

Item No.4:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Appeal No.29 of 2020 (SZ) &
I.A. No.85 of 2021(SZ)

(Through Video Conference)

IN THE MATTER OF

S.K. Vijay Kumar



...Appellant(s)

Karnataka State Level Environment Impact
Assessment Authority,
Bangalore and Ors.

...Respondent(s)

Date of hearing: 11.06.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

For Appellant (s):

Mr. G. Stanley Hebzon Singh represented
Mr. Ritwick Dutta.

For Respondent(s):

Mr. Vasanth H.K. for R1.
Mr. M.R. Gokul Krishnan through
Mr. Darpan K.M. for R3.
Mr. Darpan K.M. for R4, R6.
Mr. B. Dhanaraj for R5.
Mrs. M. Sumathi for R7.

ORDER

1. The above case has been posted to today for completion of pleadings and hearing.
2. When the matter came up for hearing today through Video Conference, Mr. G. Stanley Hebzon Singh represented Mr. Ritwick Dutta counsel for the appellant. Mr. Vasanth H.K. represented 1st respondent, Mr. M.R. Gokul Krishnan through Mr. Darpan K.M. represented 3rd respondent and Mr. Darpan K.M. represented respondents 4 & 6, Mr. B. Dhanaraj represented 5th respondent and Mrs. M. Sumathi represented 7th respondent. The 2nd respondent also entered appearance through counsel and filed counter. So, service is complete.
3. The 7th respondent/MoEF&CC has filed interlocutory application as I.A. No.85 of 2021 (SZ) to waive the cost imposed by this Tribunal for receiving the counter out of time and to receive the reply statement submitted by them. Though we are not fully satisfied with the reasons stated in the application for the delay in filing the reply statement, however, considering the pandemic situation prevailing and also the financial crisis that has been faced by the Government due to this, we feel it appropriate to recall the order of payment of cost by the 7th respondent.

4. So, the interlocutory application I.A. No.85 of 2021 (SZ) is disposed of and direction to pay cost on receiving counter statement filed out of time by the 7th respondent is recalled and the counter statement filed by the 7th respondent is received.

5. The 3rd respondent also filed the counter affidavit e-filed on 26.05.2021 even beyond the time fixed as per order dated 24.05.2021 without payment of cost or even without application for waiving payment of cost as well.

6. So under such circumstances, we are not inclined to receive the counter affidavit for the time being without filing the application for waiving the cost stating the reason for the delay and non-compliance of the direction to the satisfaction of this Tribunal.

7. The counsel appearing for the appellant wants to file rejoinder to the counter filed by the respondents.

8. The 1st respondent/SEIAA is directed to produce the entire file relating to the issuance of Environmental Clearance (EC) along with the self attested copy of each document in a sealed cover, so that, after disposal of the case, original can be returned to the 1st respondent, retaining the copy produced by them in the file of this Tribunal before the next hearing date.

9. The appellant is directed to submit a rejoinder, if any, within a period of 10 (Ten) days by serving copies to the other side. The parties are also at liberty to submit their written submissions, if any, before the next hearing by sharing the copies to each other, so that, it will be convenient for this Tribunal to formulate the time for hearing in an effective manner.

10. For completion of pleadings and also for hearing, post on 07.07.2021.

Appeal No.29/2020 &
I.A. No.85/2021,
11th June, 2021. Mn.

