

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE BENCH  
AT CHENNAI

APPEAL NO.5 OF 2020

IN THE MATTER OF:

Yashaswi Fish Meal and Oil Company

...Appellant

VERSUS

Union of India and others

... Respondents

STATEMENT OF OBJECTIONS FILED BY THE RESPONDENTS 5 TO 8 TO  
THE APPEAL UNDER RULE 16 OF NATIONAL GREEN TRIBUNAL  
(PRACTICES AND PROCEDURES) RULES 2021

PAPER-BOOK

(FOR INDEX, PLEASE SEE INSIDE)



ADVOCATE FOR THE RESPONDENTS 5 to 8

**K.N. Praveen Kumar & Associates**

Advocates, Vakil Chavadi, "New Law Chambers"

"Srinikethana" # 3, 2nd Cross, S.S.A. Road

C.N. Halli, R.T. Nagar Post, Bengaluru-560 032

Email: praveenkatte.adv@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE BENCH  
AT CHENNAI

APPEAL NO.5 OF 2020

IN THE MATTER OF:

Yashawi Fish Meal and Oil Company

... Appellant

VERSUS

Union Of India & Others

Respondents

INDEX

| <u>S.NO.</u> | <u>PARTICULARS</u>  | <u>PAGES</u> |
|--------------|---|--------------|
| 1.           | Statement of Objections Filed by the Respondents 5 to 8 under Rule 16 of National Green Tribunal (Practices and Procedures) Rules 2011 with Verifying Affidavit   | 1-16         |
| 2.           | <b><u>Annexure-R-1</u></b> : True copy of Counter Affidavit filed by Under Secretary to Government Department of Forest Ecology and Environment in response to Contempt Notice issued by High Court of Karnataka in CCC (Civil) 1437/2018 & 1578-1580/2018 dated 18-09-2018 | 17-22        |
| 3.           | Proof for having served the Objection copies to appellant and others by email   | 23           |

Chennai

Date: 5-04-2021



Advocate for the Respondents 5 to 8

**K.N. Praveen Kumar & Associates**

Advocates, Vakil Chavadi, "New Law Chambers"

"Srinikethana" # 3, 2nd Cross, S.S.A. Road

C.N. Halli, R.T. Nagar Post, Bengaluru-560 032

Email: praveenkatte.adv@gmail.com

①

**BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE BENCH  
AT CHENNAI**

**APPEAL NO.5 OF 2020**

IN THE MATTER OF:

Yashawi Fish Meal and Oil Company

... Appellant

VERSUS

Union Of India & Others

Respondents

**STATEMENT OF OBJECTIONS FILED BY THE RESPONDENTS 5 TO 8  
UNDER RULE 16 OF NATIONAL GREEN TRIBUNAL (PRACTICES AND  
PROCEDURES) RULES 2011**

The respondents above named beg to submit as under:

1. That the appeal filed by the appellant is bereft of merits and is liable to be rejected in the interest of justice and equity.
2. That all those averments and allegations made by the appellant which are not traversed or denied by the respondents herein may kindly be treated as denied by them as false.

*mees*

(2)

3. That at the outset the alleged cause of action has said to have been arose for appellant on 31-03-2018. However the appeal has preferred by appellant on 31-01-2020. Hence the appeal is clearly barred by time. Further the appellant said to have approached a wrong forum when there is statutory provision for appeal before this Hon`ble Tribunal. Without having approached this hon`ble Tribunal the appellant claims to have pursued its case in a wrong forum /court, and hence the appellant cannot be justified that it has filed the appeal in time. The hon`ble high court having no jurisdiction to entertain the writ petition has rightly dismissed the writ petition but the extension of time granted to appellant is void in the eye of law. Hence the appeal is liable to be rejected on the limitation point itself.
4. The respondents herein humbly submit that
  - i) The appellant claims before this hon`ble Tribunal that they are unaware and there was no proper enquiry prior to initiation of proceedings and passing of Direction by 2<sup>nd</sup> Respondent etc and further claims that there is violation of principles of natural Justice etc. This claim is totally a false. These respondents 5 to 8 and the entire people of locality are agitating, protesting the illegalities since decade. Way back in 2016-17 the Regional Director (Environment) Manipala Udupi in the presence of Hon`ble Judge District Legal Service Authority as per the directions of Karnataka High Court legal Services Committee has conducted the detailed spot inspection, and

