

BEFORE THE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE)
(ORIGINAL SIDE JURISDICTION)
APPEAL No.(SZ) 5 of 2020

IN THE MATTER OF:-

Yashaswi Fish Meal and Oil Company

... Appellants

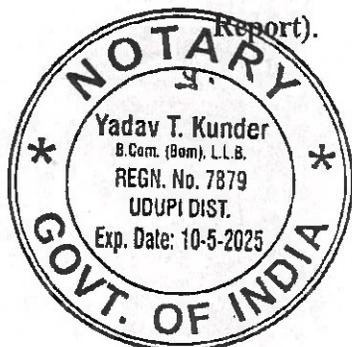
Vs.

Karnataka State Coastal Zone Management Authority & Others

... Respondents

**REPLY AFFIDAVIT FILED BY THE APPELLANT IN RESPONSE TO THE
STATUS REPORT FILED BY THE SPECIAL DIRECTOR (TECHNICAL CELL),
(I/c) DEPARTMENT OF FOREST, ECOLOGY AND ENVIRONMENT**

1. The present Appeal was filed by the Appellant to set aside the direction dated 15.03.2018 in NO.FEE 187/CRZ/2017 by the 2nd Respondent under Section 5 of the Environment(Protection)Act,1986 ("Direction") and to remand the matter back to the authority for fresh consideration of the issue in accordance with the principles of natural justice on the grounds set out under the Appeal.
2. It is submitted that this Hon'ble Tribunal has given an Interim Order of stay on 20.02.2020 against the execution of impugned Order dated 15.03.2018 in NO.FEE 187/CRZ/2017 issued by Karnataka State Coastal Zone Management Authority (KSCZMA) (Stay Order).
3. It is submitted that that the Director (Technical Cell) (I/c) Department of forest, ecology and environment filed a status report pertaining to the direction dated 15.03.2018 (The Report).



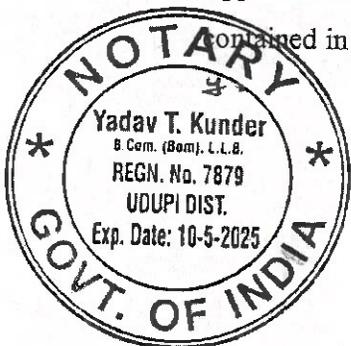
For YASHASWI FISH MEAL AND OIL COMPANY

Managing Partner

SIGNED BEFORE ME

6/12/2020
NOTARY UDUPI

4. It is submitted that the Appellant denies each and every allegation made in the said status report except those that are specifically admitted herein.
5. The Appellant submits that the allegations made in unnumbered paragraph 1 of the report that the Regional Director, Udipi observed that the Appellant herein have undertaken expansion of the fish processing plain in Sy. No.110 of Udyavar Village adjacent to HTL of Udyavara river in CRZ-1 area, where such activities prohibited under paragraph 3(i) and 3(iii) of CRZ Notifications are specifically denied herein. It is submitted that the Fish Processing Unit was established only after obtaining necessary permissions from the competent Authority. In fact, 110/9c2b, 110/5b, 110/15, 110/4a, 110/15, 110/9c2b, 110/5b, 110/2c2bp2 which constitute the Appellant's processing unit falls well outside the CRZ. The map of the Appellant's premises is attached herewith as Annexure A. The averments that inspection of the site was done on 14.02.2017 are absolutely false and baseless. No such inspection was conducted on the said date and the Special Director is put to strict proof of the same. The Report does not in any manner substantiate that an inspection was conducted on that day.
6. The Appellant submits that the averments contained in unnumbered paragraph 2 pertaining to the issue of Notices of Proposed Direction (NPD), are matters of record. However, the Director is put to strict proof of the averments pertaining to the meeting of the KSCZMA Authority held on 25.07.2017.
7. The Appellant submits that the averments in unnumbered paragraph 3 of the report that the Appellant issued reply dated 09.10.2017 (Reply) stating that the Fish Processing Unit was established only after obtaining necessary permissions from the competent Authority is a matter of record. It is submitted that 110/9c2b, 110/5b, 110/15, 110/4a, 110/15, 110/9c2b, 110/5b, 110/2c2bp2 do not fall under CRZ as stated above.
8. The Appellant respectfully submits that the averments made in unnumbered paragraph 4 that as per paragraph 3(i) of CRZ Notification, 2011, setting up of new industries and expansion of existing industries are prohibited and that as per paragraph 3(iii), fish processing units are specifically prohibited in the CRZ are matters of record. However, the Appellant submits that the Appellant's premises is not within the CRZ and the same is contained in Annexure A to this Response.



