IN THE ENVIRONMENT AND LAND USE APPEAL TRIBUNAL

ELAT 1505/17

In the matter of:

1. **Christophe Jean Francois Pitot**
2. **Jean Pierre Tostee**
3. **Valerie Zimmer**

Appellants

v/s

The Minister of Environment, Solid Waste Management and Climate Change.

Respondent

In the presence of:

KI Grand Bay Residences by Yellow Futures Ltd.

Co-respondent

RULING

1. The present appeal is against the decision of the Respondent for having granted an Environment Impact Assessment ['EIA'] Licence under s. 54(2) of the old Environment Protection Act 2002 ['EPA'] repealed by the Environment Act 2024 ['EA'] to the KI Grand Bay Residences by Yellow Features Ltd for the construction of 56 high standard apartments at Pyndiah Lane, Pereybere. A Building and Land Use Permit ['BLUP'] was also granted to the Co-respondent on 22nd December 2017 for this development which also includes construction of a pool, gym and coffee shop. It is undisputed that the 49 apartments have been completed and are currently occupied, as agreed by Appellants' attorney at the sitting of the 28 February 2024.

2. It is apposite to set out the chronology of events as this will help better understand some points raised. From the record of the Tribunal, following the lodging of the appeal, a joint motion by the Respondent and Co-respondent was debated as to whether the appeal was time-barred. Counsel then appearing for the Appellants agreed the appeal was out of time but he urged the Tribunal to exercise its discretion to hear the appeal. The Tribunal, in its ruling, upheld the plea raised by the Respondent and Co-respondent that the appeal was time barred.

3. Following a challenge of the ruling, the matter was remitted back to the Tribunal by the Supreme Court on the basis that "that everybody agrees that the decision of the Environment and Land Use Appeal Tribunal is wrong and everybody agrees that the matter should be remitted back." Incidentally, the matter is now being heard by a differently constituted bench of the Tribunal- a member having stepped down. The reason provided by the appellate court being unclear as to why the Tribunal's decision was wrong, it transpired from the parties that there was a new element which was brought to light which was never placed on the record of the Tribunal (as then constituted), that the Appellants were notified of the Respondent's decision by public notification.

4. Following several amendments in the pleadings and the filing of the Statement of Defence by the Co-respondent and Statement in Reply by the Appellants, the matter was postponed on numerous occasions from October 2022 to February 2024 upon request of the parties, especially the Appellants and Co-respondent on the ground that without prejudice negotiations were ongoing between the parties with a view to settle the matter amicably. In March 2024, the Tribunal was informed by Counsel that the parties could not reach any amicable settlement, and the matter was subsequently fixed for Arguments of the preliminary objections raised by the Co-respondent in its Statement of Defence which is resisted by the Appellants. The Respondent dropped ground B of its objections in law and informed the Tribunal that grounds A and C would be taken on the merits.

5. The Co-respondent moved that the present appeal be set aside because: "

(i) *The appellants have no locus standi in as much as, ex facie the appeal, the grounds of appeal do not pertain to any interests of theirs which need to be protected.*

(ii) *the appellants have not mentioned how they are prejudiced by the project.*

(iii) *the grounds of appeal are vague."*

6. We have duly considered the submissions of all counsel, which will not be reproduced save where we deem it fit to do so.

I. LOCUS STANDI and PREJUDICE

7. The first 2 limbs are addressed together as they are connected. It is the contention of the Co-respondent that the Appellants have no locus standi to bring in the present case as the grounds of appeal do not pertain to any interest of theirs which need to be protected and that they have not averred any prejudice in their appeal. Extensive reference was made to the case of **Eco-Sud and two others (Respondents) v Minister of Environment, Solid Waste and Climate Change and another (Appellants) (Mauritius) [2024] UKPC 19** by Counsel appearing for the Co-respondent in support of the Co-respondent's argument that the Appellants are not aggrieved persons within the criteria laid down therein. He submitted that persons will only be regarded as aggrieved if they have made objections or representations as part of the procedure which preceded the decision challenged and their complaint is that the decision was not properly made whereas the Statement of Case ['SOC'] and grounds of appeal of the Appellants do not explain how they are aggrieved by the decision of the Respondent in the manner explained by their Lordships in the case of **Eco-Sud** *supra*, hereinafter referred as **Eco-Sud no.2**.

