

BEFORE THE ENVIRONMENT AND LAND USE APPEAL TRIBUNAL

Cause No. : ELAT 1507/17

In the matter of:

APPELLANTS

- 1. THE SEA USERS ASSOCIATION**
- 2. VIRGINIA LAMARQUE**
- 3. XAVIER KOENIG**
- 4. CHRISTOPHE PELLICIER**
- 5. GAEL BECHARD**

v.

RESPONDENTS

- 1. MINISTRY OF SOCIAL SECURITY, NATIONAL SOLIDARITY AND ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**
- 2. MINISTER OF SOCIAL SECURITY, NATIONAL SOLIDARITY AND ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

In presence of:

CO-RESPONDENTS

- 1. GROWFISH INTERNATIONAL (MAURITIUS) LTD.**
- 2. MINISTRY OF OCEAN ECONOMY, MARINE RESOURCES, FISHERIES AND SHIPPING**
- 3. MINISTRY OF TOURISM AND EXTERNAL COMMUNICATIONS**
- 4. BOARD OF INVESTMENT**
- 5. MINISTRY OF DEFENCE AND RODRIGUES, DEPARTMENT OF CONTINENTAL SHELF, MARITIME ZONES ADMINISTRATION & EXPLOITATION**
- 6. THE DISTRICT COUNCIL OF BLACK RIVER**

Tribunal is informed that following an application lodged before the Judge in Chambers, where the ELUAT has been joined as Co-Respondent No.7, the matter was called to-day at 10.00 a.m and has been postponed to 5 April 2018 for written submissions and 6 April for arguments on preliminary objections.

We have taken note of the observation made by counsel for Co-Respondent No. 1 that there is no order for stay of proceedings issued yet. Nevertheless we are of the view that, should the hearing proceed before the ELUAT at this stage, it would amount to an attempt by this Tribunal to usurp the powers of the Judge in Chambers, who has ordered the parties (including the ELUAT as Co-Respondent No.7) to 'show cause why the order prayed for should not be granted'.

The ELUAT cannot, on one hand, be called upon to state its position on a prayer for stay of proceedings and, on the other hand, proceed with the hearing of the appeal which is subject matter of the same application before the Judge in Chambers. Should it proceed to do so, either the proceedings before the ELUAT or the decision of the Judge in Chambers would turn out to be an academic exercise.

For the above reason, the ELUAT is minded to wait for the decision 'inter partes' of the Judge in Chambers. The hearing scheduled for to-day is therefore postponed and re-scheduled to next week, on dates to be communicated by the Tribunal.

We have taken note of the stands taken by counsel for the respective parties on the 90 day period for completion of the case. This period will run from the start of the hearing on the merits.

Mrs. V. Bhadain, Chairperson

Mr. Manna, Assessor

Dr. Bhagooli, Assessor