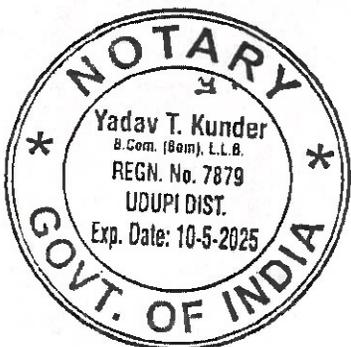
For YASHASWI FISH MEAL AND OIL COMPANY

 Managing Partner

SIGNED BEFORE ME

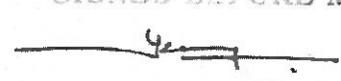

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9. The Appellant respectfully submits that the averments in unnumbered Paragraph 5 pertaining to the meeting held on KSZCMA on 15.02.2018 are not within the Appellant's Knowledge. It is submitted that the conclusion that the Appellant has undertaken expansion of the Fishmeal Processing Unit in CRZ area are specifically denied herein. The Special Director is put to strict proof of the averments pertaining to the confirmation of the proposed directions issued under section 5 of the Environment Protection Act, 1986 by the authority.
10. The Appellant respectfully submits that the averments in unnumbered paragraph 6 pertaining to the issuance of the Direction to demolish the portion of the said Fish processing unit which is within 100 meters from the HTL of Udyavara river are matters of record. However, the averments that the Appellant's premises is within 100 meters from the High Tide Line are specifically denied herein. It is reiterated that the Appellant's premises does not fall within the CRZ area.
11. The Appellant respectfully submits that the averments in unnumbered paragraph 7, 8 and 9 are matters of record.
12. The Appellant respectfully submits that averments in unnumbered paragraph 10 pertaining to the issue of the NPD are matters of record. The averments in unnumbered paragraph 11 pertaining to the issued of the Direction to the correct address of the Appellant and that the Appellant filed W.P. No. 14808 of 2018 are matters of record.
13. The Appellant respectfully submits that the averments in unnumbered paragraph 12 that the Appellant claimed that it has no connection mentioned in the show cause notice is absolutely false and baseless. The Appellant made no such claim. The Appellant only claimed that their premises is well beyond 100 meters from the HTL of Udyavara river and does not fall under CRZ.
14. The Appellant further states that two Status Reports are filed by the Director for reasons best known to them, one being the report in reply filed on 24.04.2021 and another being a report filed on 02.03.2021. In any event, the Appellant herein is duly filing its objections to both the Status Reports.



For YASHASWI FISH MEAL AND OIL COMPANY

Managing Partner

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15. The Appellant therefore respectfully submits that the Report is invalid in toto and devoid of merits.

It is humbly prayed by the Appellant that the Hon'ble NGT may take these objections on record and reject the Report as invalid and pass such necessary Orders as the Hon'ble Tribunal may deem fit and thus render justice.

Place: Udipi, Karnataka

Date: 6-12-2021.

