

## **HIGH COURT ADJOURNS PMCA/GOA FOUNDATION APPLICATION FOR CBI INQUIRY TO OCTOBER 13**

A division bench of the Bombay High Court comprising Justices S.B.Deshmukh and N.A.Britto today adjourned till October 13 an application filed by the Peoples' Movement for Civic Action (PMCA) and the Goa Foundation pressing for a CBI inquiry into the disappearance of all files containing approvals relating to the construction of the Aldeia de Goa complex coming up at Bambolim, Goa.

The application states that the files containing the approved plans had disappeared from the offices of the Town and Country Planning Department and the Panchayat of Bambolim in September-October 2007. Though the High Court had directed the PIs of Panjim and Agassaim Police Stations in November 2007 to file reports every two weeks on their investigations in the file disappearances, even six months later the files were not recovered. Unhappy with the state of affairs, the High Court in April 2008 issued notice to the Govt to show cause why the matter should not be handed over to the CBI since the agencies of the Goa Government were obviously unable to satisfactorily conclude the investigations. At that time, the Advocate General had informed the Court that there was no need of the CBI "at this stage" since the investigations are in the "right direction."

Despite a year having passed since then, nothing had come out of the investigations. The Division Bench, perusing the Court record, observed that the last report was filed in August 2008.

The application filed by the two NGOs states that an updated report of the police investigation is required for the purpose of presenting in the Supreme Court of India where Aldeia de Goa has now filed its own petition (under Article 32 of the Constitution) seeking Supreme Court approval for the very same plans whose authenticity is being investigated by the High Court.

PMCA and Goa Foundation have effectively shown in the proceedings before the High Court that the plans produced by the company are forgeries and do not have the approval of any of the Government authorities, except the Bambolim Panchayat, who itself has no record of the permissions given to Aldeia de Goa, except xerox copy of

plans supplied to them by the project authorities. Hence the importance of the investigations to locate the missing files.

The Chief Town Planner has filed a detailed report on the status of the project pursuant to directions of the High Court. The report indicates that most of the constructions going on at the Bambolim site of the project do not have approvals from the authorities and there are major deviations from the approved plans. Still the Town Planning has not halted the constructions for deviating from the approved plans. The files dealing with the constructions of the Aldeia de Goa project were also never approved by the PWD. In fact, they were not sent to the PWD at all. Apparently there are two laws in force in the State of Goa governing building constructions. One – for powerful builders like Aldeia de Goa – which permits them to construct without sanctioned plans or in gross violations of their sanctioned plans. Ordinary Goans on the other hand are subject to a second set of laws which require them to seek permissions and approvals from Panchayat, PWD and Town Planning.

The High Court had stayed the construction of the project in August 2008. However, the Supreme Court permitted it to continue at its own risk and cost. Though the construction under challenge is admittedly within the CRZ (100 meters of the river) it has received the backing of the Ministry of Environment and the State Government.

Though the Aldeia de Goa filed its writ petition in the Supreme Court in August 2008, copy of the petition was served on PMCA and the Goa Foundation only a year later in August 2009.

Aldeia de Goa has also filed a Transfer Petition seeking to transfer the petition filed by the PMCA and Goa Foundation in the High Court to the Supreme Court. Copy of the Transfer Petition, also filed a year ago, in August 2008, has never been served on the two NGOs.



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