

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

Orig. Application No.130/2017 (WZ)

In the matter of :-

Lopinho Xavier & Ors. Vrs. State of Goa & Ors.

**CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present: **Applicant/Appellant** : **Mrs. Norma Alvares, Adv.**
 Respondent No.1 to 3 : **Mrs. Fawia Mesquita, Adv.**
 Respondent No.5 : **Mr. Sachin S. Harsule, Adv.**

Date and Remarks	Orders of the Tribunal
Item No.6 9th August, 2017 Order No.2	<p data-bbox="464 1120 1325 1435">Affidavit of service dated 7th August, 2017 alongwith Dasti acknowledgment and registered post acknowledgment passed by Respondent No.5-M/s. Movaj Enterprises Pvt. Ltd. reveals that the service of notice is complete. Affidavit of service be placed on record. Nobody appears on behalf of Respondent No.4-Village Panchyat of Cortalim Quelossim. Case to proceed exparte against Respondent No.4-Village Panchyat of Cortalim Quelossim.</p> <p data-bbox="464 1467 1325 2244">Learned counsel appearing on behalf of Respondent Nos.1, 2 and 3 submits that the enquiry upon the complaint dated 31st January 2017 made by the Applicant No.1 Lopinho Xavier regarding illegal dumping of mud in the eco-sensitive area in Survey No.170/0 and 171/0 of Cortalim village by the Respondent No.5 M/s. Movaj Enterprises Pvt. Ltd is pending before the Respondent No.2-GCZMA. She further submits that the Applicants were heard and two site inspections were conducted and, the matter is now posted on 22nd August 2017 for further hearing. She adds that Respondent No.5 M/s. Movaj Enterprises had appeared before Respondent No.2 GCZMA and have filed their response to the show cause notice. She submits that enquiry will be completed most likely by 12th September 2017.</p>

Item No.6
9th August, 2017
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Learned counsel appearing on behalf of Applicants submits that the present Application is for undoing the damage done to bunds around Khazan lands under the supervision of Respondent No.2-GCZMA and Goa State Biodiversity Board. She submits that the positive outcome of the enquiry pending before the Respondent No.2-GCZMA, will help in resolving the issue in the present Application.

Parties before us seek time to file their replies. Two weeks time is granted for filing the replies. Advance copies of the replies be furnished to the Applicants, who may file their rejoinder, if any, within a week thereafter.

Perusal of the record reveals a report of site inspection carried out on 10th May 2017 by two Expert Members of GCZMA vide Annexure-22 of the Application. The recommendations made by them point out that the work of dumping mud was carried out in survey No.181 and 182 lying in NDZ area without any permission from the GCZMA and the project proponent had not bothered to open the sluice gates in survey No.170/0 and 171/1 thereby cutting off natural flow in the said wet land area and affecting the biodiversity in the said area. We, therefore, direct the Respondent No.2-GCZMA to place before us an action plan for opening of the sluice gates on the next date.

List the case on 18th September1, 2017.

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

....., **EM**
(Ranjan Chatterjee)