

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**Appeal No. 195/2018  
(M.A. No. 1404/2018)**

**IN THE MATTER OF:**

**Sagardeep Sirsaikar & Ors.  
Vs.**

**Goa Coastal Zone Management Authority & Ors.**

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present: Appellant: Mr. Aagney Sail, Adv.**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 01  October 01, 2018  R</b>	<p>1. A compliant was received by the Goa Coastal Zone Management Authority (GCZMA) that the appellant had raised illegal structure "Welcome Rest" for commercial purpose for running bar and restaurant, in violation of CRZ Notification, 2011. The construction was within the prohibited distance from the High Tide Line (HTL) from the sea and also within the prohibited distance from the river and no prior approval was taken from the authority.</p> <p>2. Vide notice dated 13.10.2015, the appellants were required to show cause as to why the structure be not demolished.</p> <p>3. The matter was brought to the National Green Tribunal, Western Zone Bench, Pune and was withdrawn with permission to move the concerned authority.</p> <p>4. On 14.11.2017, the matter was considered by the GCZMA in its 163<sup>rd</sup> meeting. Since the appellants failed to appear, the matter was adjourned to 29.11.2017. On that date, direction to demolish the structure was issued.</p> <p>5. The appellants, thereafter, moved the Tribunal again. The Tribunal directed that, if the appellants had not received any notice as alleged, the same may be</p>

	<p><b>Item No. 01</b></p> <p><b>October 01, 2018</b></p> <p><b>R</b></p>	<p>verified and the appellants be given further opportunity.</p> <p>6. By the impugned order, it has been found that inspite of opportunity, the appellants themselves had failed to appear. Accordingly, no further opportunity was required to be given. Order of demolition dated 28.03.2018 was reiterated.</p> <p>7. Learned counsel for the appellants submits that appellants had produced documents which included Registration Certificate of the restaurant on a date prior to coming into force of the Notification and there has been no change in the structure thereafter. Thus, the impugned Notification was not applicable. In the impugned order, the documents furnished by the appellants have not been dealt with.</p> <p>8. With a view to examine the matter further, we direct the GCZMA to hear the appellants and consider the documents relied upon and send a report in the matter to this Tribunal before the next date. The appellants may appear before the authority for the purpose on 09.10.2018 at 11:00 am.</p> <p>9. The report may be submitted to this Tribunal by e-mail at <a href="mailto:filing.ngt@gmail.com">filing.ngt@gmail.com</a> on or before 16.10.2018.</p> <p>10. In the meantime, the status-quo may be maintained with regard to the demolition till the next date.</p> <p>11. Put up the matter for further consideration on 23.10.2018.</p> <p style="text-align: right;">....., CP (Adarsh Kumar Goel)</p> <p style="text-align: right;">.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">01.10.2018</p>
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