

Mistakenly, the Appeal No. 17 of 2014 pending before the Southern Bench has been referred to as 'Appeal No. 14 of 2014' in the aforesaid Order and it requires to be read correctly.

According to the learned Counsel appearing for the Respondent No. 3-the Project Proponent for development of Vizhinjam International Multipurpose sea port. The stage is set ready for hearing in Appeal No. 17 of 2014 at Southern Bench of this Tribunal and expeditious hearing of the said Appeal is necessary in interest of the speedy development of the said port which in turn would be beneficial for the said region and the Country as well. He further submits that there were oral observations made by the Southern Bench to hold on the tendering process as the Appeal was to be heard expeditiously on 2nd and 3rd May, 2014 and if the hearing was not to proceed the observations thus made were to come to an end. It is on this backdrop that it is necessary to go on with the hearing of the said Appeal as scheduled. He further submitted that the order passed on 30th April, 2014 is likely to have effect on the mind of the Southern Bench and as a corollary thereto the expeditious hearing of the said Appeal is likely to be stalled. He further seeks a clarification from this Tribunal regarding the smooth conduct of the said proceeding at Southern Bench.

Fortunately, the Learned Counsel for the Appellant in Appeal 14 of 2014 is available before us. He submits that the issue of grant of Environmental Clearance to the said port is intertwined with the challenge to the deletion of the phrases/criteria "area of outstanding natural beauty" and "areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the state/Union Territories level from time to time" from the clarification of the CRZ-I areas in the CRZ notification 2011 as raised in O.A No. 74 of 2014. He further submits that based on this challenge as well as other facts the present Appeal No. 14 of 2014 against the EC dated 03rd January, 2014 to

Vizhinjam International Multipurpose seaport, which is also in question in Appeal No. 17 of 2014 pending before the Southern Bench, has been preferred before this Bench of the Tribunal, and the Notices on the condonation of delay application in the present Appeal as well as in O.A. No. 74 of 2014 have already been issued to the Respondents therein including the Respondent No. 3 in Appeal No. 17 of 2014, the Project Proponent.

According to the Learned Counsel appearing for the Appellant in Appeal No. 14 of 2014 the issue of deletion of the aforesaid vital phrases/criteria from the classification of CRZ-I areas in the Notification of 2011 has been raised in the Appeal No. 14 of 2014 of which the Project Proponent the Respondent No. 3 herein had a Notice on service of the Notice issued in the Appeal on 21st April, 2014 and such vital issue should have been brought to the notice of the Southern Bench by the Respondent No. 3 on the last date of hearing of Appeal 17 of 2014 on 25th April, 2014 which was not done.

In answer to these submissions the Learned Counsel for the Project Proponent submits that the Appeal 14 of 2014 as well as O.A No. 74 of 2014 have been instituted by the person who is in collusion with the Appellant in the Appeal No. 17 of 2014 and there is belated challenge to the CRZ notification of 2011 on the frivolous grounds. He further points out that he was informed by the Sr. Learned Counsel Mr. Raj Panjwani appearing on behalf of the Appellant that Mr. Ritwick Dutta the Learned Counsel appearing on behalf of the Appellant in Appeal No. 17 of 2014 was present with him yesterday and this smacks of collusion between Appellants in both the Appeals.

The Learned Sr. Counsel Mr. Raj Panjwani expressed his dissatisfaction about the manner in which the submissions are being made on behalf of the Respondent No. 3. According to him Learned Counsel Mr. Ritwick Datta was present in the Court Room yesterday in connection with other proceedings and it is not correct to interpret his presence in the Court Room in the manner in which it is presented in the submissions

on behalf of the Respondent No. 3. He further submits that the challenge to the CRZ notification of 2011 has a wide amplitude in as much as it not only covers the coast line of the states falling within the jurisdiction of the Southern Bench but also covers the entire coast line of India and for that purpose the Appeal and the O.A have been filed before the Principal Bench of this Tribunal.

At this stage, we may not only like to comment on the manner in which the submissions have been made before us but would also like to reserve our answer to the question whether the Appellant in this Appeal is acting in collusion with the Appellant in the Appeal No. 17 of 2014 pending before the Southern Bench or not. A fact remains that there is a challenge to the deletion of CRZ notification 2011 which has some bearing on the EC in question.

We may, therefore, clarify that the Southern Bench of this Tribunal would use its discretion in going ahead with the hearing of the Appeal No. 17 of 2014 in light of what is observed herein. We grant liberty to the Appellant in Appeal No. 14 of 2014 Mr. Wilfred J. S/O John Netto, R/O Trivandrum, Kerala to appear before the Southern Bench with his pleas, if any and we hope that the Southern Bench of this Tribunal would lent its ear to what he says.

The Project Proponent- Respondent No. 3 shall bring to the notice of the Southern Bench this Order along with the Order dated 30th April, 2014 passed herein.

.....,JM
(U.D. Salvi)

.....,EM
(B.S. Sajwan)