

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

I.A. No. 101 OF 2023

IN

APPEAL No. 15 OF 2023

IN THE MATTER OF :

Federation of Rainbow Warriors and Ors.

... Appellants

V/s.

Union of India and Ors.

... Respondents

REPLY ON BEHALF OF THE RESPONDENT No. 3.

MAY IT PLEASE YOUR HONOUR :

The Respondent No. 3 abovenamed most respectfully states and submits as follows :

1. By the present Application, the Appellants herein seek condonation of delay of purported 56 days in filing the Appeal against the Environmental Clearance (EC) and

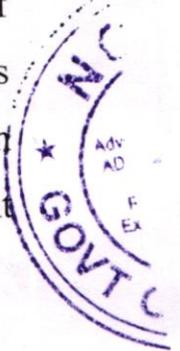
1424

Coastal Regulation Zone Clearance (CRZ) granted to Respondent No. 4 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. In Paragraph 3 and 4 of the Present Application, the Appellants purports to state that the limitation period of present Appeal starts from 13.01.2023 and the 30 days limitation stipulated within section 16 of the National Green Tribunal Act, 2010 lapsed on 12.02.2023 and the present Appeal is filed on 09.04.2023.

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.

4. It is respectfully submitted that the reasons as stated in paragraphs 3 to 12 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.



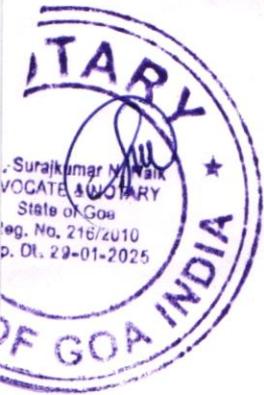
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5. In the present case the Appellants have failed to show sufficient cause which prevented them to approach this Hon'ble Court within time. The approach of the Appellants is negligent and have acted inactively in filing the present Appeal, therefore, 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 13.03.2023 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.
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.
Dated : 19/07/2023.


Mr. SANTOSH NAIK
(Duly constituted attorney of
the Respondent No. 3)


(Advocate for the Respondent No. 3)



1426

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. 3 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 : 19th July, 2023

(Mr. SANTOSH 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
30, Ground Floor, Apna Bazar, Bldg..
VASCO-DA-GAMA, GOA - 403 802
Date : 19/07/2023
Reg. No.: 11421/2023