8. The main argument advanced by the Appellants is that they do have an interest in the matter as they are either adjoining neighbours or reside in the vicinity of the site and are all directly affected by the granting of the EIA licence and the constructions made at the site, which is averred at paragraph 1 of their Statement in Reply ['SOR'] to the Statement of Defence ['SOD']of the Co-respondent.

9. Incidentally, it was submitted by the counsel for the Co-respondent at the sitting of the 20th November 2024 that the law does not provide for the filing of a reply by the Appellants. This is incorrect. The law does provide for such a right of reply to the Appellants. As far as exchange of pleadings are concerned these are provided under **s.5 (4)** of the **ELUAT Act**:

"(ad) Any party served with a copy of the notice of appeal, statement of case and any witness statement shall, within 21 days of receipt thereof, forward his reply and comments thereon to the Tribunal, with copy to the appellant.

(ae) The appellant may, within 21 days of receipt of the reply and comments, submit any reply and comment thereon to the Tribunal with copy to all relevant parties."

An appellant before the Tribunal would therefore submit such comments and reply, as provided under **s.5(4) (ae) of the Act** in a Statement of Reply ['SOR'] which is part of the pleadings. This has been also accepted in the case of **Eco-Sud no.2**.

- *Witness Statement*

10. Extensive refence was made and submissions offered in relation to the witness statement of one Mr. Brouard. Counsel for the Appellants made reference to certain averments contained in an unsigned document bearing the names of Mr. Brouard and two of the Appellants as the maker of the document, in support of her argument that the Tribunal may rely on it as being part of the pleadings on record to demonstrate the Appellants' contention that they have sufficient interest in the matter. Even assuming *arguendo* it was to be considered as a witness statement, we do not agree that it can be taken to form part of the pleadings. A witness statement is part of evidence, which only upon being produced in the course of a hearing becomes an integral part of the Tribunal's record. For all intents and purposes, if a listed witness does not come up to proof during the hearing, any corresponding parts of his witness statement may be disregarded likewise where witnesses do not turn up to testify at the hearing, any evidence contained in their witness statement will be disregarded.

11. The law applicable at the time that the impugned decision was taken, setting out the standing requirements for those who may appeal against a decision of the Minister for the granting of an EIA Licence is found under **s 54 (2) EPA** which provides

"Where the Minister has decided to issue an EIA Licence, any person who-
(a) Is aggrieved by the decision; and
(b) Is able to show that the decision is likely to cause him undue prejudice
may appeal against the decision to the Tribunal."

12. In principle, anyone living in close proximity of a development including an adjoining neighbour would have a legitimate interest in a matter primarily if they are to be impacted by the proposed construction, more especially if it interferes with their right to a peaceful enjoyment of their property. We have considered the pleadings on record which includes the SOR of the Appellants. If the Appellants are adjoining neighbours, as averred in their SOR, they would have a legitimate interest in the matter. This is well-established law. It is a principle widely raised in actions in tort under **Articles 1382** and **1384** of the **Mauritian Civil Code**.

13. **Eco-Sud v The Minister of Environment, Solid Waste Management and Climate Change [2023] SCJ 284,** hereinafter referred to as **Eco-Sud no.1,** concerned an appeal of a decision of the Tribunal on the issue of locus standi of appellant who challenged the decision of the Minister for having granted an EIA Licence. Their Ladyships at page 14 of their judgment considered the pre-requisites of "standing" under **s.54(2) EPA**- the relevant passage is reproduced below:

"The prerequisites for 'standing' under Section 54(2) of the EPA should, therefore, not be given a narrow interpretation that would render it ineffective. 'Standing' to bring an appeal under Section 54(2) of the EPA will exist where an appellant can show that he/it has a sufficient interest in the act or decision that he/it wishes to challenge or where he/it can establish that he/it is personally affected or substantially and unduly prejudiced in his/its right or interest, in addition to Section 54(2)(c) of the EPA. This implies that an appellant organisation, in seeking to establish that it is an aggrieved

party to whom undue prejudice is likely to be caused, will have to show genuine concern and interest in the environmental aspects that it seeks to protect and sufficient knowledge of the subject matter at hand so as to qualify it as genuinely acting in the general interest albeit no individual property right or interest has been affected." [underlining is ours]

14. If the Appellants are personally affected by the development that was furthered by the granting of the EIA Licence, as adjoining neighbours and/or people living in close proximity of the development proposal, they would have a sufficient interest in the matter, which could be in the nature of personal, economic, environmental and potentially all of them intertwined. As far as prejudice is concerned, they have also averred at paragraphs 6 and 7 of their SOR how they and their properties are being impacted by a lack of robust storm water management system within the development and set out elements of personal prejudice that every time there is heavy rain in that region their properties are flooded and that even the measures taken by the Co-respondent do not work since having compacting gravel on the parking area is not sufficient to effectively absorb the volume of water which flows back during high tide and rainy days.