*Manu*

enquiry in the presence of the appellant herein and a detailed report has been submitted by the authority. The above report dated 17/25-04-2017 has been placed on record in connected OA 27 of 2019 as Annexure A-11(At Page No 122-144).<sup>w</sup> The contents of report clearly establishes the fact of violation by appellant which was made known to it <sup>w</sup> 2016-17 itself.

- ii) That these respondents questioning the illegalities of appellant and other fish meals Companies and the inactions on the part of competent respondents authorities filed a writ petition in WP 47781-47784/2017 (GM-POL) and which was taken to board by the Division bench of the Hon`ble High Court of Karnataka. This writ Petition was filed as against the serious illegalities of three fish mills which are illegally operating in prohibited CRZ-1 areas of Udhyavara Village including the present appellant herein. The present Appellant has been arrayed as respondent no-15 in the aforesaid writ petition. [The true copy of aforesaid writ petition has been already placed on record and produced as Annexure-R-1 to the I. A No 83/2020 filed in the above case]. That the appellant herein has challenged the aforesaid order made in W P 47781 to 47784 of 2017 (GM -POL) before the Hon`ble Supreme Court in SLP No (C) 10276-10279 of 2018 and the Hon`ble Supreme court was pleased to dismiss their SLP vide order dated 14-05-2018. [The true copy of said order in SLP was also produced at Annexure R-2 in the I.A 83/2020].

*Mues*

(4)

- iii) That in spite of undertaking made in High Court the respondent authorities have failed to take action in the matter and these respondents 5 to 8 were constrained to file Contempt Petition in CCC (Civil) No's 1437/2018 & 1578-1580/2018 and the Under Secretary to Government, Department of forest ,Ecology, and Environment has filed an Affidavit on 18-09-2018 explaining the steps taken by them in the matter and operation of Interim order of stay by High Court of Karnataka in WP 14808/2018 (Filed by Appellant herein) and in WP 30725/2018 (Filed by Unity Fish Meal and Oil Company) courts including the stay order granted by this hon`ble tribunal in Appeal No 56/2018 (Filed by Hindustan Marine Industries). The true copy of aforesaid counter affidavit of the Under Secretary to Government, Department of forest ,Ecology, and Environment has filed an Affidavit on 18-09-2018 is produced at **Annexure –R-1.**
- iv) It is humbly submitted that though now all aforesaid proceedings are dismissed by respective courts and this hon`ble Tribunal, the respondent authorities are remained silent without taking further actions in the matter for the best reasons known to them. However the stay order is operating only in favor of appellant in the present case. No stay orders as such in favor of other two fish meal industries.

*Mw*

5

- v) All these fact reveals that the claim of appellant that there is violation of principles of Natural Justice etc., is totally <sup>a</sup> false claim.
- vi) The appellant claiming herein to be one of the biggest Fish Meal and Oil producing unit has violated many norms and established and extended in prohibited Coastal Regulation Zone area as evident in the Joint Committee Report filed in connected OA 27 of 2019.
- vii) As against 200 Tons Per day capacity the unit is illegally carrying out the process to an extent of 600 to 800 Tons in 4 lines of 200 each. None of the authorities are taking actions against such illegalities that appears to have hand in glove with these erring unit.
- viii) In order to run in such large scale the appellant created fake NOC from Panchayath and this regard an FIR has been registered based on the complaint made by Panchayath against the appellant herein in Crime no 263/2017 of Kapu Police.
- ix) The appellant is releasing all waste water directly to river as existing temporary pipelines connecting sea is destroyed. The authorities have closed their eyes and are not initiating any actions in this regard too.
- x) As against allowed sardine fish the appellant using spoiled fishes being supplied from all over coastal areas which aspect alone give highest contribution for air and water pollution in the area. The authorities having fully aware of these illegalities deliberately closed their eyes and no action whatsoever is being taken by them.

