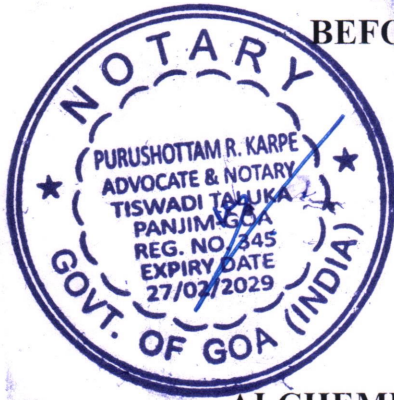




**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE**

Interlocutory Application No. 843/2025 (WZ)

In

Appeal No. 619/2025 (WZ)

ALCHEMIST

ASSET

RECONSTRUCTION CO. LTD.

...Applicant

V/s.

GOA

COASTAL

ZONE

MANAGEMENT AUTHORITY & Anr. ...Respondents

REPLY ON BEHALF OF RESPONDENT NO. 2
TO THE APPLICATION SEEKING
CONDONATION OF DELAY.

MAY IT PLEASE THIS HON'BLE TRIBUNAL:

Respondent No. 2 herein, most respectfully, states and submits as follows:

1. At the outset, Respondent No. 2 submits that the present Reply is filed without prejudice to the rights and contentions of this Respondent to deal with the merits of the present Appeal at an appropriate stage. This Respondent denies and disputes each and every averment made by the Applicant in

the present Appeal and the application for condonation presently under reply, except to the extent specifically admitted herein.



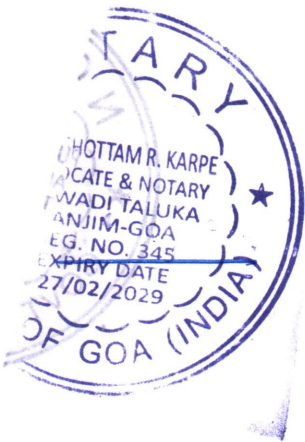
2. The application seeking condonation of delay is essentially misconceived and is filed in the most generic and cavalier manner. It is a matter of record that the Applicant, for past about 4 to 5 years, are prosecuting several proceedings before several forums including but not limited to the Hon'ble High Court of Bombay at Goa, the Civil Judge Senior Division at Margao, Goa, the Hon'ble District and Sessions Judge, South Goa at Margao and several other proceedings with regards to title, entitlements and/or possession of several properties in Agonda Village. It is further a matter of record that before this Hon'ble Tribunal, the Applicant has preferred several proceedings and to the limited knowledge of this Respondent, the Applicant herein has filed about 24 legal proceedings before this Hon'ble Tribunal from the year 2022 and a similar number of legal



proceedings before various Courts in Goa and other jurisdictions.

3. In aforesaid circumstances, the Applicant's excuse that owing to "voluminous" nature of the records it could not prefer the present appeal within the prescribed period is not believable and, to say the least, such an excuse is lame, generic and unsustainable. The records would demonstrate that pages 207 to 804 of the Memo of present Appeal are common to most of the proceedings filed and/or instituted by the Applicant before this Hon'ble Tribunal. Even in the earlier proceedings inter alia bearing Appeal No. 136/2025, the very same documents were relied upon by the Applicant. Consequently, the excuse that the records were voluminous and/or bulky cannot be accepted on the face of it.

4. Even otherwise, the Applicant, being a large corporate entity engaged in sophisticated financial and legal dealings, cannot plead that the delay has occurred due to bonafide and unavoidable circumstances by stating that the documents and records of the present lis are bulky and/or voluminous



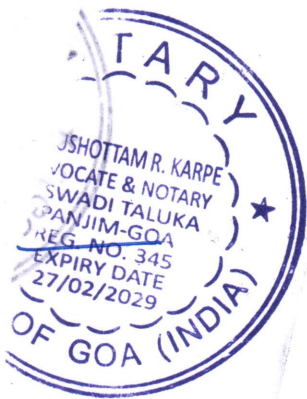
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and/or that a substantial number of orders were passed by Respondent No. 1 only to overcome the bar of limitation. It is pertinent to note that the Applicant herein is an Asset Reconstruction Company having its independent legal department apart from having deep ties with the law firm namely Dhir and Dhir having its office in New Delhi. As per information available on public domain, the Applicant has close foundational links with the said law firm Dhir and Dhir. Consequently, the foundational reason for delay, i.e. conference, consultation and/or co-ordination between the legal departments and/or their lawyers appears to be a mere eye wash.