15. We are of the view that both **Eco-Sud no.1** and **Eco-Sud no.2** brought clarity to the law, more specifically the **EPA** and explained its wider application as opposed to the highly restricted approach adopted until then with the wording of the law being given its literal meaning. It would, in our view, lead to absurdity if one is now to read the provision of the law as set out in **Eco-Sud no.2** as meaning those who have an interest only in the environment can contest the EIA licence to the exclusion of those whose private and economic rights also are being encroached upon. This is not what we understood the Law lords to be suggesting. They did acknowledge those having private and economic interests could challenge the ministerial decision of granting an EIA Licence.

16. The Board in **Eco-Sud no.2** stated the following at paragraphs 87 and 88 of the judgment, reproduced hereunder in *italics:*

87. The Board considers that absurdity results if prejudice is confined to economic prejudice and prejudice to a private interest. The absurdity can be demonstrated by the example of a proposed development in the centre of a vast remote idyllic wilderness all of which is in the ownership of the developer. The more remote the area and the larger its size then the less likely it is that there will be a person with an economic or private interest which has been unduly prejudiced by the Minister's decision to approve the issue of an EIA Licence. The absurdity can also be demonstrated by the converse example of a proposed development in an area which has already been built-up. In a built-up area the environment may already have been adversely affected but it is more likely that a person's economic or private interest will be prejudiced. Accordingly, the outcome of these examples is that the safeguard of an appeal process would be denied in relation to the remote idyllic wilderness in which a pristine environment may well call out for protection whilst the safeguard of an appeal process would be available in a built-up area where the environment may already have been adversely affected.

88. The Board considers that the example of the remote idyllic wilderness does not just demonstrate the absurdity of confining prejudice to economic prejudice and prejudice to a private interest. It also demonstrates that the purpose of the EPA 2002 of protecting the environment would be circumvented. The legislative purpose in introducing requirements as to standing is to be understood within the larger purpose of the EPA 2002 which is the protection of the environment. If prejudice were confined to economic prejudice or prejudice to a private interest, then in the example of a remote idyllic wilderness there would be no-one allowed to speak up on its behalf in an appeal to the Tribunal. Furthermore, the Tribunal would be powerless to protect the environment. The larger purpose of the EPA 2002 would be thwarted.

17. The same principle was previously brought out in a judgment delivered by this Tribunal on 1st August 2016 in an application for injunctive relief in the case of **Georges Chin Fee Ah-Yan and Bruno Savrimootoo v Le Chaland Hotel Ltd IPO The District Council of Grand Port** [ELAT C995-3/15], where the following observation was made:

"*What comes to mind is for instance if a BLUP is granted for the setting up of an atomic plant on governmental property in Mauritius, should it be taken to mean that only those who can show a special interest in the matter, who have a private or pecuniary right which they seek to protect, can appeal against the decision of the Council? With changing times and the types of developments now seen in Mauritius, this may necessitate a rethink of the direction, development and application of our laws where the situation so demands. Cases concerning environmental issues cannot be judged by the same standards as normal civil cases. They are recognized to be of a different category altogether.*"

18. The above extracts are cited to demonstrate that persons, such as adjoining neighbours, directly affected by a proposed development—whether in an environmental matter or otherwise—and who are therefore likely to suffer personal or economic prejudice, qualify *de facto* as "aggrieved persons" in respect of a decision of the Respondent. In circumstances where the law was previously less explicit as to the nature of prejudice in environmental matters, further clarity has been provided by the decision in **Eco-Sud**, which elucidates the elements constituting prejudice in environmental cases.

19. In our view, that is why the Lawlords alluded to persons who have a genuine concern and interest in the environmental aspects they seek to protect and whether they have "*sufficient knowledge of the subject so as to qualify them as genuinely acting in the general interest.*" These would include for example organizations with knowledge in the field of environment and genuinely involved in its protection.

