

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT  
CHENNAI**

**Appeal No. 74 of 2025**

C. Kandasamy

...Appellant

-Vs-

State Impact Assessment Authority, Puducherry & Anr.

...Respondents

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//Certified to be True Copies of the respective originals//

Dated this the 16<sup>th</sup> day of April, 2026



Through  
A.Yogeshwaran  
Counsel for the Appellant

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**REJOINDER FILED ON BEHALF OF THE APPELLANT**

The Appellant respectfully submits as follows:

1. The present Appeal challenges the impugned clearance as it is granted in violation of the law and is based on inchoate and inadequate EIA studies, without application of mind by the 1<sup>st</sup> Respondent.
2. The 2<sup>nd</sup> Respondent ought to have obtained clearance under the EIA Notification, 2006, which they have failed to do so. The impugned clearance is vitiated by conflict as the 2<sup>nd</sup> Respondent participated as a member in the 54th meeting of Puducherry Coastal Zone Management Authority held on 10.09.2025, when the project was considered and recommended to the 1<sup>st</sup> Respondent for clearance. The contents of the Appeal may be read as part and parcel of the present reply.
3. It is submitted that the contents of the reply affidavits filed by the 1<sup>st</sup> and 2<sup>nd</sup> Respondent are false except to the extent expressly admitted hereunder. Without prejudice to the generality of the above denial, the following reply is tendered.

**Reply to 1<sup>st</sup> Respondent SEIAA's Reply Affidavit**

4. The contents of paragraph 1 of the affidavit under reply calls for no response from the Appellant as it is for the information of this Hon'ble Tribunal.
5. The contents of paragraph 2 and 3 are denied as false. It is submitted that the impugned project attracts the EIA Notification, 2006 and environmental clearance under the Notification is required. As pleaded in the Appeal, the figure of 29,647 TPA is only the fish catch figures and is not the handling capacity of the harbour. In fact, this assertion has not been controverted by the Respondents and no evidence to substantiate the claim that the handling capacity of the harbour is less than 30,000 TPA has been produced. It is submitted that the project is covered under para 4.2(ii)(a) of the CRZ Notification, 2011 since environmental clearance under the EIA Notification is also required and the 1<sup>st</sup> Respondent has erred in considering the project under 4.2(ii)(c) of the CRZ Notification, 2011.
6. Further, Para 7(ii)(a) of the EIA Notification, 2006 mandates environmental clearance for expansion of projects with increase in production capacity beyond the capacity for which prior environmental clearance has been granted. Herein, the project proponent is attempting to expand both the size and capacity of the harbour over the original EC obtained in July 2004 and therefore, requires environmental clearance for the expansion, irrespective of its handling capacity. Thus, the project requires clearance under the EIA Notification, 2006.
7. The contents of paragraph 4 to 7 are denied except to the extent they relate to matters of record. The contents of the said paragraphs are description of events leading to the issuance of the impugned clearance. The supersonic speed with which the impugned clearance has been granted is admitted by the Respondent. It is to be noted that the 1<sup>st</sup> Respondent has itself admitted in paragraph 6 that the Parivesh 2.0

portal was not operational during the appraisal of the impugned clearance.

8. The contents of paragraph 8 are denied as false and is demonstrative of the fact that the 1<sup>st</sup> Respondent has failed to understand the Appeal filed. The entire Affidavit under reply does not contain a single assertion or reply to the various contentions raised in the Appeal.
9. In so far as the contents of paragraph 9, 10 and 11 are concerned, the contentions of the Respondent are denied as false except to the extent they relate to matters of record. It is admitted by the 1<sup>st</sup> Respondent itself that they have not received any copies of newspaper publication from the 2<sup>nd</sup> Respondent, which shows that the project proponent had not communicated about the clearance to the general public. It is also to be noted that the information about the clearance has been communicated to the government offices only on 14.11.2025, i.e., after filing of this Appeal. It is thus, beyond comprehension as to how the 1<sup>st</sup> Respondent can claim that the Appeal is barred by limitation when they admit that the impugned clearance was never communicated as mandated by law and the conditions of the impugned clearance. The 1<sup>st</sup> Respondent appears to be ignorant of the fact that unless the clearance is communicated and available in public domain, the statutory right to challenge the clearance cannot be exercised. The only parties who are privy to the grant of clearance are the project proponent and 1<sup>st</sup> Respondent, the clearance granting authority. The contentions of the Respondent in this regard are without merit.
10. The contents of paragraph 12 are denied as false. It is contrary to the record and logic for the respondent to admit that the clearance has not been communicated to the public at large and contend that the date of the clearance is the date of knowledge of the appellant qua the clearance. The sequence of events as to how the clearance was obtained under RTI

and filed is part of the appeal and is not repeated for the sake of brevity. The contentions of the respondent in this regard are contrary to the record and false.