*Amey*

6

- xi) The appellant is using the prohibited fire wood and coal to run the unit which create severe air pollution endangering to the life if villagers in the locality. Yet again none of the authorities are taking action against the appellant.
5. REGARDING AVERMENTS MADE IN PARAGRAPH-5: The claim of appellant that it is a partnership firm falling under 'Industrial Establishment or Undertaking' is not admitted by these appellant. Further claim that it started in 2008, in small way and now by hard work extended and improved and now leading fish meal unit in country etc are all once again not admitted. The appellant may be put to strict proof of such claims. It is the specific grievance of these respondents that the appellant is running its business in prohibited Coastal Zone area and running industry crating fabricated no objection from Village Panchayath and causing serious pollution detrimental for life and living of villagers.
6. REGARDING AVERMENTS MADE IN PARAGRAPH-6: The averments and claims made by appellant in paragraph number 6 of appeal memo that it had obtained necessary permissions, clearances, all concerned authorities and discharge license has been obtained from KSPCB etc., are all denied by these appellants. The appellant be put to strict proof of such claims.
7. REGARDING AVERMENTS MADE IN PARAGRAPH-7: The averments and claim appears in paragraph no-7 that there are several other industries are manufacturing fishmeal and fish oil and is located in Industrial Zone, and various false and collusive complaints are filed before various

New

(7)

authorities etc are once again denied as false and baseless statements. The appellant is running its unit in residential area highly in illegal manner endangering to the life of people therein that too in strictly prohibited coastal regulation Zone areas.

8. REGARDING AVERMENTS MADE IN PARAGRAPH-8, 9 & 10: The respondents herein strongly denies all the averments and claims that which are contrary to the elaborated explanations made by these respondents in hereunder. The appellant shall be put to strict proof of its claims made therein.
9. The initiation taken by the concerned authorities though belated but is just, proper and necessary in the eye of law and under the overall facts and circumstances of the case. The appellant has not made out any ground whatsoever to interfere in the lawful and statutory actions taken by all the competent authorities.
10. In addition to the above these respondents humbly submit that the respondents 5 to 8 herein are the permanent resident of 'Udyavara' Village Udupi Taluk and District. They and their ancestors are/were living in the aforesaid village since last few generations.
11. It is respectfully submitted that the 'Udyavara' village of Udupi Taluk in Udupi District is situated in the coastal areas of Karnataka State. The coastal Zone in Karnataka stretches for 320 kilometers in three districts i.e., Dakshina Kannada, Udupi and North Canara districts out of which 98 kilometers stretches in Udupi District. It is submitted that Udyavara village is also situated in the bank of 'Udyavara' river also known as



8

'Pampanashini' river which has about 45 Kilometers route and flows through Karkala and finally join the Arabians Sea. It is submitted that the aforesaid river is home for various marine species both flora and fauna.

12. It is respectfully submitted that the Central Government with a view to ensure livelihood security to the fisher communities and other local communities living in coastal areas, to conserve and protect coastal stretches, its unique environment has declared the coastal stretches of the country as Coastal Regulation Zones (CRZ) vide Coastal Regulation Zone Notification in 2011.

13. It is respectfully submitted that the CRZ Notification 2011 implemented by the Ministry of Environment and Forests, is the single regulation that takes care of most of the activities in coastal areas. It is for the purpose of conserving and protecting the coastal areas and marine waters, the CRZ areas have been classified as CRZ I to CRZ IV. The areas that are ecologically sensitive and geomorphologic features which play a role in the maintaining the integrity of the coast has been classified as CRZ-I. The 'Udhyavara' village of Udupi Taluk in Udupi district has been declared and classified as CRZ-I.

