

*Filed on: 03.08.2022*

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

**MEMORANDUM OF APPEAL**

(UNDER SECTION 18(1) READ WITH SECTIONS 16 OF THE NATIONAL  
GREEN TRIBUNAL ACT, 2010)

**APPEAL No. 22 of 2020**

RAVI & ANR

: APPELLANT

Vs.

UNION OF INDIA & ORS

: RESPONDENTS

**ADDITIONAL REJOINDER AGAINST THE REPLY AFFIDAVIT FILED BY  
THE 7<sup>TH</sup> RESPONDENT**

RAJAN VISHNURAJ (R-1268) [K/653/2010]

HARISH VASUDEVAN (H-253) [K/779/2013]

*Counsel for 1<sup>st</sup> respondent*

**Amicus Advocates**

II Floor, Chundanal Monarch, K.K Padmanabhan Road, Kochi-18

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Dated this the 2<sup>nd</sup> day of August, 2022.

  
COUNSEL FOR THE APPELLANTS

/

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**ADDITIONAL REJOINDER AGAINST THE REPLY AFFIDAVIT FILED BY  
THE 7<sup>TH</sup> RESPONDENT**

I, Ravi, aged 77 years, S/o Narayanan, M.K Vilas (H), Chithara, Ayirakuzhi P.O  
Mancode Village, Kottarakara, Kollam District- 691 559, do hereby solemnly  
affirm and state as follows:

1. I am the 1<sup>st</sup> appellant in the memorandum of appeal and as such I am conversant with the facts of the case. I am competent to swear this affidavit and also on behalf of the 2<sup>nd</sup> appellant.
2. I have submitted a rejoinder on 09.07.2022 reserving my right to file a detailed rejoinder. Some cardinal points have to be submitted for the consideration of this appeal. Hence this additional rejoinder.

Ravi 



**Point regarding Limitation**

1. Section 16 of the NGT Act along with Section 18 stipulates the time and procedure for filing Appeal. As per the records available before the Hon'ble NGT, this Appeal is filed on 13.11.2019 which was accepted by the registry then itself. At no point of time, the registry had returned the Appeal Memorandum to the Counsel for the appellants pointing out any defects. The only reason for not numbering the appeal was to do e-filing in addition to the hardcopies filed before the registry on 13.11.2019. Even though, the appellants beg to defer with the insertion of such a procedure which is not supported by any statutory provision or provision in the rules, with full bona fide, the appellants have taken steps to file a copy of the appeal through e-filing. The Counsel for the appellants had then attempted many times for such e-filing and due to technical reasons, the said filing had not done. It is informed that the Counsel for the appellants have made a complaint before the Registrar General of the Hon'ble NGT on 15.11.2019 and 22.11.2019 along with a screen short of the website showing the technical error. Even though there was a reply to the effect that the problem is rectified, the Counsel for the appellants could not succeed in e-filing the said appeal. That was communicated to the registry also. A scanned softcopy of the appeal was also sent to the registry to prove the bona fide of the appellants. Due to the Covid Pandamic situation in Kerala, the appellants could not do anything thereafter till March 2020. Since there no allegation or averment by any of the respondents herein that the hard copy of the appeal is not received in the registry of Hon'ble NGT on 13.11.2019 or that it was not 'an appeal in the statutory format' as contemplated in the NGT Act, the Tribunal shall hear the Appeal on merit. At no point of time, the Appeal was returned by the Registry. True photocopies of the e-mails dated 15.11.2019 and 22.11.2019 along with a screen short of the website showing the technical error are produced herewith and marked as **Annexure A18 (colly)**.

Ravi MD



2. It is respectfully submitted that even today, website namely [www.seiaa.kerala.org](http://www.seiaa.kerala.org) which was pointed out by the project proponent in the newspaper publication, do not have a copy of the impugned EC uploaded for public notice. There is no such website available in the public domain. The paper publication done by the Project Proponent is falsely done to mislead people from not obtaining a copy of the EC within 30 days of its issuance. The Project Proponent does not have a case that they have uploaded a copy of the impugned EC on their website or they have complied with the conditions regarding the paper publication within the time frame stipulated. Therefore both SEIAA and Project Proponent are barred from any objection regarding the maintainability. Therefore, stating their own illegality, violation and non-compliance of their statutory conditions.

Therefore, it is most humbly requested and prayed that, having regard to the above mentioned and other grounds that may be pleased to accept this additional rejoinder and allow this appeal, with cost.

All the facts stated above are true to the best of my knowledge, belief & information.

