

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**I.A. NO.62 OF 2023 (WZ)
IN
APPEAL NO.08 OF 2023 (WZ)**

Thomas Fernandes & Ors.

.... Applicants/
.... Appellants

Versus

The Goa Coastal Zone Management
Authority & Ors.

.... Respondents

Date of Hearing : 21.07.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicants/Appellants : Mr. Shivshankar Swaminathan, Advocate

Respondents : Ms. Supriya Dangare, Advocate for R-1 and R-2
Ms. Aagney Sail, Advocate for R-3

ORDER

1. By this application, the applicants have sought condonation of delay of 1457 days in filing the present appeal.
2. As per our previous order dated 24.04.2023, the learned counsel for the applicants/appellants had prayed for some time to be allowed to seek clarification from the Hon'ble High Court of Bombay at Goa as to whether the period of delay i.e. 1457 days needs to be excluded for calculation of the period of limitation because the matter remained pending before the Hon'ble High Court for that length of time. The applicants/appellants had approached the Hon'ble High Court of Bombay at Goa by filing Misc. Civil Application No.203 of 2023 in Writ Petition No.121 of 2019 (Thomas Fernandes and another Vs. the Goa State Coastal Zone Management Authority and others) and the Hon'ble High

Court, on 23.06.2023, has passed an order, relevant portion of which is as follows:

“Considering the above position, it is clarified that the period of 1447 and 1490 days respectively, needs to be excluded for calculating the period of limitation because, during these periods, the matters remained pending before this Court.”

3. In view of the above order of the Hon’ble High Court, clarifying that the said period needs to be excluded for calculating the period of limitation. Thus, if we exclude the period of 1447 days while calculating the period of limitation, the appeal would be treated to have been filed within the prescribed period of limitation. Hence, the delay is condoned. The application (I.A.) No.62/2023 is accordingly allowed and disposed of.

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4. Considering the grounds raised in the memo of appeal, we admit this appeal. The Respondents are directed to file their respective reply-affidavits within four weeks and within one week thereafter, rejoinder, if any, may be filed. Copies of the reply-affidavits and rejoinder shall be shared amongst the parties in advance.

5. As learned counsel Ms. Supriya Dangare is appearing for respondent Nos.1 and 2 and Mr. Aagney Sail is appearing for respondent No.3, they waive service of notice to respective respondents, on admission of the appeal. However, the Registry is directed to issue notice to respondent No. 4 – Goa Paryavaran Savrakshan Sangharssh Samittee, returnable within four weeks.

6. The appellants are directed to provide copies of the appeal memo and annexures thereto to respondent No.4, within a week.

7. The appellants are also directed to take necessary steps for service upon respondent No.4 by both ways and also through available e-mail.

8. Interim relief granted earlier shall continue till the next date.

9. Put up this matter (Appeal No.08/2023) for final hearing on 29.09.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 21, 2023
I.A. NO.62 OF 2023 (WZ)
npj