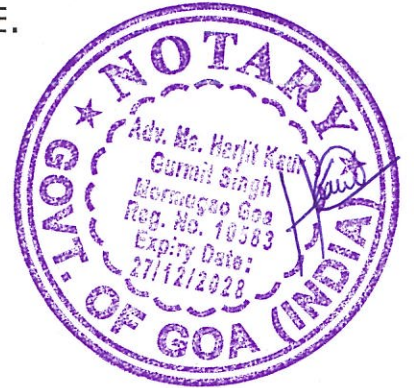


BEFORE THE HON. NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE.

I. A. No. 311 OF 2024
In
Appeal No. 167/2024 (WZ)



In the matter of:

Vijay Ravalnath Gaonkar & ... Appellants
Another

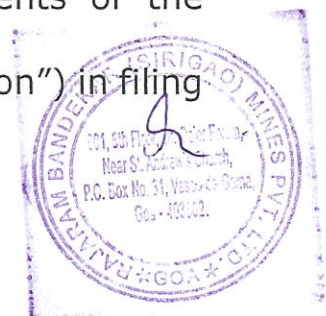
Versus

Rajaram Bandekar (Sirigao) ... Respondents
Mines Pvt. Ltd. & Others

AFFIDAVIT IN REPLY OF RESPONDENT NO. 1

I, Mr. N P Vasu Nair, son of Mr. Parameshwaran Nair,
aged 70 years, authorised signatory of Respondent No. 1,
having office at 601, Dr. Ozler Forum, near St. Andrews
Church, P. O. Box No. 31, Vasco da Gama, Goa, do hereby
state and/or submit on solemn affirmation as under:

1) I have read and understood the contents of the
application for condonation of delay ("application") in filing

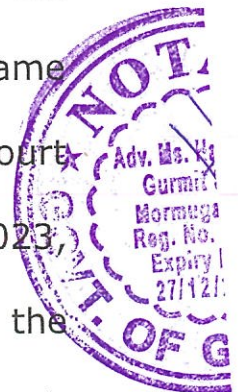


2023, filed before the Hon. High Court of Bombay at Goa, to impugn a letter of intent dated 13/01/2023 issued to Respondent No. 1 for grant of a mining lease of a Mineral Block, i.e., Block III- Monte De Sirigao Mineral Block. I say that it is apparent if not evident that the Appellants were actively following up the developments *qua* the grant of a mining lease to Respondent No. 1 and *all* matters connected therewith every step of the way. I say that the Appellants had participated in the public hearing that preceded the issue of the Environmental Clearance under challenge and/or they were regularly following up. I say that the Appellants were fully aware of the issue the Environmental Clearance under challenge to Respondent No. 1 from the time it was issued, as they were regularly following up the matter and keeping track of developments in that regard. I say that perusal of the application shall reveal that the Appellants have only stated that after the Environmental Clearance under challenge was issued on 09/09/2024, a copy thereof was received in the Village Panchayat of Shirgao on 25/09/2024 and put up on its notice board on 26/09/2024. I say that the Applicants have failed and/or avoided to state when the



Environmental Clearance under challenge actually came to their knowledge and/or that they had no knowledge of its issue before 26/09/2024. I say that in view of this, the apparent case sought to be urged, that the Appellants were not aware of the Environmental Clearance under challenge before 26/09/2024, cannot be accepted or believed. I therefore submit that this reason too does not and cannot constitute sufficient cause for condonation of delay.

5) I deny that the Appellants had to find lawyers specialising in environmental law. I submit that the Appellants have been represented in Public Interest Litigation No. 33/2024 by lawyers who specialise in environmental law and command expertise of the highest standard in the field. I say further that it appears that the Appellants are represented in this appeal by the same lawyer who represented them before the Hon. High Court of Bombay at Goa in Public Interest Litigation No. 33/2023, where there have taken grounds similar to those in the aforesaid appeal. I therefore submit that there is no merit in the claim that the Appellants had to find lawyers



specialising in environmental law. I submit that even otherwise, the Appellants have not set out when they commenced a search for lawyers specialising in environmental law, and/or how and/or when they chose to instruct the lawyers representing them.

6) I say that the Appellants have then pleaded that after lawyers were appointed by them, the process of preparing the appeal took *"several weeks of going through voluminous EC related documents"*. I say that the Appellants have taken grounds similar to those taken the aforesaid appeal in Public Interest Litigation No. 33 of 2023, and in view thereof, there is no merits in their excuse that there was *"several weeks"* going through purported *"EC related documents"* as alleged by the Appellants. I say that factually the record shall demonstrate that the appeal was filed about 22 days after it was placed on the Notice Board of the Village Panchayat of Shirgao. I submit that this bears out that *either*, the claim that preparation of the appeal took weeks is not a truthful one, *or*, that the Appellant had started preparation, to challenge the Environmental Clearance



under challenge, before its being put on the notice board of the Village Panchayat of Shirgao, being fully aware all along, of it having been issued, and they now seek to take cover under a claim, wholly false, that they learned about the Environmental Clearance under challenge on 26/09/2024. I therefore submit that this reason too does not and cannot constitute sufficient cause for condonation of delay.

7) I submit that a Court would cause delay only if sufficient cause is assigned by the litigant. I say that the explanation sought to be offered by the Appellants in paragraph no. 2 of the application is vague, hazy, and bereft of material and/or essential particulars of the facts which they alleged constitute sufficient cause for condonation of delay. I say that the application fails to meet the standard to which a party seeking condonation of delay must make out a case of sufficient case for grant thereof.

8) I therefore submit that there is no merit in the application and the prayer for condonation of delay



therein, which, must therefore be dismissed, and with it the appeal of the appellants.

Vasco Da-Gama, *Handwritten Signature*

Solemnly affirmed at Panaji, Goa on this Fourteenth day of January, of the year Two Thousand and Twenty-Five.



Handwritten Signature

Deponent.

Identified by: *Handwritten Signature*

Adv. N. Mayekar

Solemnly affirmed before me by

N. P. Vasu Naik

who is identified to me by *Adv.*

N. Mayekar

who is personally know to me

his *14th* day of *January, 2025*

Reg. No. *217* / 2025

Handwritten Signature

Adv. Ms. HARJIT KAUR GURMIT SINGH

NOTARY

(Govt. Of India)

Shop No. 26, Ground Floor

Karma Paes Avenue,

Vasco-da-Gama, Goa.

