

## BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN BENCH, PUNE

I.A. NO.172 OF 2022

IN

APPEAL NO. 47 OF 2022 (WZ)

Shardulbhai Devjibhai Chudasama and Anr.  
 ....Appellants

v/s

State Level Environment Impact Assessment  
 Authority, Gujarat & Ors.  
 ....Respondents

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1.	Reply on behalf of Respondent no.6 to the Application for Condonation of delay filed by the Appellants along with Affidavit.	1707

Date: 22/12/2022

Place: GANDHIDHAM

J. H. SALT PVT. LTD.



DIRECTOR

Advocate for the Respondent no.6

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN BENCH, PUNE

I.A. NO.172 OF 2022

IN

APPEAL NO. 47 OF 2022 (WZ)

Shardulbhai Devjibhai Chudasama & Anr.

...Applicants

Versus

SEIAA, Gujarat & Ors.

...Respondents

Affidavit-in-reply on behalf of Respondent

No.6.

1. I say and submit that I have gone through the contents of the captioned Application and annexures annexed thereto. I say that the present reply is filed opposing grant of any relief in the captioned application being I. A. 172 of 2022 seeking condonation of delay in preferring the captioned

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DIRECTOR

Appeal being Appeal No. 47 of 2022 filed under the provision of Section 16 of the National Green Tribunal Act, 2010 Read with Rule 24 of The National Green Tribunal (Practice and Procedure) Rules, 2011. I say that the respondent no. 6 has not dealt with the captioned application parawise, however, non-dealing with captioned application parawise may not be construed as if any of the contentions and/or averments made in the captioned application is accepted by the respondent no. 6, save and except which are specifically admitted hereinafter.

2. At the outset, I say and submit that the captioned main appeal filed by the applicants is barred by Law of Limitation and delay and laches, more particularly in peculiar facts and circumstances of the present case. As can be seen from the record, the

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*[Signature]*

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applicants have mentioned in the their application that the impugned CRZ clearance order dated 05.08.022 was uploaded on SEIAA website between 8-12<sup>th</sup> October but in view of the facts mentioned herein after, it would become clear that the impugned CRZ clearance order was uploaded in the third week of August, 2022 and the applicants have categorically not mentioned this correct fact and mislead the Hoon'ble tribunal as to maintain this application within the prescribed limit of 60 days which can be condoned by this Hon'ble Tribunal. Hence, the present application is barred by Law of Limitation and delay and laches and, therefore, only on this ground captioned application is required to be dismissed.

3. It is submitted that the applicants have mentioned that the impugned CRZ clearance order dated 05.08.022 was

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DIRECTOR

uploaded on SEIAA website between 8-12th October. It is submitted that it has come to knowledge to the respondent no.6 herein that the impugned CRZ clearance order was already uploaded on 12.08.2022. The Applicants have wrongly computed the number of days of delay of 57 days. However, in facts of the present case the subject Appeal has been filed by Appellants on 09.11.2022 which is after a considerable delay of 65 days and the condonation of such delay would be beyond the scope the Hon'ble tribunal as per the section 16 of the National Green Tribunal Act, 2010.

4. It is submitted that, in light of the above-mentioned facts, the present application filed by the appellant is not maintainable and the Appellants are not entitled to extension of such time

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DIRECTOR

and the delay is not liable to be  
condoned.

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DIRECTOR  
RESPONDENT NO. 6

THROUGH

SATYAM Y. CHHAYA

Advocate for the Respondent no. 6

Date: 22/12/2012

Place: GANDHIDHAM

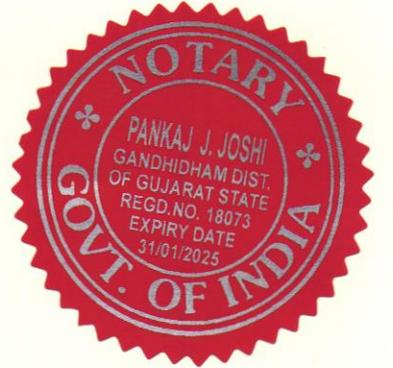
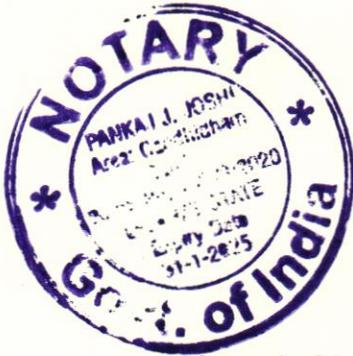
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN BENCH, PUNE

I.A. NO. 172 OF 2022

IN

APPEAL NO. 47 OF 2022



Shardulbhai Devjibhai Chudasama and Anr.

.... Appellants

v/s

State Level Environment Impact Assessment  
Authority, Gujarat & Ors.

.... Respondents

**AFFIDAVIT**

I, Afzalhusen Sangar, Aged about 31 years, S/o Yusuf Sangar, Residing at House No. 01, Survey No. 10/6, Royal Krishna The Homes, Village : Anterjal, Taluka : Gandhidham, District : Kachchh - 370201, do hereby state on solemn affirmation and make this affidavit as under:-

1. I say that I am authorized representative of Respondent no.6 Company and I am well conversant with the facts of the case and am competent to swear this affidavit.

2. I say that I have gone through the accompanying Reply to the Application with this affidavit and state the contents

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DIRECTOR

**PANKAJ J. JOSHI**  
NOTARY  
Gandhidham-Kachchh  
22 DEC 2022



thereof are true to the best of my knowledge, information and belief; and I believe the same to be true.

3. All annexures to this affidavit are true copies of the documents from which they are made.

Solemnly affirmed at Ahmedabad on this 22 day of December, 2022

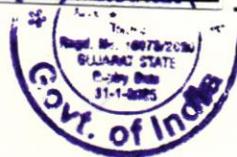


J. H. SALT PVT. LTD.

*[Signature]*  
DIRECTOR  
DEPONENT

*Mayuri*

Identified by me  
Advocate



(*Mayuri Shah*  
Advocate & Notary)  
G/2454/1999.

SIGNED BEFORE ME

*[Signature]*  
PANKAJ J. JOSHI  
NOTARY  
GOVT. OF INDIA

Sr. No 11842/22  
22 DEC 2022