5. It is submitted that though the present Appeal Memo prima facie looks to be a bulky petition, however, the same has got its size and weight by the annexures pertaining to the purported locus of the Applicant, which has remained constantly repeated in cyclostyle manner, and is part of the other Appeal Memos filed by the Applicant herein.



6. Even otherwise, the Applicant has failed to establish any sufficient cause and/or to demonstrate any bona fide justification for the inordinate, unexplained, and self-contradictory delay in preferring the present Appeal.
7. The Applicant herein has not demonstrated any sufficient cause and/or neither divulged the steps taken by the Applicant within the period of 30 days available in order to prefer the Appeal within time. A sweeping statement made generally without any specifics / particulars cannot be countenanced as demonstration of sufficient cause particularly in the legislative scheme of the Environment Protection Act.
8. On the contrary, the averments in the present proceedings, read along with the conduct of the Applicant, clearly show a pattern of abuse of the process of law and forum shopping through repeated rounds of litigation.
9. Earlier, the Applicant had initiated proceedings to challenge the permissions lawfully granted in favour of this



Respondent by the competent authority. Upon failure in those attempts and upon assessing their options, the Applicant has now resorted to file the present proceedings challenging the discharge of the show cause notice, despite the fact that the structures in question are standing with the permissions granted by Respondent No. 1 and other competent authorities as required under law.

10. The Respondent No. 2 submits that the Applicant herein is a large and resourceful corporate entity having a well-established and structured legal framework to manage its legal affairs. The Applicant is equipped with an in-house legal department and is regularly represented by experienced and qualified advocates before various judicial and quasi-judicial forums.

11. The Respondent No. 2 further submits that the Applicant has engaged a panel of competent advocates across multiple jurisdictions, including in the State of Goa as well as in Delhi, who continuously advise and represent the Applicant in its legal matters. In view of such extensive legal



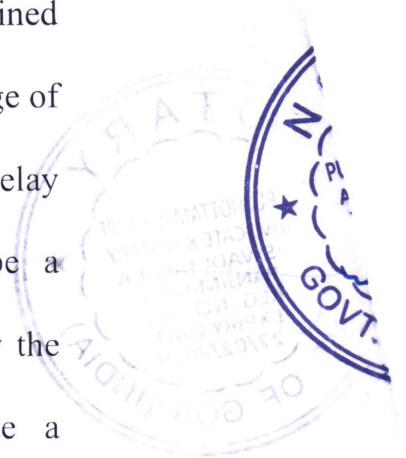
assistance available to the Applicant, it cannot be contended that the delay has been caused by bonafide and unavoidable circumstances being the alleged bulky and voluminous records.

12. The Respondent No. 2 further states that the Applicant has been continuously involved in several litigations before various courts and authorities, not only against this Respondent No. 2 but also against several other parties in respect of properties situated at Agonda, Canacona, Goa. The Applicant is therefore well accustomed to legal proceedings and the procedural requirements governing the same.



13. It is well settled that institutional or corporate litigants, possessing substantial legal resources and professional assistance, are expected to act with a higher degree of diligence and responsibility in prosecuting their remedies. As such, the plea of administrative delay and/or voluminous records cannot be accepted as sufficient cause in such circumstances.

14. The Respondent No. 2 further submits that the present Appeal is not the first round of litigation between the Applicant and this Respondent No. 2. On earlier occasions as well, the Applicant had preferred Appeals against this Respondent No. 2 and even in said Appeal, there has been an inordinate and unexplained delay.
15. It is pertinent to note that such Appeals were not entertained and were dismissed by this Hon'ble Tribunal at the stage of consideration of the Applications for Condonation of Delay itself. The present attempt therefore appears to be a repetition of the same negligent approach adopted by the Applicant in the past, which clearly demonstrate a consistent lack of diligence in pursuing its legal remedies within the prescribed period of limitation.
16. By adopting such a course, the Applicant is unnecessarily dragging the Respondent into meritless and baseless litigation, causing undue harassment and forcing the



Respondent to repeatedly defend proceedings which ought not to have been entertained in the first place.

17. This Respondent respectfully submits that jurisdiction vested unto this Hon'ble Tribunal under Section 16(g) of the NGT Act cannot be stretched or misused. Even otherwise, the present Appeal is meritless and is bound to be dismissed.