20. Ex-facie the pleadings on record, and in particular the averments contained in the Appellants' SOR concerning their interest in the matter and the prejudice allegedly caused to their properties, it is evident that the issue is a contested one. In such circumstances, rather than raising the objection as a preliminary point, the matter would have been preferably addressed on the merits, after evidence had been adduced to determine the issue of standing. These grounds accordingly fail.

21. We are comforted by their Ladyships' comment at Page 9 of their judgment in **Eco-Sud no.1,** reproduced below*:*

"…there is no obligation upon the appellant to argue his whole case at such a premature stage of filing his statement of case; if the appellant feels that he is aggrieved by a decision and that undue prejudice is caused to him, as per Section 54(2) of the EPA, he can appeal to the Tribunal. Whether he has the requisite locus standi, is another question which begs arguments to be heard on both sides, rather than deciding upon such a pertinent issue based merely on statements of case and statements of defence."

II. VAGUE GROUNDS OF APPEAL

22. The Co-respondent contends under its third ground of objection that the grounds of appeal as couched are vague and lacking in precision. The Appellants disagree with this contention and argue that the Respondent and Co-respondent have been able to file SOD to their SOC and grounds of appeal and furthermore, there is the option of moving for particulars.

23. **Section 5 (4) of the ELUAT Act** provides

" (a) *Every appeal under section 4(1) shall, subject to paragraph (b), be brought before the Tribunal by depositing, with the Secretary, a notice of appeal in the form set out in the Schedule, setting out the grounds of appeal concisely and precisely, not later than 21 days from the date of the decision under reference being notified to the party wishing to appeal.*

(aa) Every notice of appeal referred to in paragraph

(a) shall be accompanied by –

(i) a statement of case; and

(ii) where necessary, any witness statement, with copy to all relevant parties.

(ab) A statement of case shall contain precisely and concisely –

(i) *the facts of the case;*

(ii) *the grounds of appeal and the arguments relating thereto;*

(iii) *submissions on any point of law;*

(iv) *and any other submissions relevant to the appeal."* [underlining is ours]

24. In **Eco-Sud no. 1**, the Court recognized the need to have clearly drafted grounds of appeal. The following is an extract of the judgment at Page 9, which we find apposite to reproduce:

"According to Sections 5(4)(a) and 5(4) (aa) of the ELUAT Act, it is unquestionable that an appellant should, in his notice of appeal, set out the grounds of appeal concisely and precisely within 21 days from the date of the decision against which he intends to appeal and that the notice of appeal shall be accompanied by a statement of case and any witness statement, where necessary. However, the mere fact that, in the present case, the appellant expatiated further on its locus standi only in its reply to the respondents' statements of defence, does not, in any manner whatsoever, cast the appeal before the Tribunal outside the statutory timeframe. Rather, it can be gleaned from the appellant's statement of case before the Tribunal that it did explain its involvement in the subject matter in lite as well as its concerns raised during the whole process."

25. The Tribunal cannot accept the proposition that the requirement for the grounds of appeal to be set out "precisely and concisely" is a matter of mere form or one that may be treated as merely directory. This requirement forms part and parcel of the framework established under **section 5(4)(a)** and must be read with the same weight as the other obligations set out therein, including the statutory time limit for lodging an appeal. To interpret it otherwise would be to introduce a distinction which would risk weakening the coherent conduct of the appeal process as set out under **s.5 (4) (a) of Act**.

26. The Tribunal is therefore of the view that the requirement for precision and conciseness in the drafting of grounds of appeal must be respected for the sake of clarity so that the parties served with the Appellants' pleadings know what case is to be met which in turn allows the Tribunal to better adjudicate on the issues in dispute. This requirement has been further re-iterated under **s. 5(4) (a) (ab)** providing that the SOC shall contain precisely and concisely the grounds of appeal. In the present case, the grounds of appeal have not been re-iterated in the SOC nor have the averments been made in support of those grounds of appeal.

27. In **Nada Fadil Al-Medenni v Mars UK Ltd [2005] EWCA Civ 1041** the court made the following observation:

"It is fundamental to our adversarial system of justice that the parties should clearly identify the issues that arise in the litigation, so that each has the opportunity of responding to the points made by the other. The function of the judge is to adjudicate on those issues alone. The parties may have their own reasons for limiting the issues or presenting them in a certain way."

