

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

**M.A.No.150/2014**

**APPLICATION NO.43/2014**

**Girish D. Gaonkar & Ors Vs. State of Goa & Ors**

**Application No.52/2014 (WZ)**

**Shri. Surendra Sazu Govekar & Ors. Vs Village Panchayat of Anjuna-Caisua & Ors**

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present: Applicant/ Appellant : Norma Alvares Adv a/w Supriya Dangare Adv**  
**Respondent Nos.1 to 5 : Mr. Pradosh Dangui Adv**  
**Respondent No.7 : Supriya Dangare Adv**  
**Respondent Nos.9,10 : Fawia M.Mesquita Adv**  
**Respondent No.13 : Mr. Parag Rao Adv**  
**Application No.52/2014**

**Present: Applicant/ Appellant : Norma Alvares Adv**  
**Respondent No.1 : Supriya Dangare Adv**  
**Respondent Nos. 2 to 4 : Mr. Pradosh Dangui Adv**  
**Respondent No.5 : Mr. Parag Rao Adv**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item Nos. 13, 16,17 May 25, 2015 Order No.14</b>	<p>We have heard learned Advocates for the parties.</p> <p>On behalf of Goa Tourism Development Corporation (GTDC), learned Advocate Mr. Pradosh Dangui, seeks time to place on record copy of photographic video along with affidavit. It is stated that the concerned officer visited the site day before yesterday and prepared video in order to clarify location of proposed entertainment park of GTDC, which is near the beach.</p> <p>Learned Advocate Norma Alvares appearing for the Applicant would submit that she is not given information regarding such a visit, nor prior information about adjournment which is now being sought on behalf of GTDC.</p> <p>We may take note of the fact that at the earlier stage of hearing some urgency was shown on behalf of the State and GTDC, based on submission that the project is funded by the Central Govt. and the State desires to complete it at the earliest.</p> <p>Learned Advocate Norma Alvares commenced her arguments at the fag end of December, 2014, and completed the same on behalf of the Applicant on January 8<sup>th</sup>, 2015. So also, the Respondent No.13, argued the matter. The Respondent No.13, is represented by learned Advocate Mr. Parag Rao and raised certain objections regarding maintainability of the Application, alleging that when the order was not challenged under Section 16 (h) of the NGT Act, 2010, it should have been challenged in such a manner by circumventing provisions a circuitous activities, routine was followed to convert the proceedings into an Application under Section</p>

**Item Nos. 13,  
16,17  
May 25, 2015  
Order No.14**

14(1) and challenged the order under the NGT Act,2010. He contends that limitation period triggers on 7<sup>th</sup> June, 2013, when NOC was granted. Thus, much of the arguments which GTDC could have raised apart from what learned Advocate Mr. Parag Rao argued, probabilities have been put forth except explaining loco, proximity of CRZ, nature of activities and legalities of standing structures etc. Another limb of contention which is required to be examined is as to whether the Notification under CRZ, is applicable to the project in question.

In our opinion, when scope of argument is narrowed down, mere fact that day before yesterday some videography was prepared that too without giving prior Notice which cannot be substantial ground to seek adjournment, when learned Advocate for the Applicant Norma Alvares is not given due information that an adjournment would be sought on such ground, nor a copy of such video-CD was furnished and circulation note was moved after giving such information, as rightly pointed out by learned Advocate Norma Alvares. Such attitude of the Respondent No.1, is rather unexplainable and unnecessarily travelling undertaken by her could be avoided when the matter was not put for argument finally.

Considering peculiar reasons stated above, we direct that the GTDC shall pay adjournment costs of Rs.15,000/- to learned Advocate Norma Alvares, within period of ten (10) day by D.D. drawn in her name and payable in any Nationalized Bank, which shall be sent to her by authentic courier like DHEL, Blue Dart etc or by 'Dasti' service of which acknowledgement may be obtained and placed on record. We make it clear that in case of non-payment and non-compliance of such directions, we may be compelled to give further directions to demolish the structure standing at the place in question.

Status quo to continue.

**S.O.to 9<sup>th</sup> July, 2015.**

....., **JM**  
**(Justice V. R. Kingaonkar)**

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