18. The Applicant has failed to demonstrate any direct environmental injury or legal grievance arising from the impugned order. The pleadings clearly indicate that the Applicant's objections are motivated by private commercial considerations rather than genuine environmental concerns. The environmental jurisdiction of this Hon'ble Tribunal cannot be invoked as a proxy to advance collateral or commercial interests.

19. The aforesaid conduct of the Applicant is further substantiated by the fact that, on earlier occasions as well, the Applicant had challenged the permissions lawfully granted in favour of Respondent No. 2. However, the said



challenges were dismissed by this Hon'ble Tribunal at the stage of consideration of the applications for condonation of delay, thereby allowing the permissions to attain finality.

20. The Respondent submits that, despite the dismissal of the previous Appeal leading to the permissions of the Respondent attaining finality, the Applicant has continued to drag the Respondent into unnecessary and repetitive litigation, causing undue harassment and compelling this Respondent to incur time and expense in defending proceedings which are entirely devoid of merit.
21. In addition to above, the Applicant is not an "aggrieved person" as contemplated under the National Green Tribunal Act, 2010, and its interest is purely financial. Environmental jurisdiction cannot be invoked to advance private or commercial motives.
22. The Respondent states that the Applicant is a corpus juris and not an environmentalist or person interested in protection of the environment and/or affected person.



Consequently, the application of the Applicant will have to be seen with a prism of an asset reconstruction company trying to achieve its commercial objectives by use of jurisdiction of this Hon'ble Tribunal.

23. It is a settled principle that a party who fails to act diligently cannot claim equitable relief. Delay cannot be condoned on vague or self-serving pleas of ignorance, particularly by institutional litigants. The Applicant's plea does not satisfy even the minimal threshold of "sufficient cause".



24. Without prejudice to the foregoing submissions, this Respondent submits that the application under reply is fundamentally misconceived. Even if the application is examined on its own merits, the Applicant has failed to furnish any cogent or satisfactory explanation for the inordinate delay in filing the present Appeal.

25. This Respondent submits that the statutory period of limitation for filing appeals, as prescribed under Section 16

of the NGT Act, is required to be construed strictly and rigorously.

26. The Applicant cannot be permitted to reap the benefits of its own inaction or indolence when the Applicant claims to be a financial institution with an in house robust legal team. The law requires the Applicant to show active and timely due diligence, which is wholly absent in the present case.
27. The Respondent denies that the Applicant is entitled to maintain the present Appeal under Section 16 of the National Green Tribunal Act, 2010. The statutory limitation prescribed therein mandates that an appeal be filed within 30 days, extendable by a further period not exceeding 60 days upon showing sufficient cause. The reasons advanced by the Applicant do not constitute "sufficient cause" within the meaning of the said provision and therefore the delay cannot be condoned.
28. It is denied that the delay caused is due to bonafide and unavoidable circumstances. The Applicant has failed to



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disclose the purported unavoidable circumstances, and on this count alone, the present Application deserves to be dismissed. Particularly in the backdrop of the facts that the Applicant has a strong and robust legal team including an in-house legal department and a panel of skilled and qualified advocates, the reason provided does not qualify to be a sufficient cause for condoning the delay.



29. Even assuming without admitting that multiple orders were passed by Respondent No. 1 as purported to be claimed by the Applicant, it was incumbent upon the Applicant to disclose the exact number of orders relevant to the present matter. In any event, the alleged preparation and finalisation of documents in consultation with its management, legal department, or counsel cannot constitute “sufficient cause” for the inordinate delay in filing the present Appeal.
30. The reliance sought to be placed by the Applicant on the judgments are completely misplaced and erroneous interpretation of the ratio of said judgements.

31. It is denied that the balance of inconvenience is in favour of the Applicant and no prejudice shall be caused to the Respondents, if the present Application is allowed. It is further denied that any irreparable loss, harm and injury will be caused to the Applicant, if the same is not allowed.
32. It is denied that the delay caused in filing the appeal is inadvertent, bonafide and only based on purported circumstances alleged to be beyond the control of the Applicant and deserves to be condoned as alleged.
33. The alleged delay is entirely attributable to the negligence and inaction of the Applicant. There is nothing on record to demonstrate that the Applicant was prevented by any circumstance beyond its control from approaching this Hon'ble Tribunal within the prescribed period of limitation.
34. The delay sought to be condoned is neither miniscule nor minor delay and the delay if condoned, shall cause grave injustice to the Respondent.



