

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL (SZ),**

**I. A. No. 163 of 2021**

**in**

**ORIGINAL APPLICATION NO. 10 of 2021**

Phinto P. A. and another : Applicants/Applicants

v.

Union of India and others : Respondents/Respondents

**COUNTER AFFIDAVIT FILED BY THE 6<sup>TH</sup>**

**RESPONDENT TO I. A. No. 163 of 2021**

**T. H. ABDUL AZEEZ**

**MOHAMMED SADIQUE T. A.**

**SHANKAR V.**

**ADVOCATES**

**ASHIRWAD, MATHAI MANJOORAN ROAD, NEAR HIGH COURT OF  
KERALA, ERNAKULAM NORTH P. O., KOCHI – 682 018**

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**COUNTER AFFIDAVIT FILED BY THE 6<sup>TH</sup> RESPONDENT**

I, Ananthkrishnan Shajan, aged 26 years, S/o Late Shajan E. N., Managing Director of M/s. Edathadan Granites Pvt. Ltd., Mattathur P. O., Ombathungal, Kodakara, Thrissur District, Kerala - 680 684 do hereby solemnly affirm and state as follows:

1. I am the Managing Director of the 6<sup>th</sup> respondent in the above case and I am aware of the facts of the case.
2. The above I. A. is not maintainable either in law or on facts.
3. The above I. A. is filed on wrong premises and that the issue agitated in the Original Application as well as in the above I. A. are matters which are pending consideration before the Honourable High Court of Kerala in W. A. No. 1145 of 2020 and connected cases. The said matters are pending hearing before the Honourable Chief Justice of the High Court of Kerala. The Honourable High Court had granted an interim Order in favour of this respondent enabling this respondent to carry on the quarrying operations.
4. The Judgment of the Honourable High Court in W. P. (C) 641 of 2020 produced as Annexure R 6 (15) very clearly states that no NOC is required from the forest authorities. The same is final and conclusive. In the said Writ Petition, W. P. (C) No. 641 of 2020 the Government of Kerala has also taken a stand that it would be the domain of the Government to take a decision with regard to the location of the quarry

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Managing Director



and permission to be obtained from the Government, and not from the DFO. The relief sought for in the above I. A. is one which is answered as per Annexure R 6 (15).

5. This respondent has brought these facts to the attention of this Honourable Tribunal in the Reply Statement filed and the same is on the files of this Honourable Tribunal (Paragraphs 5 (vii) and (viii) of the reply statement to be more specific).
6. The Judgment in W. P. (C) No. 641 of 2020 constitutes *resjudicata* and the pendency of W. A. No. 1145 of 2020 stands in the way of any other Court or Tribunal except the Apex Court from interfering in similar matters. Moreover, another Writ Appeal W. A. No. 1397 of 2020, filed by a set of individuals closely associated to the applicants herein is also pending disposal before the Honourable High Court of Kerala and is tagged along with W. A. No. 1145 of 2020. The appellants in W. A. No. 1397 of 2020 who are also the respondents W. A. No. 1145 of 2020 are close associates of the applicants herein and hence the applicants herein cannot feign ignorance to the fact of pendency of the Writ Appeals before the Honourable High Court of Kerala. This respondent begs to draw the attention of this Honourable Tribunal to running page number 2 of the Report of the Joint Committee filed by the 3<sup>rd</sup> respondent in the Original Application herein before this Honourable Tribunal. It is clearly stated therein that one Sri. Sajin John had represented Sri. Rijoy K. J., the second applicant in the instant Original Application, before the Joint Committee. Sri. Sajin John is the second appellant in before the honourable High Court of Kerala in W. A. No. 1397 of 2020 and the 2<sup>nd</sup> respondent in W. A. No. 1145 of 2020.
7. The following cases as a batch are pending consideration before the honourable Division Bench of the honourable High Court of Kerala along with W. A. No. 1145 of 2020 and W. A. No. 1397 of 2020.

W. P. (C) No. 10754/2019, W. P. (C) No. 8913/2019, W. A. No. 480/2018, W. A. No. 478/2018, W. A. No. 712/2018, W. A. No. 477/2018, W. A. No. 1434/2017, W. A. No. 713/2018, W. P. (C) No. 12389/2018, W. A. No. 714/2018, W. P. (C) No. 17010/2017, W. P. (C) No. 8244/2019, W. P. (C) No. 3012/2020, W. A. No. 663/2018.



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8. The above I. A. as well as the Original Application are thus misconceived and are filed on wrong premises.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the above application and thus tender justice.



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Managing Director

DEPONENT/6<sup>TH</sup> RESPONDENT

### VERIFICATION

I, Ananthakrishnan Shajan, aged 26 years, S/o Late Shajan E. N., Managing Director of M/s. Edathadan Granites Pvt. Ltd., Mattathur P. O., Ombathungal, Kodakara, Thrissur District, Kerala - 680 684 do hereby verify that the contents of paragraphs 1 to 8 are true and correct to the best of my knowledge and believed to be true on legal advice and that no material facts has been concealed therefrom.

Verified at Ernakulam on this the 1<sup>st</sup> day of December 2021



For EDATHADAN GRANITES (P) LTD

  
Managing Director

DEPONENT/6<sup>TH</sup> RESPONDENT

Solemnly affirmed and signed before me by the deponent who is personally known to me in my office at Ernakulam on this the 1<sup>st</sup> day of December, 2021.



ADV. MOHAMMED SADIQUE T. A.

COUNSEL FOR THE 6<sup>TH</sup> RESPONDENT