

**BEFORE THE ENVIRONMENT AND LAND USE APPEAL TRIBUNAL**

**ELAT 382/13**

**In the matter of:**

**Roland Haus Co. Ltd**

**Appellant**

**v/s**

**Minister of Environment and Sustainable Development**

**Respondent**

**IPO:**

- 1. Globe Prism Ltd**
- 2. The Permanent Secretary, Ministry of Housing and Lands**
- 3. District Council of Riviere du Rempart**

**Co-Respondents**

**RULING**

Following the objection of Counsel appearing for the co respondent as to the production of a lease agreement of adjoining neighbors to the Appellant's property the motion was resisted on the basis that the reason for which the document was being produced was to show that there was a mandatory buffer zone imposed on the appellant and its neighbours. This evidence was sought to be adduced in order to substantiate ground 12 of the grounds of appeal.

We have duly considered the submissions of all counsel. Under Ground 12 it is stated

" The Respondent was wrong to have issued the EIA Licence in as much as the Respondent has departed from the policy of strict adherence to the 30m building line from the reserves as imposed on other developers including the Appellant."

According to the rules on admissibility of evidence, it is admissible if it is relevant provided it does not fall within the ambit of the rule against hearsay. So the question to be asked is whether this piece of evidence is relevant to the ground of appeal? The answer is in the affirmative. The ground addresses specifically the adherence to the policy of not building on the reserves imposed on other developers and on the Appellant.

Now since there is objection is not grounded on the hearsay rule, the evidence being relevant should be admissible. Even if there was an objection raised on the basis that the evidence was hearsay in that the maker of the document was not the one producing the evidence, we have it from the representative of the ministry of housing and lands, one of the parties to the lease agreement and who is also a party to the present proceedings who have confirmed as to the genuineness of the document and therefore have no objection to its production.

In view of the above, we find that the reason for which the appellant seeks to adduce the evidence is directly relevant to ground 12. The objection raised is devoid of merit and is overruled.

Ruling delivered on 16<sup>th</sup> September 2016 by

**Mrs. J. RAMFUL-JHOWRY**

**Vice Chairperson**

**Mr. MOTAH**

**Assessor**

**Mr. BUSAWON**

**Assessor**