

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 6642/2022

LINET NUNES

Appellant(s)

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ORS.

Respondent(s)

O R D E R

1. Heard Mr. Huzefa Ahmadi, learned senior counsel for the appellant as also Mr. K.M. Nataraj, learned ASG and perused the appeal papers.

2. Though, several contentions have been urged in the appeal, at the time of hearing a pointed reference is made to Paragraph-6 of the Order dated 06.09.2022 passed by the National Green Tribunal (*for short 'NGT'*) wherein, the NGT has taken note that the Goa Coastal Zone Management Authority (*for short 'GCZMA'*) had submitted that the appellant had not taken part in the second inspection conducted on 15.07.2016 by the expert Members.

3. At this stage, we need not refer to that aspect of the matter to arrive at a conclusion as to whether one more inspection is required, to be done or not in the presence of the appellant.

4. Be that as it may, it has been brought to our notice that the order impugned was passed on 06.09.2022,

on which day, the respondents herein, had not appeared in the proceedings before the NGT. From the records it is pointed out that the as per Annexure A-16, the respondents herein, on 07.09.2022 had filed an application before the NGT reflecting the reason as to why they were unable to join the proceedings, and seeking for a fresh hearing of the matter.

5. Though, it is pointed by the learned ASG that since the ultimate order passed by the NGT is in favour of the respondents and their absence, at this stage would not be material, the learned senior counsel for the appellant would point out that such absence of the respondents during the hearing has prejudiced the appellant herein, who was the appellant before the NGT since, the appellant was denied of an opportunity of putting forth its contentions in response to the contentions to be urged on behalf of the respondents so as to clarify the factual position so as to enable the NGT to take an informed decision. In that circumstance, we feel that the principles of natural justice would require that an appropriate opportunity be granted to both the parties and then, an appropriate decision be taken by the NGT.

6. Hence, without adverting to the merits of the rival contentions, only on the procedural aspect, we deem it appropriate to set aside order dated 06.09.2022 passed by the NGT, Special Bench and restore Appeal No. 48/2016(WZ) and MA No. 212/2016(WZ) to the file of the NGT to provide

opportunity to both the parties and pass fresh orders in accordance with law.

7. In the meanwhile, pending consideration of the appeal by the NGT, the benefit of the interim order dated 09.09.2022 granted by this Court on 16.09.2022 during the pendency of this appeal shall continue till the disposal of the appeal by the NGT, unless the NGT deems it necessary to make such interim order/arrangement, if any. The NGT may take up the appeal and dispose of the same as expeditiously as possible and in accordance with law.

8. The appeal is accordingly, disposed of.

9. Pending application(s), if any, shall stand disposed of.

.....J.  
(A.S. BOPANNA)

.....J.  
(HIMA KOHLI)

New Delhi  
20<sup>th</sup> January, 2023

ITEM NO.50

COURT NO.12

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 6642/2022

LINET NUNES

Appellant(s)

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY &amp; ORS.

Respondent(s)

IA No. 137004/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 137077/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

IA No. 136899/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

IA No. 137002/2022 - STAY APPLICATION)

Date : 20-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MS. JUSTICE HIMA KOHLI

For Appellant(s)

Mr. Huzefa Ahmadi, Sr. Adv.

Mr. Ninad Laud, Adv.

Mr. Ivo Dcosta, Adv.

Mr. Avinash Mathews, Adv.

Mr. Sahil Tagotra, AOR

For Respondent(s)

M/S. Dr. R.r. Deshpande And Associates, AOR

Mr. K.m.nataraj Asg, Adv.

Mr. Abhay Anil Anturkar, Adv.

Mr. Vinayak Sharma, Adv.

Mr. Dhruv Tank, Adv.

Mr. Kapil Kerkar, Adv.

Mr. Ishaan George, AOR

Dr. Rukma George, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)  
ASSISTANT REGISTRAR

(signed order is placed on the file)