*Amey*

9

14. It is respectfully submitted that the aforesaid Coastal Regulation Zone Notification 2011 has been issued by Ministry of Environment and Forests Govt. of India is the main Regulatory Law formed under the Environment (Protection Act) 1986.
15. It is respectfully submitted that the Appellant herein and two more companies herein are illegally and in most dangerous manner to the life and living of Applicant and more than 20,000 persons in Udhyavara, Anagudde, Kote, Katapady, Manipura, Kuthpady, and Kadekar villages, and are operating the industry called Fish Meal (Mill) and Oil Company in their village, where in such industries are strictly prohibited. It is submitted that they are running the industry without obtaining License, NOC from the competent authorities. It is submitted that the Authorities are illegally accommodating them to carry out the said prohibited industries with closed eyes, and with deliberate inactions or with belated deliberate delayed actions.
16. It is respectfully submitted that it is most relevant to submit that way back in 2010 the concerned Authority has issued a letter to Village Panchayath Udhyavara not to issue any license permission to such prohibited industries. The office of Chief Executive Engineer Udupi Zilla Panchayath has later reported that the offending companies including the Appellant herein are discharging industrial effluents from fish mills directly to Udhyavara (Papanashini) river and pointed out its serious impact and



cause by explaining the seriousness by letter of direction dated 23.05.2011 to Village Panchayath and take action to stop the same forthwith.

17. It is respectfully submitted that the industrial effluents from these fish mills are being discharged to Udhyavara River every day. The greasy effluent discharges contain toxins and other chemicals and due to this the entire river is being polluted and every day the fish and other marine life are dying. The industries do not have proper air pollution controls in place and the villagers are made to live in foul stench. The trucks carrying the fish do not have proper cover to stop the spilling of fish blood on the roads and all the people of several villages nearby are seriously affected by the water pollution and have been suffering from skin diseases and respiratory problems. The people of locality are agitating the illegalities since a decade without any results.

18. It is respectfully submitted that even though respondents herein and others are submitting complaints, and representations, protesting and fighting against the serious illegalities of the Appellant and others, but all their efforts are going in vain and the Authorities are deliberately accommodated them to go on with such illegalities with blind eyes and deaf ears.

19. It is respectfully submitted that the respondents others are making repeated representations, agitations, conducting protests, facing the Lathi-charge of police, getting treatments in hospitals but none of their representations, requests are considered effectively fruitfully by the Authorities herein till

(11)

date. It is submitted that the life of the respondents herein is in serious danger and they are facing danger to live in his village without alternatives and with great difficulty, i.e., to say that they are made to keep their life in their own hands.

20. It is respectfully submitted that during the course of making repeated representations these respondents and others, they having no alternative once have also submitted a complaint to Legal Services Committee, Hon'ble High Court of Karnataka at Bengaluru. It is submitted that the Legal Services Committee was pleased to respond to the cause and reportedly issued a letter vide No. KCLSC No 20 Misc 2017 dated 27.02.2017 and a spot inspection was conducted in the presence of the Hon'ble Judge District Legal Services Authority, District Court Office Udupi on 10.03.2017. It is submitted that the concerned Competent Authority was pleased to make a report explaining the illegalities in nutshell along with GOOGLE PICTURES OF RUNNING OF INDUSTRIES WITHIN LIMITS OF THE COASTAL REGULATION ZONE, on 17.04.2017.

21. It is respectfully submitted that it is pertinent to submit that the respondent authorities herein have not taken any suitable action forthwith. But belatedly they have issued a show cause notice to one of illegal fish meal and oil company owner.