28. The grounds of appeal as per **Annex 2** of the Notice of Appeal is reproduced hereunder:

"1. ***Because the EIA license given by the Respondent is wrong in law and fact on the basis of the precautionary principle. In that:***

(a) The site is conducive for such development
(b) After efforts at mitigation, it would still result in significant residual impacts
(c) There are serious threat of serious and irreversible environmental damage
(d) There is a lack of full scientific certainty as the nature and scope of the threat of environmental damage.
(e) The level of public concern had not been satisfactorily addressed.

2. ***The Respondent in reaching the conclusion that, on the basis of the precautionary principle is conducive for the development of the project, acted unreasonably, unconscionably and unfairly and wrongly:***

(a) The site for the project is on an unsurveyed wetland.

3. The decision of the Respondent that, on the basis of the precautionary principle, the project will cause:

(A) Protection of fisheries and wildlife habitat rare plant habitat and rare species habitat

(b) Prevention of water pollution

(c) Storm surges prevention

(d) Erosion and sedimentation control

(e) Flood water control

(f) Protection of groundwater and surface water

(g) Protection of public and private water supply

(h) Elevate apartments

(i) drainage capacity and surface drainage

(j) Wetland Soil protection

(k) Ponding and saturation requirements

(l) Move project to higher grounds

(m) To determine surface waterways area adequate to remove water that flood.

(n) Water flow scope and effect analysis

4. The recommendations amount to a denial of procedural fairness and are not legally reasonable

(a) The environmental offsets as depicted on the mitigation plans is not appropriate so as to render such a proposal environmentally acceptable.

5. That conditions on the mitigation plan fail to address:

(a) Protection Public Safety and health

(b) Protection of persons and property against hazard of floodwater inundation

(c) Impact on climate change

(d) Protection of wetlands

(e) The public interest

6. Because the mitigation conditions are mere heuristics rather than rational, scientific and realistic conditions.

7. Because the conditions in the mitigation plans are too vague and evasive

8. Because the conditions of the respondent on the basis of the precautionary principle, that there are likely to be negative impacts on the inhabitants of the locality and surrounding areas as a result of the project being wrong in law and facts.

9. Because the mitigation plans has not been proposed in accordance with applicable laws of Mauritius, constitutional safeguards and internationally accepted environment standards.

10. That the decision arrived at for reasons other than the application of the precautionary principle

11. And for other reasons to be given in due course."

29. Our observation based on our reading of these grounds is that they are drafted in such a shoddy manner that they do not read coherently, verging on confusion, and are both vague and lacking in precision. Despite the fact that the Appellants were legally represented at the time of lodging their appeal, what is required of these grounds is not merely the provision of particulars but a complete re-drafting so that they may at least be intelligible. We hasten to add that this is not to be taken to mean that we will allow a re-drafting at this stage. That cannot be allowed as it would unfairly forestall and defeat a party's objection in law and would not serve the interests of justice.

30. The arguments or averments that should accompany those grounds—as required under **section 5(4)(a) (ab) of the ELUAT Act**—are largely absent, rendering the appeal as a whole incoherent and difficult to comprehend. All the grounds of appeal focus on environmental considerations, which hardly align with the averments contained in the Appellants' pleadings- the basis on which their case stands.

31. Citing the same extract from **Nada Fadil Al-Medenni** *supra*, the learned judges in the case of **Eco-Sud no.1** took the view that the co-respondent No. 1 knew well which case it had to meet ex facie the appellant's statement of case before the Tribunal because the appellant had lengthily averred in its reply to the statements of defence of the respondent and the co-respondents, how it was aggrieved by the decision of the respondent and the likely undue prejudice it would incur.

32. This Tribunal, in exercising its jurisdiction under **Section 54 of the EPA 2002** and the **ELAUT Act 2012**, is required to adjudicate and determine appeals in accordance with legal requirements and within the scope of its jurisdiction. In this respect, the pleadings including the grounds of appeal must be so clearly drafted as to remain within the bounds of the law. The grounds in the present case are imprecisely drafted and fail to identify any specific legal, procedural, or factual error that led to an incorrect decision by the Respondent.

33. Learned Counsel for the Appellants referred to the case of **Varcity Mauritius Ltd v The Assessment Review Committee & Anor [2024] SCJ 260** , **Coca-Cola Indian Ocean Islands Ltd v The Assessment Review Committee & Anor [2024] SCJ 422** and **Eurofin Ltd v Director General MRA [ARC/IT/572-14**] in support of her submission that the other parties may request for particulars can bring clarity to the grounds of appeal if they found them to be vague.

