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

**I.A. No. 107 OF 2023**

**IN**

**APPEAL No. 16 OF 2023**

**IN THE MATTER OF :**

Old Cross Fishing Canoe Owners

Cooperative Society Limited and Ors.

... Appellants

**V/s.**

M/s South West Port Limited (SWPL)

and Ors.

... Respondents

**REPLY ON BEHALF OF THE RESPONDENT No. 2.**

**MAY IT PLEASE YOUR HONOUR :**

The Respondent No. 2 abovenamed most respectfully  
states and submits as follows :

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1. By the present Application, the Appellants herein seeks condonation of delay of purported 60 days in filing the Appeal against the Environmental Clearance (EC) and Coastal Regulation Zone Clearance (CRZ) granted to Respondent No. 1 for the proposed Terminal Capacity enhancement at berth 5A-6A of Mormugao Port for handling coal and coal products, iron ore and limestone, including unitized and steel products.
2. It is denied that the Appellants learnt about the EC and CRZ only on 18.01.2023 when the local newspaper, The Times of India covered the said news of grant of EC and CRZ to Respondent No. 1 herein.
3. It is respectfully submitted that Appellants have miserably failed to disclose the sufficient cause in the Application to condone the delay in filing the Appeal within the period of Limitation. The Appellants have clearly stated in Paragraph 3 of the present Application that the Appellants on 18.01.2023 obtained the Copy of the Environmental clearance and CRZ clearance dated 11.01.2023 from the website of Ministry of Environment Forest and Climate Change (MoEF & CC). It is also pertinent to note that Appellants have not mentioned the date of actual filing of the Appeal, as this Tribunal has no jurisdiction to entertain this Appeal beyond the extended period of 60 days.



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4. It is respectfully submitted that the reasons as stated in paragraphs 2 to 7 of the present Application do not justify or make out any sufficient cause which prevented the Appellants from filing the Appeal in a stipulated period of 30 days.
5. In the present case the Appellants have failed to show sufficient cause which prevented them to approach this Hon'ble Court within time. The approach of the Appellants is negligent and have acted inactively in filing the present Appeal, therefore, there is no justifiable ground for condoning the delay.
6. The appellants who seek condonation of delay should explain the delay of each day, however, the Appellants have failed to explain the delay from 11.01.2023 till the filing of the present Appeal.
7. It is respectfully submitted that, in any event, the Appellant has not made out a sufficient cause for condonation of delay.



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8. In the circumstances, as aforesaid, it is respectfully submitted that the Application for condonation of delay deserves to be dismissed.



Vasco – da – Gama, Goa.

**Mr. SANTOSH NAIK**

Dated : 19/07/2023.

(Duly constituted attorney of  
the Respondent No. 2)

(Advocate for the Respondent No. 2)

**VERIFICATION**

I, Mr. Santosh Naik, major in age, residing at Vasco da Gama, Goa, Law Officer (Grade I) and duly constituted attorney of the Respondent No. 2 herein say that the statements of facts

made in the foregoing paragraphs are on the basis of information derived from records to which I have access and submissions made therein are on the basis of legal advice which I believe to be true.



Place :Vasco-da-Gama, Goa

Date :19<sup>th</sup> July,2023

**(Mr. SANTOSH NAIK)**  
**Santosh Anand Naik**  
**Law Officer & Constituted**  
**Attorney of the Board of**  
**Mormugao Port Authority**



Executed before me  
by Mr Santosh  
Naik  
which I attest



**Adv. Surajkumar N. Naik**  
**NOTARY**  
**STATE OF GOA**  
**36, Ground Floor, Apna Bazar, Bldg.,**  
**VASCO-DA-GAMA, GOA- 403 802**  
Date : 19/07/2023  
Reg No.: 11422/2023