*Ans*

22. It is respectfully submitted that since the Appellant and other illegal fish mill owners have not obtained N.O.C from Competent Authority to run industries therein and since they did not meet several prerequisite conditions the village Panchayath refused to renew the license.
23. It is respectfully submitted that later the village Panchayath said to have not renewed/cancelled the license. It is respectfully submitted that the trucks carrying the fish do not have proper cover to stop the spilling of fish blood on the roads and all the people of several villages nearby are seriously affected by the water pollution and have been suffering from skin diseases and respiratory problems.
24. It is respectfully submitted that one of industries run under fake license against which a complaint has been lodged by Udhyavara Panchayath itself and FIR has been registered in Crime No.263/2017 in Kapu Police but no action is taken yet in spite of the representations made to the Authorities on 21.08.2017.
25. It is respectfully submitted that the industries run without No Objection Certificate (NOC) from competent authority and they run within Coastal Regulation Zone-1 as per the report dated 17.04.2017 after spot visit along with the Hon`ble Judge District Legal Services Authority, District Court Office, Udupi on 10.03.2017.
26. It is respectfully submitted that the basic and fundamental right to live is being taken away because of their illegalities.



27. It is respectfully submitted that considering the gravity of the situation, an undertaking submission came to be made by the Karnataka State Government herein through their counsel to the Hon'ble High Court of Karnataka at Bengaluru on 10.01.2018 that 'the appropriate action' against the 'grievance of complainant' would be taken in six weeks from 10.01.2018.

28. It is respectfully submitted that in view of the undertaking submissions made by the learned Additional Government Advocate, on behalf of concerned respondents that their 'grievance' will be examined and 'appropriate action' under the law will be taken through/by the Karnataka State Coastal Zone Management Authority within six weeks from 10.01.2018, the writ petition came to be disposed on 10.01.2018 recording the submission as stated above.

29. It is respectfully submitted that the 'appropriate action' is supposed to be taken as per Coastal Regulation Zones (CRZ) vide Coastal Regulation Zone Notification in 2011, issued by the Central Government as per Environment (Protection) Act) 1986 and Environment protection Rules. It is respectfully submitted that in view of the fact that there exists emergency situation in Udhavara village as the life of Applicant and the life of other 20,000 people in the locality in miserable, dangerous and risky condition, without there being proper air, water and with heavy sound pollution of three fish mills industries viz, 1. Hindustan Marine Industries, 2. Yashaswini Fish Mill & Oil

Company and 3. Unity Fish Mill & oil Company, in the prohibited CRZ-1 area of Udhyavara Village, the Authorities ought to have taken 'appropriate action' for closure of industries under the circumstances, invoking the provisions of Rule 4(5) of Environment Protection Rules framed under Environment Protection Act 1986.

30. It is respectfully submitted that the consequences of pollution reached to the extent as recently a brilliant student has died due to new disease because of the bacteria 'Neuro Meliodosis' as reported in newspaper.

31. It is respectfully submitted that the Appellant herein on the other hand has deliberately suppressed all the relevant material facts before this Hon'ble Tribunal and filed the present appeal with only intention to nullify the earlier orders of the Hon'ble High Court of Karnataka at Bengaluru and order of the Hon'ble Supreme Court, and thereby to continue its illegal and dangerous industry in prohibited area in most unlawful, dangerous and offensive manner.

32. It is most humbly and respectfully submitted that as already stated above, the Appellant has filed the above Appeal by deliberately suppressing all the relevant material facts before this Hon'ble Tribunal and filed the present appeal with only intention to nullify the earlier orders of the Hon'ble High Court of Karnataka at Bengaluru and order of the Hon'ble Supreme Court, and thereby to continue its illegal and dangerous industry in prohibited area

15

in most unlawful, dangerous and offensive manner. It is most humbly and respectfully submitted that under these circumstances, it is now just and necessary to dismiss the above appeal.

Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to reject the appeal to meet the ends of justice and equity.

