

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**I.A. NO. 81 of 2025/EZ**

**IN**

**APPEAL No.07OF 2025/EZ**

**IN THE MATTER OF**

**Shambhu Sharan Singh** .....Appellant

**Versus**

**State of Bihar &Ors** .....Respondent(s)

**INDEX**

Sl no.	Particulars	Page no.
1.	COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 05 TO THE CONDONITATION OF DELAY APPLICATION, I.A. NO. 81 OF 2025.	1-6

Filed by: Jayant Kisto, Adv  
email- jayantkisto@gmail.com  
Mob- 9999446310



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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 05 TO  
THE CONDONITATION OF DELAY APPLICATION, I.A. NO. 81 OF  
2025.**

I, Laxman Prasad, aged about 52 years, Male, Son of- Sri Rameshwar Singh, Resident of- Quarter No.16, A.S.I Block New CID Colony, Shastri Nagar, L.b.s. Nagar, PO. L.B.S Nagar, P.S. - Shashtri Nagar, District- Patna- Pin Code- 800023., do hereby solemnly affirm and state as follows:

*195(1) 09/02/26*  
No. .... Date.....

*SP*



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**Certificate Issue Date** 09-Feb-2026 01:56-PM  
**GRN No.** BHR20260206104659829392E  
**Unique Doc Reference** EST-BR-3401-2600002472  
**Party Name** LAXMAN PRASAD  
**Purchased by** LAXMAN PRASAD  
**Purpose** NA Article no (NA)  
**Stamp Duty Paid (Rs.)** : 100 (One Hundred Only)  
**Reg. Fee (Rs.)** : 0 (Zero Only)  
**LLR & P Fee (Rs.)** : 0 (Zero Only)  
**Miscellaneous Fee (Rs.)** : 0 (Zero Only)  
**Discore SC (Rs.)** : 0 (Zero Only)  
**Total Amount (Rs.)** : 100 (One Hundred Only)



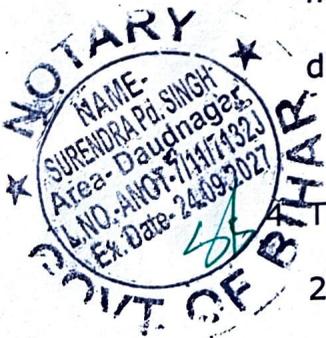
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1. That I am Director of M/S Rameshwari Agro Services Pvt. Ltd. (the Respondent No. 5 herein) and I am well conversant with the facts and circumstances of the case as such I am competent to swear this affidavit.
2. That the instant matter was last heard on 22.12.2025, when this Hon'ble Tribunal was pleased to direct the answering respondent to file reply to application for condonation of delay in filing the Appeal.
3. That it is most humbly submitted that the instant Appeal has been preferred after expiry of 60 days from the expiry of the limitation period of 30 days and as such it shall not be allowed. Section 33B of the Water Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air Prevention and Control of Pollution) Act, 1981, provides a time period of 30 days for filing appeal before this Hon'ble Tribunal against any order or decision of the Appellate Authority.

That it is most respectfully and humbly submitted that in Para 2 & 3 of the IA application the appellant has stated that the Appeal No. 05 of 2020 before the Appellant Authority, Patna,

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was fixed on 19.03.2025 and subsequently the matter was not taken up on 19.03.2025 and the Appellant was not informed about the next date. The appellant after waiting for a considerable time on 08.05.2025 visited the Appellate Authority, Patna, and that on 08.05.2025 he was informed about the order dated 25.03.2025 (impugned order in Appeal). In other words, the appellant on 08.05.2025 came to know about the passing of the order dated 25.03.2025, and was not aware of the order dated 25.02.2025 from before. Also, the appellant is calculating the delay in filing the instant Appeal from 08.05.2025 and is making a prayer to condone the delay of 29 days. That in Appeal also it has been stated by the appellant that he came to know about the order on 08.05.2025.