11. The contents of paragraph 13, 14 and 15 are false and denied. The 1<sup>st</sup> respondent has evidently not read the appeal and has failed to appreciate the contents of the same. The Appellant's village is adjacent to the proposed Fishing Harbour and less than 10 meters from the harbour sought to be expanded. Photographs are annexed as **Annexure 15**. The appellants are persons aggrieved by the illegal clearance issued and the failure of the 1<sup>st</sup> respondent to perform their statutory duties. It is denied that the appeal is liable to be dismissed and it is surprising that a statutory authority, instead of welcoming judicial scrutiny of their actions is raising contentions like the present.

#### **Reply to 2<sup>nd</sup> Respondent Reply Affidavit dated 26.01.2026**

12. The contents of paragraph 1 of the affidavit under reply calls for no response from the Appellant as it is for the information of this Hon'ble Tribunal.
13. The contents of paragraph 2 and 3 are denied as false and incorrect. They are similar to the contentions raised by the 1<sup>st</sup> Respondent and the above reply may be read as a reply to these assertions as well.
14. The contents of paragraph 4 are denied as false. The Respondent itself has stated that the writ petition pertains to a challenge to the tender issued prior to the impugned clearance. The impugned clearance can only be challenged before this Hon'ble Tribunal under section 16 (h), and the contentions of the Respondent are devoid of merit.
15. The contents of paragraph 5 are denied as false. The Respondent ought not to resort to casting aspersions on the Appellant in such a cavalier fashion. The Respondent has not even bothered to substantiate their

contentions. The Respondent's attempt to raise such false allegations deserves to be deprecated.

16. The contents of paragraph 6 are denied as false and self serving. The contentions of the Respondent do not in any manner exempt the subject project from the applicability of the law and the mandate to critically study and assess the ecological and environmental footprint of such projects.
17. The contents of paragraph 7 are denied as false and incorrect. The contents of this paragraph are a repetition of the contentions raised in the reply of the 1<sup>st</sup> Respondent and the above reply may be read as a reply to the contents of this paragraph as well.
18. The contents of paragraph 8 are denied as false and the Respondent has merely mentioned the stages in the grant of the impugned clearance, save the consent to establish, and has falsely claimed that it amounts to "multi-tier expert appraisal". Detailed submissions in the appeal on the illegality pervading the impugned clearance are not repeated for the sake of brevity.
19. The contents of paragraphs 9, 10, and 11 show that the 2<sup>nd</sup> Respondent has failed to comply with the mandate of the general conditions in the clearance and failed to communicate the clearance as required. They have admitted to communicating the clearance only after the filing of the present appeal. The contentions of the Respondent in para 10 are indicative of the fact that they have not read the Appeal or appreciated its contents. The Respondent, far from responding to the contentions, has raised imaginary contentions regarding the nature of the contents of the Appeal. The appeal only seeks to ensure that the law is complied with and the Respondent's contentions in this regard are without merit and irrelevant. It is submitted that the 2<sup>nd</sup> Respondent has also not responded to the contentions raised in the appeal.

It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the appeal as prayed for and thus, render justice.

*J.*

**Counsel for Appellant**

X

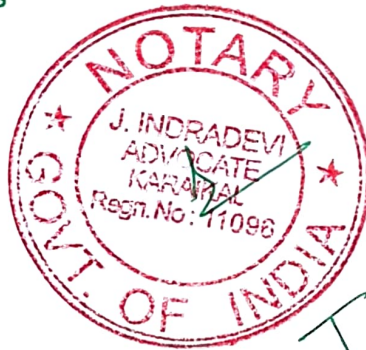
*C. Kandasamy*

**Appellant**

### Verification

I, C. Kandasamy, the Appellant herein, do hereby verify that the contents in the above paragraphs are true and correct and based on legal advice and that I have not suppressed any material fact.

Date: *16/04/2026*  
Place: *Karaikal*



X

*C. Kandasamy*

**Appellant**

*J. Indradevi*  
**J. INDRADEVI, B.Sc., B.L.**  
Advocate & Notary (Govt. of India)  
No.15, Nehru Street, Karaikal - 609 602





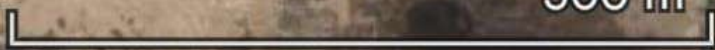


Karaikal Fishing Harbour

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கருக்களாச்சேரி



500 m





Office of Yogeshwaran A <officeofyogeshwaran@gmail.com>

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## Service of Rejoinder in Appeal 74 of 2025- C Kandasamy v SEIAA, Puducherry

1 message

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Office of Yogeshwaran A <officeofyogeshwaran@gmail.com>

Sun, Apr 19, 2026 at 3:32 PM

To: ram@akrandassociates.in, meram6@gmail.com, "Dhanya Dheekshitha K.H." <dhanyadheekshitha.kh@gmail.com>

Sir,

Please find attached the rejoinder in the subject mentioned Appeal. Kindly treat this as a service on the Respondents and acknowledge the receipt of the same.

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Sincerely,  
Yogeshwaran A  
Ph no: 9566254546



**Rejoinder- C Kandasamy v SEIAA.pdf**

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