34. In our view, a request for particulars is appropriate where the grounds of challenge are not sufficiently identifiable and further detail would meaningfully clarify them. We have noted that Respondent and Co-respondent have filed before the Tribunal their respective Statements of Defence. It can be gleaned from these documents that they are in answer to the documents served upon them by Appellants albeit as skeletal nature. Annexed to the Co-respondent's SOD is an extensive report prepared by an Environment Expert. The appeal is not trivial, frivolous or vexatious within the meaning of **s.5 (8) of the ELUAT Act**.

35. To the extent that the parties served with the documents of the Appellants have been able to understand the grounds upon which the decision of the Respondent is being challenged and answered the case to be met in their SODs, we believe a request for particulars of those grounds of appeal can offer clarity.

36. We have considered the grounds of appeal to understand the case to be met. With the exception of grounds 2 and 5 of the grounds of appeal which have been addressed in the SOC and SOR of the Appellants, albeit scantily, all the other grounds are too vague and lack the necessary specificity. Ground 1 fails to identify which provision of the law has been breached in issuing the EIA licence. In fact paragraph (a) states that the site is conducive for such a development thereby creating ambiguity as to what the challenge really is. The Appellants have not clearly outlined the considerations that were not taken into account by the proponent, thereby leading to a violation of the precautionary principle, hence rendering the Respondent's decision flawed. There may be challenges in proving as well as adjudicating on issues alluding to the "level of public concern", "scientific certainty". Ground 3 is untenable as it does not purport to make any challenge. Ground 4 makes reference to broad and generic terms such as "denial of procedural fairness" and "not legally reasonable" with no identifiable bench mark. At best these would be grounds for challenge in an action for judicial review. Grounds 6 to 11 are very vaguely drafted and fail to refer to the relevant guiding environmental principles bearing in mind the scope of the jurisdiction of the Tribunal. These are just a few observations, not to be taken as being exhaustive.

37. At best, certain grounds of appeal might have warranted being set aside individually. However, given that the present motion seeks the setting aside of the appeal in its entirety on the basis that the grounds are vague, we find ourselves unable to accede to such a request. This is because we are of the view that the defects identified in some of the grounds of appeal mentioned above may possibly be cured through the provision of particulars. We nonetheless expect Counsel for the Appellants to take heed of the concerns raised and to adopt an appropriate position in respect of those grounds of appeal that may not withstand scrutiny. This ground of objection also fails.

- *Other issues*

38. In response to a point raised by learned Counsel for the Appellants, with reference to the Board's comment in case of **Eco-Sud no.2,** we emphasize that the **ELUAT Act** does not empower the Tribunal to order the demolition or removal of any structure. Such powers rest exclusively with the courts. We agree with the submissions of learned Counsel appearing for the Co-respondent on this issue- it is not to be taken as a mistake by the Board since this was not a main issue debated before them.

39. It was submitted by Counsel for the Co-respondent that no live issue remains, given that 49 out of the 56 apartments have already been sold and are now occupied. We do not share this view. The appeal may be entertained by the Tribunal given that the challenge is against the decision of the of the Minister for having issued an EIA Licence under **s.54(2) of the EPA** and on the face of the pleadings the Appellants have averred they have standing. There is no basis either for the Tribunal appeal under **ELUAT Act** for being trivial, frivolous or vexatious. However, in practical terms it may be that the circumstances do render the debate before the Tribunal largely academic, in as much as the proponent continued with the development and obtained its BLUP after receiving the EIA licence, notwithstanding that the licence was under challenge before this Tribunal. It presumably did so because no order—such as that available under **section 4(2) of the ELUAT Act**—had been issued to restrain the development from progressing. As a result, third-party rights have now come into play.

40. That said, the Appellants are expected to exercise due diligence in the conduct of their case; they cannot claim prejudice while simultaneously contributing to delays in the proceedings.

41. For all the reasons set out above, we find that the objections raised are devoid of merit at this stage and the motion of Co-respondent is accordingly set aside. The Appellants are urged to take on board the directions of the Tribunal regarding the grounds of appeal. The matter is to otherwise proceed on its merits.

Ruling delivered on 12th December 2025 by

Mrs. J. RAMFUL-JHOWRY	**Dr. B. MOTAH**	**Mr. S. MOOTHOOSAMY**
Vice Chairperson	**Member**	**Member**