Advocate for Appellant

For YASHASWI FISH MEAL AND OIL COMPANY

Managing Partner

Appellant

NOTARIAL REGISTER NO

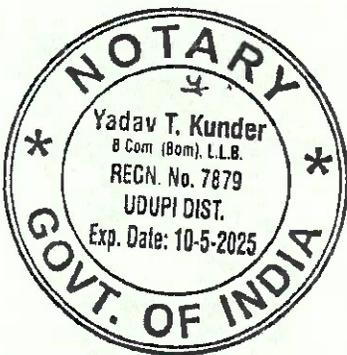
SI No 617

Date. 6-12-2021

Book No II

SIGNED BEFORE ME

NOTARY UDUPI



Notary Stamp Not Available
in Karnataka

ERRORS nil ONLY



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**M/s T.K.BHASKAR (671/95)
SRINATH SRIDEVAN (1109/95)
K.HARISHANKAR (762/96)
ADVOCATES
Counsel for Appellant**

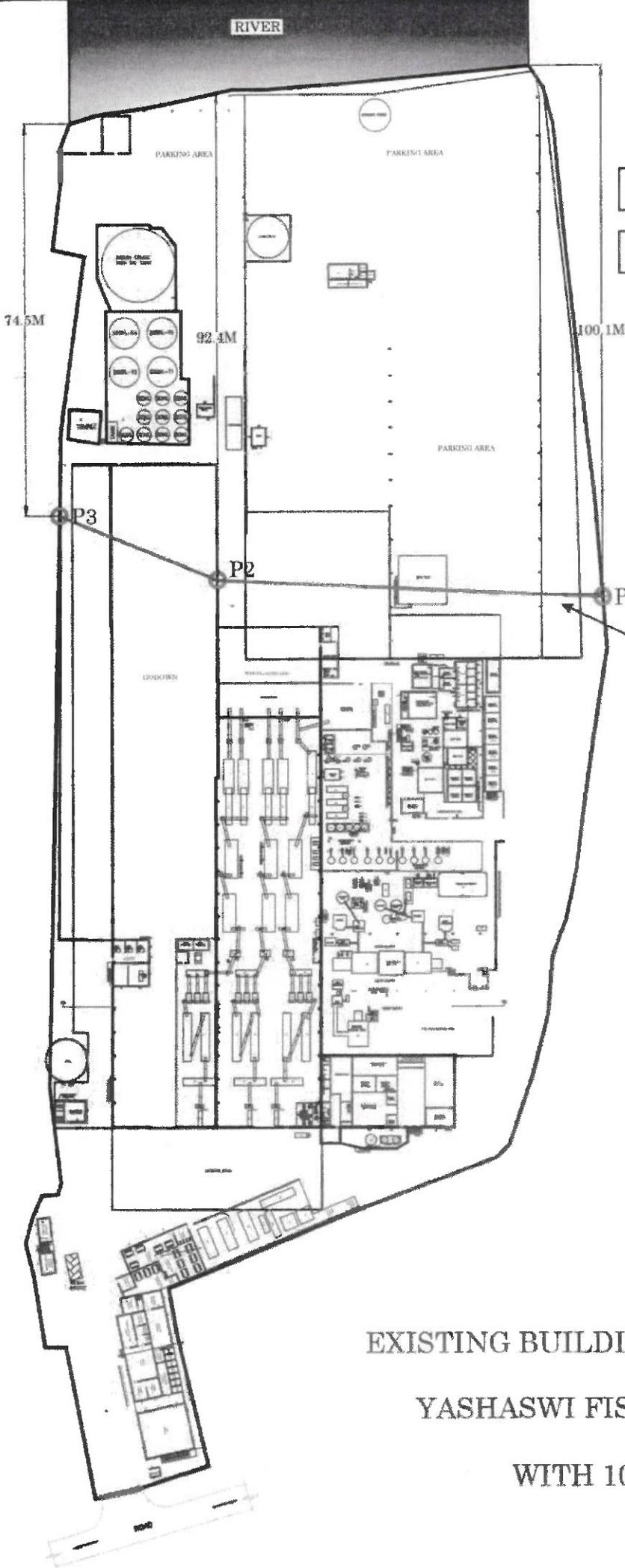
ANNEXURE A



LAYOUT BOUNDARY



P1, P2, P3 CRZ 100M MARK



EXISTING BUILDING & LAND LAYOUT OF
YASHASWI FISH MEAL AND OIL CO
WITH 100M CRZ LINE

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