



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE**

I.A. No. 206/2024

IN

APPEAL NO. 139 / 2024

National Fishworkers Forum & Ors.

-----Appellant

V/s

Union of India & Ors.

---Respondents

**REPLY AFFIDAVIT BY RESPONDENT NO. 4,
MAHARASHTRA COASTAL ZONE MANAGEMENT
AUTHORITY**

I, Vishal Vishwas Madane, Under Secretary & Sci II, Environment

& Climate Change Department, Government of Maharashtra do

hereby state on solemn affirmation as under –

M. D. Patel

[Signature]

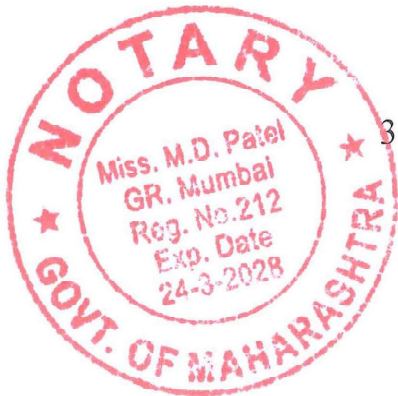


I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

1. I am filing the present affidavit in reply to the application seeking condonation of delay in filing the captioned appeal. It is submitted that at the very outset this respondent denies each averment made in the present application which is contrary to and inconsistent with the averments made and facts stated in the present reply. It is submitted that nothing stated in the application may be deemed to have been admitted by this respondent unless and until the same has been admitted by the respondent.

2. Present Appeal is challenging the composite Environment Clearance (EC) and Coastal Regulation Zone Clearance (CRZ Clearance) dated 16th February, 2024 granted by the MoEF&CC to JNPA.

3. Along with this application for condonation of delay, the appellants have also filed an application for stay, IA No. 219/2024. Stay application requires perusing the merits of the appeal. It is humbly submitted that the present application for



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condonation of delay needs to be decided first without going into the merits of the appeal for considering the application for stay. I crave leave for filing of a separate reply to the IA No. 219/2024 and to the main appeal after the present application for condonation of delay is decided.

4. Applicants in the present application have stated that there is delay of 55 days in filing the present appeal. Whereas in the limitation clause, para no. 97 of the appeal memo, it is stated that there is 85 days delay in filing of the present appeal. Applicants first need to clarify the exact number of days delay caused in filing of the appeal and accordingly amendment needs to be made in the appeal memo.

5. The minutes and decisions of the MoEF&CC and the MCZMA are uploaded on the respective websites and therefore they are in public domain accessible to everyone.

There is no pleading in the application as to the mode of obtaining the information and documents by the appellants in filing of the appeal. The appellants have not disclosed the source of obtaining the impugned combined EC and CRZ Clearance. So it'll be presumed that they have obtained the

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information and documents from the official websites of MoEF&CC and MCZMA.

6. As per sec. 16 of the NGT Act, an appeal has to be preferred within a period of 30 days from the date on which the order / decision / direction / determination is communicated to the appellant. There is no pleading neither in the appeal nor in the present application, whether the appellants / applicants had sought the information about the impugned composite EC and CRZ Clearance to the MoEF&CC or other authorities. So it is presumed that they obtained the details, information and documents from the official websites of the authorities. However, no date of obtaining of the said information and documents has been disclosed. In para no. 2 of the present application the applicants have themselves admitted that the aforesaid period of 30 days elapsed on 17th March, 2024.

7. As per the proviso to sec. 16 of the NGT Act, this Hon'ble Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period of 30 days, allow it to be filed within a further period not exceeding 60 days. As per online case details of the present



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case as displayed on the NGT website, the appeal has been filed on 11th May, 2024, i.e., after a delay of 55 days after the statutory period of 30 days was over. Thus the applicants are required to demonstrate the sufficient cause as to what prevented them from filing the appeal within 30 days.

8. The reason of delay in filing the present appeal as given in the present application is the volume of the papers and the expert professional advice needed to compile and analyse the data and other relevant documents which was time consuming. The said reason is very vague and ambiguous. There is no disclosure of material, details of experts consulted, their names, time taken in obtaining the same. The said reason is baseless and seems to have been made in a very causal manner assuming that the delay in filing the appeal will be condoned as a matter of right.

9. Based on the above reply it is prayed that the applicants have miserably failed to plead the sufficient cause as to why they were prevented from filing the appeal present application. The



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application for delay condonation is liable to be rejected and may accordingly be rejected.

10. In light of the above averments, this respondent craves leave to file any additional reply as and when required. It is respectfully prayed that MCZMA shall abide by any orders and directions issued by the Hon'ble Tribunal.

Whatever is stated above is true and correct to the best of my knowledge,



Place: Mumbai

(Vishal Vishwas Madane)

Deponent

Under Secretary & Sci II,

Env&CC Department, GoM

Date: 12/9/24

M. D. Patel

VERIFICATION

I, Vishal Vishwas Madane, Age 40 years, Under Secretary & Sci II, Env&CC Department, GoM, having my office address at 15th Floor, New Administrative Building, Mantralaya Mumbai, do hereby verify & declare that statements made in the aforesaid Paras are true and correct to the best of my knowledge and information and I believe the same to be true and that nothing material has been concealed therefrom.

Verified at Mumbai on this 12th day of September, 2024

Vishal Vishwas Madane

(Vishal Vishwas Madane)

Under Secretary & Sci II,

Env&CC Department, GoM

Deponent

Identified by

Shirke A.B.

*Archana Anish Parshurame
SC-II & under secretary.*

BEFORE ME

*M. D. Patel
12-9-2024
Sr. No. 452
Bk. No. 3*

**MISS M. D. PATEL
ADVOCATE & NOTARY
Kobiar House,
4, Dhuswadi, Dhobitalao,
MUMBAI - 400 002.**