AND FOR THIS ACT OF KINDNESS THE APPLICANTS, AS IN DUTY BOUND, SHALL EVER PRAY.

DRAWN & FILED BY:

BENGALURU/CHENNAI

FILED ON: 05.04.2021



Advocate for the Respondents 5 to 8

**K.N. Praveen Kumar & Associates**

Advocates, Vakil Chavadi, "New Law Chambers"

"Srinikethana" # 3, 2nd Cross, S.S.A. Road

C.N. Halli, R.T. Nagar Post, Bengaluru-560 032

Email: praveenkatte.adv@gmail.com

**VERIFICATION:**

I Pushparaj Kotian aged about 47 years the respondent no-5 herein do hereby verify that the contents of the aforesaid statement of objections at Para 1 to 32 are true and correct to the best of my knowledge and belief, and believed to be true on legal advice and that I have not suppressed any material fact.

*[Signature]*  
DEPONENT

**VERIFICATION:**

I Rathnakar Mendon aged about 57 years the respondent no-6 herein do hereby verify that the contents of the aforesaid statement of objections at Para 1 to 32 are true and correct to the best of my knowledge and belief, and believed to be true on legal advice and that I have not suppressed any material fact.

*[Signature]*  
DEPONENT

**VERIFICATION:**

I Diwakar Bolje aged about 44 years the respondent no-7 herein do hereby verify that the contents of the aforesaid statement of objections at Para 1 to 32 are true and correct to the best of my knowledge and belief, and believed to be true on legal advice and that I have not suppressed any material fact.

DEPONENT

**VERIFICATION:**

I Udaya Kumar aged about 42 years the respondent no-8 herein do hereby verify that the contents of the aforesaid statement of objections at Para 1 to 32 are true and correct to the best of my knowledge and belief, and believed to be true on legal advice and that I have not suppressed any material fact.

*[Signature]*  
DEPONENT

Dated: 05-04-2021  
No. of corrections: 1

**IDENTIFIED BY:**  
DINBHO NAIK  
ADVOCATE



SIGNED BEFORE ME

*[Signature]*  
NOTARY

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

C.C.C. (Civil) Nos. 1437/2018 &

1578-1580/2018

Between:

Sri Pushparaj and others : COMPLAINANTS

And:

The State and another : ACCUSED

COUNTER AFFIDAVIT ON BEHALF OF THE ACCUSED

I, Sri. Amaresh S/o Ekoram Salimath, aged about 48 years, working as Under Secretary to Government, Department of Forest, Ecology and Environment (Ecology & Environment), M.S.Building, Bengaluru do hereby solemnly affirm and state on oath as follows:-

1. I respectfully submit that, I have been appointed as Litigation Conducting Officer and swearing Officer in the above case. I know the facts and circumstances of the case from the records maintained at my Office. Hence, I am swearing to this Affidavit.

2. I humbly state that, the Complainants have filed the above Contempt Petitions alleging the willful disobedience of the order dated 10.01.2018 passed in Writ petition Nos. 47781-47784/2017 (GM.POL). I humbly state that the learned single Judge of this Hon'ble Court disposed of the above referred Writ Petitions and has passed the following directions

No. of corrections: *NE*



- “ 1.Learned Additional Government Advocate appearing for Respondents 1, 2, 4 to 8 submits that the grievance of the Petitioners will be examined and appropriate action will be taken by the Karnataka Coastal Zone Management Authority within six weeks from today. His submission is placed on record.
2. In view of the above submission learned Counsel appearing for the Petitioners submits that no further order is necessary in these Writ Petitions. The Writ Petitions are accordingly disposed of.”
3. I humbly submit that, even before passing of the order in the aforesaid Writ Petitions and even before filing of the aforesaid Writ Petitions, the Authority, in fact, having found that there is gross violation of CRZ Notification by the Respondent Nos.14, 15 and 16 therein in putting up Fish Processing Unit and Effluent Treatment plant. Hence, the concerned Authority i.e., Karnataka State Coastal Zone Management Authority (K.S.C.Z.M.A) have issued a Notice on 18.09.2017 and 14.09.2017 under Section 5 of the Environment Protection Act, 1986, calling upon the Occupants i.e., respondent No. 14 - Hindustan Marine Industries, Respondent No.15 - Yashaswi Fish Meal and Oil Company, respectively to reply. The true copies of the proposed directions issued on 18.09.2017 and 14.09.2017 under