Dated this the 2<sup>nd</sup> day of August, 2022

Ravi.   
DEPONENT

Solemnly affirmed and signed before me by the deponent whom I know on this the 2<sup>nd</sup> day of August, 2022 in my office.

  
Harish Vasudevan  
ADVOCATE

4

**VERIFICAION**

I, Ravi, aged 77 years, S/o Narayanan, M.K Vilas (H), Chithara, Ayirakuzhi P.O Mancode Village, Kottarakara, Kollam District- 691 559, do hereby verifies that the contents of the above paragraphs 1 to 4 are true to the best of my knowledge and I have not suppressed any material facts.

Ravi.   
SIGNATURE OF THE APPELLANT

DATE : 02.08.2022

PLACE: Ernakulam

8/2/22, 1:25 PM

- 5 -  
Gmail - Problem in E filing

Annex-A18



Harish Vasudevan <legalfriend@gmail.com>

## Problem in E filing

Adv.Harish Vasudevan <legalfriend@gmail.com>  
To: rg.ngt@nic.in, ngt.filing@gmail.com, ngt.admn@gmail.com

Fri, Nov 15, 2019 at 5:52 PM

Respected Sir,

I am a practicing lawyer at National Green Tribunal, Southern Bench at Chennai.  
I have created a user ID and password in the e-filing website on November 13.  
I have tried many times to enter into the filing process, but could not do so due to technical failure of the website. I have requested the NIC technical person at Chennai to resolve the same. Today, he informed me that it is resolved. I could enter into the e-filing process, but could not complete due to technical failure.

I have already filed 2 appeals in hard copy form before the NGT Southern Zone on 14th and then only I was informed that e-filing is a must. Due to the technical failure from the part of the website, I am unable to complete the e-filing, my clients are denied of their statutory right.

Kindly resolve the technical failure and make the e-filing process correct, so that the Appeals can be filed. Also calculate the date of submission of hard copies at the resgistry as the date of filing of Appeals, otherwise unwanted delay condonation process should be initiated.

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With best regards

Adv.Harish Vasudevan  
Amicus Advocates,  
2nd Floor, Chundanal Monarch  
KK Padamanabhan Road,  
Ernakulam-18.  
Mob: 9447755896.

8/2/22, 1:26 PM

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Gmail - Problem in E filing

Annex - A18(a)



Harish Vasudevan <legalfriend@gmail.com>

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## Problem in E filing

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Adv. Harish Vasudevan <legalfriend@gmail.com>  
To: rg.ngt@nic.in, ngt.filing@gmail.com, ngt.admn@gmail.com

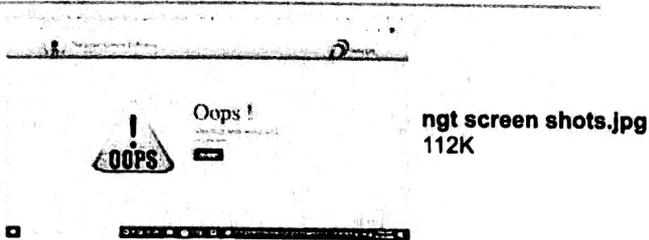
Fri, Nov 22, 2019 at 11:11 AM

Respected Sir,

The website is often not functioning. Today, when I have tried, I am unable to do filing. A screen shot is attached herewith.

Please accept the Appeals off line and number it, without delay. We shall complete the e-filing later, if necessary. That may not be insisted till the website is complaint free.

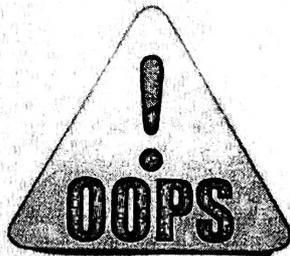
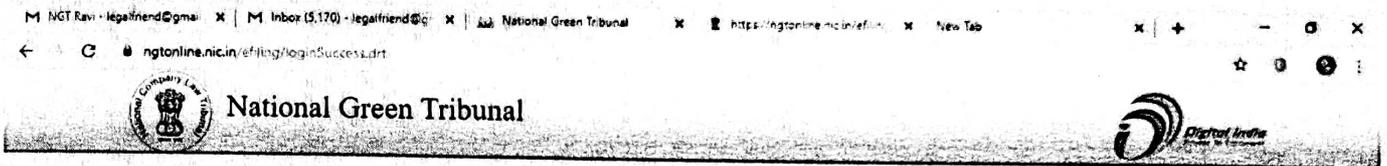
Regards  
Harish Vasudevan



RG

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Annex - A18(b)



# Oops !

Something went wrong here !

You can go home



*[Handwritten signature]*