35. This Respondent submits that permitting such a belated and procedurally defective application would be tantamount to an abuse of process of law. Such conduct of the Applicant is malafide, vexatious, and contrary to the purpose of the NGT Act.

36. In the light of the above, this Respondent submits that entertaining the present Appeal or condoning the delay would cause irreparable prejudice to this Respondent. The Respondent has acted in good faith, in accordance with law, and relied upon the validity of the Impugned Order and prior approvals in exercising its rights and obligations.

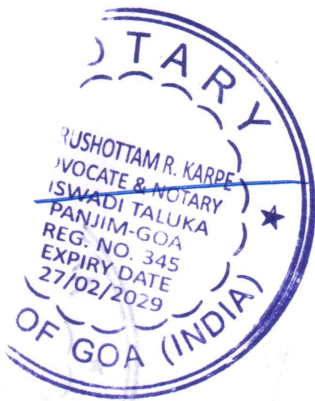
37. Therefore, in the light of the above, it is respectfully prayed that this Hon'ble Tribunal may be pleased to reject the application for condonation of delay with costs and consequently dismiss the Appeal.

Date: 17.03.2026

Place: Panaji, Goa


Respondent No. 2


Adv. for the Respondent No. 2



AFFIDAVIT

I, **MR. UDAY S. DESSAI**, son of Mr. S. Dessai, major in age, resident of Char-rasta, Canacona Road, Canacona, Goa, 403702, the Respondent No. 2 herein, do hereby on solemn affirmation state and submit as follows:

1. I say that I have filed the above reply before this Hon'ble Tribunal.
2. I say that the contents of the above reply at paragraph nos. 1, 2pt, 3pt, 4pt, 5, 6pt, 7pt, 8pt, 9, 10, 11, 12pt, 13, 14, 15, 16pt, 17pt, 18pt, 19, 20pt, 21pt, 22pt, 23pt, 24pt, 25pt, 26pt, 27pt, 28pt, 29pt, 30pt, 31pt, 32pt, 33pt, 34pt, 35pt, 36pt and 37pt are true and correct to my personal knowledge and belief and/or based on information derived from the records and/or inferences.
3. I say that the contents of the above reply at paragraph nos. 2pt, 3pt, 4pt, 6pt, 7pt, 8pt, 12pt, 16pt, 17pt, 18pt, 20pt, 21pt, 22pt, 23pt, 24pt, 25pt, 26pt, 27pt, 28pt, 29pt, 30pt, 31pt, 32pt, 33pt, 34pt, 35pt, 36pt and 37pt are in the nature of legal submissions which I believe to be true and correct.

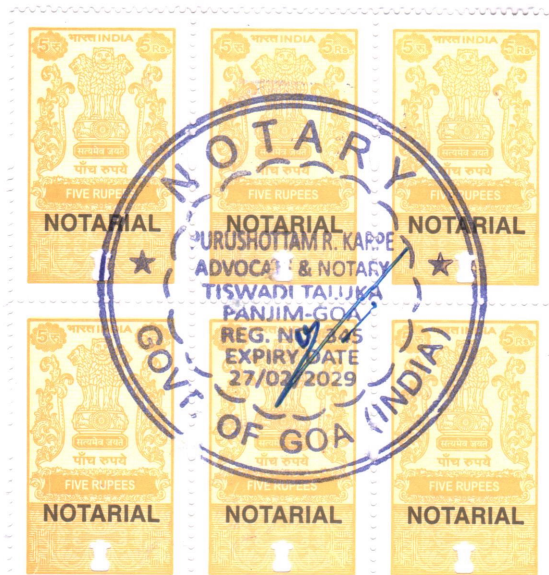


4. I say that the contents of the present affidavit at paragraph
nos. 1, 2 and 3 are true and correct to my personal
knowledge and belief.

Solemnly affirmed at Panaji, Goa,
On this 17th day of March, 2026.



DEPONENT



Solemnly affirmed before me by
Shri/ Smt. Uday S. Desai
who has been identified by
Author card 8055 618 0032
whom I personally know.
Reg. No: 181 Date: 17/03/2026

PURUSHOTTAM R. KARPE
NOTARY FOR TISWADI TALUKA
STATE OF GOA (INDIA)
REG. NO.345