No.of corrections: NE

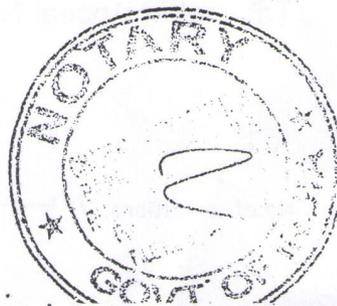


Section 5 of the Environment (Protection) Act, 1986 to both the Respondents 14 and 15 therein is produced as ANNEXURES-R1 & R2 respectively.

4. I humbly submit that, thereafter after passing of the Order dated 10.01.2018 in the aforesaid Writ Petitions, the Accused herein have again taken steps in the matter and the concerned Regional Director, Environment, has visited the spot and has confirmed the violations. The Occupants have failed to give satisfactory replies in pursuant to the proposed directions dated 18.09.2017 and 14.09.2017 issued by the Authority and accordingly, the Authority i.e., K.S.C.Z.M.A had taken a decision in the meeting held on 15.02.2018 to confirm the proposed directions issued to the Occupants and given direction to demolish the illegal structures. Accordingly, an order dated 15.03.2018 have been issued directing the Occupants i.e., Respondents 14 and 15 therein to demolish the portion of the said Fish Processing unit as well as to demolish the E.T.P. for violation of the provisions of C.R.Z Notification and also directed the Member Secretary, Karnataka State Pollution Control Board to take immediate action to with draw the CFE/CFO issued to the said industries. The order dated 15.03.2018 issued by the Authority is K.S.C.Z.M.A Forest, Ecology and Environment Department is herewith produced and marked as ANNEXURES -R3 & R-4 Respectively.

*Amr*

No. of corrections: *Ne*



20

5. I humbly submit that in fact, in respect of Respondent No. 16 therein i.e., M/s. Unity Fish Meal oil Company is concerned, the Authority have issued Notice of proposed directions on 15.03.2018, calling upon to reply and since the occupant has not given any suitable reply and has not taken any suitable steps and thereafter on 12.06.2018, the concerned Authority have issued an Order/direction to the Occupant to demolish the E.T.P which was constructed in C.R.Z area in violation of C.R.Z Notification and also directed the Member Secretary, Karnataka State Pollution Control Board to take immediate action to with draw the CFO issued to said company. The copy of the Notice of proposed direction dated 15.03.2018 as well as the Order dated 12.06.2018 passed by the concerned authority i.e. K.S.C.Z.M.A., Forest, Ecology and Environment Department is herewith produced and marked as ANNEXURES -R5 & R6 Respectively.

6. I humbly submit that. it is relevant to mention here that after passing of the Order dated 15.03.2018 and 12.06.2018 by the concerned Authority, in fact, the Respondent Nos. 14, 15 and 16 therein have challenged the said Orders, in respect of M/s. Yashaswi Fish Meal and oil Company is concerned, a Writ Petition is filed, in the Hon'ble High Court of Karnataka in W.P.No. 14808/2018 (GM.RES) and obtained the Interim order of Stay to the order dated 15.03.2018, whereas M/s. Hindustan Marine Industries have approached the National Green Tribunal in Appeal No. 56/2018 and obtained the interim order and in

*Amaz*

No.of corrections: *Ne*



respect of Unity Fish Meal and Oil Company Writ Petition is filed in the Hon'ble High Court of Karnataka in Writ Petition No. 30725/2018 (GM.POL) and obtained an Order of Status-quo. True copies of the Interim Order in W.P.No. 14808/2018 and Appeal No. 56/2018 and Writ Petition No. 30725/2018 are herewith produced and marked as ANNEXURES -R7, R8 & R9 respectively.

