parties referred to in the show cause notice/stop work notice dated 23rd July 2015 at Annexure 12 to the Application and pass order in accordance with Law within three (3) months. Copy of the order shall be communicated to the Applicants.
2. Work at the site shall not be carried out till the time the order in accordance with Law is passed, communicated to the Applicants or any one of them and two (2) more weeks thereafter.

3. All the contentions raised by the concerned parties shall remain open.

5. At this stage, learned counsel appearing on behalf of Respondent No.4-M/s. Nameh Hotels & Resorts Pvt. Ltd. submits that Respondent No.4 is not carrying out any Hotel/business activity at the site in question. However, with reference to panchnama dated 18th May 2015, at page 54, it has been observed in the order dated 21st December 2015 that the activity of Hotel business is being carried out without proper consent of the concerned authority. He submits that these observations are contrary to the record and are likely to be misinterpreted and therefore, the panchnama dated 18-5-2015 which has been wrongly referred to in the order dated 18th May 2015 as '8th May 2015' needs to be construed as it is.

6. We have perused the panchnama dated 18th May 2015 drawn by the Forest Department (At page 54). It only makes reference to the inspection carried out by Deputy Range Round Forester, Panaji Range and other Forest Officials in presence of the panchas and they having noticed felling of the trees with mechanical means at the site. Panchnama further records the presence of Manager of the Respondent No.4 Mr. Jatin Singh and the negative reply given by Mr. Jatin Singh to the inquiry made with him about permit to fell the trees. Nothing more than this can be gathered from this panchnama to show that the activity

of Hotel business was being carried out without proper consent of the authority at the said site.

7. Learned counsel appearing on behalf of Respondent No.4 submits that the offence registered on the basis of the said panchnama has been compounded on 7th July 2015.

8. The Application, accordingly, stands disposed of with no order as to costs.

....., **JM**
(Justice U.D. Salvi)

....., **EM**
(Dr. Ajay.A. Deshpande)

Date : 4th February, 2016

ajp.

NGT