5. That it is humbly submitted that in Paras 4, 7, 8 of the IA one of the grounds taken for condonation of delay is that the Advocate on record was suffering from 'uveitis in her right eye' from 14.03.2025 and was travelling to Chennai frequently in Month of March' 2025. However, since the Appellant came to know about the order dated 25.03.2025 only on 08.05.2025, (May' 2025) therefore the treatment of the Advocate on



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Record in month of March' 2025, is how at all relevant. The statement made in the IA application does not in any way make sense or logic. From, perusal of the aforesaid Paragraphs of the IA it appears that the entire story is a concocted story and an afterthought and the treatment of the Advocate on record is being used to make false statement before this Hon'ble Tribunal. Further, Annexure B of the IA (Page 165- 168) is the prescription of the Advocate of Record, it is humbly submitted that all the prescription is dated of the month of March and one of the Month of April and the Appellant came to know about the order dated 25.03.2025 on 8<sup>th</sup> May, 2025, therefore, any steps that may have been taken by the appellant for filing of the Appeal must be from 08.05.2025, therefore the treatment undergoing by the advocate of record in the month of March' 2025 is not at all relevant and further it is all eye wash and an attempt is being made to get the instant appeal admitted by misrepresenting the facts and submitting false statement on affidavit.

6. That apart from the above ground of advocate of record was undergoing treatment no other ground has been taken in the IA and therefore the Appellant has failed to assign well

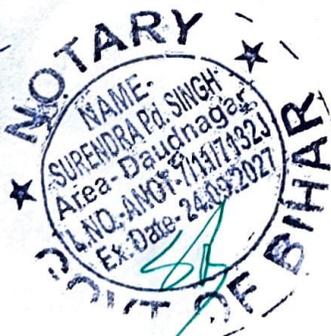


substantiated and sufficient causes in explaining the delay and therefore the IA shall not be allowed and the appeal should be dismissed.

7. That recently the Hon'ble Supreme Court has heavily reinforced that legal delays should not be condoned as a matter of routine or generosity, but rather based on bona-fide, well substantiated and sufficient causes. In the instant case the appellant has failed to state sufficient cause and the cause taken in the IA from the face of it appears to be unreasonable, impractical and imaginary and concocted. Further, procedural timelines are mandatory and not directory and delays resulting from negligence or casual approach should not be tolerated.

8. That I have read the contents of the affidavit and have understood the same and nothing material has been concealed therefrom.

  
DEPONENT









# "VAKALATNAMA"

Before the Hon'ble National Green Tribunal, Eastern Zone,  
Kolkata

Appeal No. 07 of 2025/EZ

Shambhu Sharan Singh

...APPELLANT

-VERSUS-

State of Bihar & ors

.....RESPONDENT

KNOW ALL MEN by these presents that I/We Laxman Prasad, Son of Sri Rameshwar Singh, Director M/S Rameshwari Agro Services Pvt. Ltd. (the Respondent No. 5 herein) do hereby in my/our name and my/our behalf constitute and appoint Mr. Jayant Kisto, Advocate, Mahesh Nagar, Road No. 04, Patna-800024, as our true and lawful Pleader/Advocate & Attorneys to appear and act for me/us in the matter noted above to file counter affidavit, reply, written statement, conduct suit, appeal from original suit, order etc., And for that purpose to do all acts and things, whatsoever in that connection including compromise of the above matter depositing in or withdrawing money from, filing or taking out of appeal, document and payment order from Court referring matters in dispute between the parties here to arbitration, withdrawing the above matters with liberty to file fresh suit, sending properties released from attachment, filing execution or miscellaneous cases and other petitions, bidding at execution sale, obtaining payment from us out of Court withdrawing custody and other fees and doing on my/our behalf other acts, in the above matter as are necessary and proper. I/We hereby agreeing to ratify and confirm all acts so done by the said advocate or attorneys as my/our own acts and as if done by me/us to all intents and purposes.

Date: 03.02.2026

Received & Accepted by me

*Jayant Kisto, Jr*  
Advocate

*Laxman Prasad*  
Client(s)

M/S RAMESHWARI AGRO SERVICES PVT. LTD.  
Director

Mr. JAYANT KISTO  
E. NO. D/4300/2017  
(ADVOCATE)

Mahesh Nagar, Road No. 04, Patna-800024.  
MOB:- 9999446310.  
EMAIL: jayantkisto@gmail.com

*Laxman Prasad*  
Director