

**BEFORE THE NATIONAL GREEN TRIBUNAL -
WESTERN ZONE AT PUNE**

I.A. No.149 /2023 (WZ)
In
Original Application No.29/2023 (WZ)

Sylvia Cardozo & Ors

...Applicants

v.

State of Goa & Ors.

...Respondents



AFFIDAVIT-IN-REPLY ON BEHALF OF
RESPONDENT NO. 8, 9 AND 10 TO THE
APPLICATION FOR AMENDMENT

MOST RESPECTFULLY SHOWETH

I, **Mr. Damodar Naik**, son of Gajanan Naik, major of age, Indian National, married, business, resident of S-1, Shree Bhumika Apartment, Amrutnagar, Gogol, Margao – Goa the Respondent No. 8 above named, do hereby on solemn affirmation state and submit as under:

1. I say that Respondent Nos. 9, 10 and I (Respondent No. 8) are in receipt of an Application for amendment dated 15/07/2023 filed by the Applicant herein. In response thereto, I, on behalf of myself and Respondent Nos 9 and 10, seek to file the present Reply.

2. I deny and dispute the contents of the said application including the proposed amendment in toto. Anything that is not specifically denied shall not be deemed to be admitted.

3. The Application is erroneous, misconceived and an abuse of process of law. The application is vague and bereft of specific details in as much as the Applicant has failed to substantiate any ground for permitting amendment of the Appeal at a belated stage.



4. I reserve my right to file additional reply in case this Hon'ble Tribunal deems it appropriate to allow the Application for Amendment.
5. Without prejudice to the above, I say that the 4th Interim Report published on the official website of the Forest Department of Goa in January 2022, is sought to be challenged by way of the proposed amendment. The challenge to the same especially at by way of an amendment application dated 15/07/2023 is grossly barred by limitation.
6. Respondents state that the Applicant has sought to incorporate the proposed amendment as a matter of right whilst trying to give a go-by to the limitation stipulated under the NGT Act, 2010. Applicants have also not sought condonation of delay to that effect.
7. Even otherwise, in terms of the NGT Act, this Hon'ble Tribunal has powers to condone the delay only to the extent of 2 months under S. 14. The



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said period to prefer a challenge to the 4th Interim Report expired somewhere in September 2023 factoring in the period that could have been condoned by this Hon'ble Tribunal.

8. Therefore the challenge to the order by way of amendment is beyond the permissible period that can be condoned by this Hon'ble Tribunal in terms of the proviso to S. 14 of the NGT Act.

9. I say that the Applicants have sought to challenge the said Report by way of an amendment in pending Application in order to wriggle out of the issue of limitation.

10. The proposed amendment is based on concocted and colourable cause of action which has the effect of changing the entire nature of the original Appeal; the same is impermissible.



11. Applicant has resorted to initiating frivolous litigation with mala fide intent and/or for collateral purpose.
12. There is no substance in the main Original Application No. 29/2023(WZ) which is liable to be dismissed in toto. Therefore the question of permitting the Applicant to amend the pleadings to fill up the lacunae is redundant.
13. The application is an abuse of process of law and the same does not deserve any indulgence. Therefore the application be dismissed with costs.
14. I say that the contents of para 1pt, 5pt, 6pt, 7pt, 10pt, 11, 12pt are true to my own knowledge and/or based on records; and the contents of para 1pt, 2, 3, 4, 5pt, 6pt, 7pt, 8, 9, 10pt, 12pt and 13 are based on legal submissions which I believe to be true.



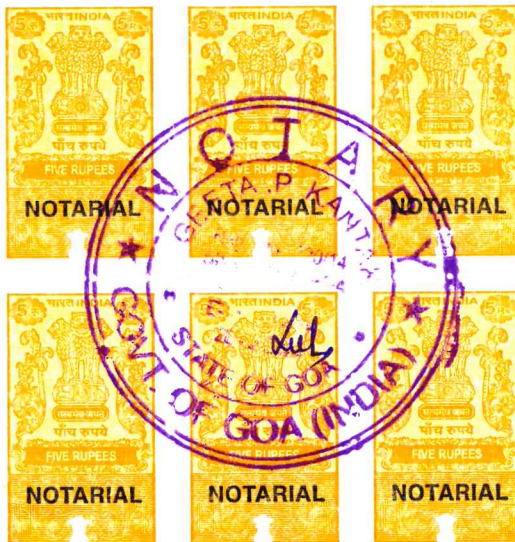


Solemnly affirmed at Margao – Goa

On this 09 day of August, 2023

[Handwritten signature]

DEPONENT



Solemnly affirmed before me by
Shri/Smt... Damodar Naik
Who is identified before me by
Shri/Smt...
Who is personally known to me
on this... 09 day of... 08... 2023

[Handwritten signature]

GEETA P. KANTAK
NOTARY
SALCETE TALUKA
STATE OF GOA (INDIA)
REG. No.: 6717-2023
DATE: 09.08.2023