7. I humbly submit that in fact, the Respondent - Authority have obeyed/complied the order passed by this Hon'ble Court and have taken suitable steps against the Respondents 14, 15 and 16 therein and have passed the order dated 15.03.2018 and 12.06.2018 in accordance with law, in addition to that the Accused/Authority have given an endorsement dated 25.08.2018 to the Petitioners by considering their representation by way of endorsement. Accused-Authority have disposed of the representations made by the Petitioners and the Accused/Authority have sent the said endorsement to the Petitioners through RPAD on 27.08.2018. The copy of the endorsement dated 25.08.2018 issued on behalf of the Accused Authority to the Petitioners and the receipt for having sent the RPAD to the Petitioners are produced herewith and marked as ANNEXURES-R10 & R11 respectively.

8. I humbly submit that, in view of the above mentioned facts and steps taken by the Accused, the Accused have obeyed the order passed by this Hon'ble Court and not committed any contempt of Court.

*Amey*



9. I state that the Accused have highest regard and respect for the orders of this Hon'ble Court and Accused have obeyed the orders of this Hon'ble Court and Accused have not committed any contempt of Court order.

WHEREFORE, I respectfully pray that this Hon'ble Court may be pleased to drop the above Contempt Proceedings, in the interest of justice and equity.

*Amm*  
DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that all the facts stated in the affidavit are true to my knowledge and that no part thereof is false and nothing material is concealed there from.

Verified at Bangalore, on this 18<sup>th</sup> day of September 2018.

*Amm*  
DEPONENT

Identified by:

*[Signature]*

Assistant,  
Office of the Advocate General,  
High Court Building, Bangalore.

SWORN TO BEFORE ME

*[Signature]* 18/9/2018  
Chandrashekaraiah. S  
Advocate & Notary  
No. 9/7, Kempegowda Nilaya  
3rd Cross, Muthurayeswamy Extention  
Sunakadakatte, Bangalore - 560 091  
Mob: 03437 79660

*[Signature]*  
**True Copy**



Book 1 Page 6  
Reg. No. 111 Dated 18/9/2018

No. of corrections: 1



Praveen Kumar Katte N &lt;praveenkatte.adv@gmail.com&gt;

**Statement of Objections Filed by Respondents 5 to 8 in Appeal 5 of 2020 on the file of Honorable N.G.T. -S.Z**

1 message

**Praveen Kumar Katte N. Advocate** <praveenkatte.adv@gmail.com>

Thu, Apr 8, 2021 at 7:57 PM

To: Aditya Balaji &lt;aditya@hsbpartners.com&gt;, secy.moef@govt.in, msksczma@gmail.com, udupi3crz@gmail.com, secyforest.fcc@karnataka.gov.in

Dear Sirs,

Please find herewith the Statement of Objections filed by Respondents 5 to 8 in Appeal 5 of 2020 on the file of The Honorable N.G.T. S.Z

Please acknowledge.

Thanking You.

With regards,

Yours faithfully,

K. N. Praveen Kumar  
Advocate-High court.*K. N. Praveen Kumar & Associates*  
Advocates, '**Vakil Chavadi**',  
M/s. New Law chambers  
'Srinikethana', No-3, 2nd cross,  
S.S.A. Road, C. N. Halli,  
R.T. Nagara Post, Bengaluru-560032[ Mob: +91-94818 07498 / **9972865254**  
Email: praveenkatte.adv@gmail.com ]**STATEMENT OF OBJECTIONS FILED BY RESPONDENTS 5 TO 8 IN APPEAL 5 OF 2020 NGT-SZ.pdf**  
12516K