

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH: KOLKATA

I.A. No. 116/ 2025

(Arising out of Appeal No. 10/2025)

IN THE MATTER OF:

SANATAN MARDI VTC-
DHATIKA, PO- KADAGARH,
PS- RAISUN KENDUJHAR,
ODISHA, PIN CODE- 758013,
AND OTHERS

...APPELLANTS

Vs

MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE THROUGH ITS
SECRETARY, GOVT. OF INDIA, INDIRA
PARYAVARAN BHAWAN, JORBAGH,
NEW DELHI- 110003 e- MAIL: [secy-
moef@nic.in](mailto:secy-moef@nic.in) AND OTHERS.

... RESPONDENTS

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THROUGH

UTKARSH CHANDRA/ SANJAY KUMAR SINGH

ADVOCATE FOR RESPONDENT NO. 3 TO 4

C24, Nangal Devat, Vasant Kunj, Sector- D

New Delhi, Delhi- 110070

Ph. no.- 8917347515, Email- chandra.utkarsh06@gmail.com

Date: 05/05/2026

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BHAWAN, JORBAGH, NEW DELHI-
110003 e- MAIL: secy-moef@nic.in AND
OTHERS.

... RESPONDENTS

OBJECTION ON BEHALF OF RESPONDENT NO. 3 TO 4 , TO THE APPLICATION
FOR CONDONATION OF DELAY FILED BY THE APPELLANTS.

I, Vishal Singh, S/O Rampyare Singh aged about 35 years, presently working as Collector & District Magistrate, Keonjhar, having office at Collectorate, Keonjhar, District- Keonjhar, being conversant with the facts of the case, do hereby solemnly affirm and state as under:

N.R.SL.NO. 263
DATE 5-5-26

5-5-26
SUBASH CHANDRA BEHERA
NOTARY
KEONJHAR, ODISHA
Read No-46/2008



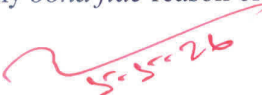
Vishal Singh

1. That, I have gone through the application of the appellant and have understood the contents thereof. I am well acquainted with the facts of the case and authorised and competent to make and affirm this affidavit on behalf of respondents no. 3 to 4 in my official capacity.
2. That, the appeal has been filed under section 16(h) of the National Green Tribunal Act, 2010, challenging the Environmental Clearance (hereinafter referred as "EC") dated 09.09.2025 granted by the State Environment Impact Assessment Authority (hereinafter referred as "SEIAA"), Odisha in favour of respondent no. 5 for establishment of a 14.3 MTPA Iron Ore Beneficiation Plant at village Tikarpada and Kadagarh, District Keonjhar, Odisha.
3. That, the present application has been filed under section 5 of the Limitation Act, 1962 read with Section 16 of National Green Tribunal Act, 2010 (hereinafter referred as NGT act) on 16.10.2025 seeking condonation of delay in filing the appeal against the EC dated 09.09.2025, granted by SEIAA, Odisha in favour of respondent no. 5.
4. That, as per the provisions of Section 16 of the NGT act, 2010, any person aggrieved by the grant of EC may, within a period of thirty days from the date on which the grant of EC order was issued. In the present facts and circumstances of the case, the appeal ought to have been filed on/ before 09.10.2025, however the same was filed on 16.10.2025, which is beyond the period of limitation.

It is pertinent to mention that as per section 16 of the NGT act, 2010, a further period not exceeding sixty days may be allowed, provided that the appellant satisfies this Hon'ble tribunal showing **sufficient cause** that prevented the appeal to be filed within the thirty-day period.

5. That, in the present case no such material has been presented showing **sufficient cause** in the delay of filing the appeal, furthermore the application filed by the appellant only states general and vague averments that lack justification. The explanation put forth by the appellants is untenable and lacks documentary substantiation.
6. That, it is respectfully submitted that the Hon'ble Supreme court has consistently held that condonation of delay is an exception and not a rule. The appellant must demonstrate sufficient cause for the delay and mere general statements or broad assertions does not fulfil the statutory requirements.
7. That, the Hon'ble Supreme Court in **Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy & Ors., (2013) 12 SCC 649**, held that although a liberal approach is permissible, such liberality cannot override the mandatory requirement of proving sufficient cause. The Court observed that the phrase "*liberal approach*" and "*substantial justice*" cannot be used to defeat the law of limitation, and that courts cannot revive stale or dead causes under the guise of section 5 of the Limitation Act. Even when sufficient cause is shown, condonation remains a matter of judicial discretion and not an automatic entitlement.
8. Therefore, applying these principles to the present case, it is submitted that the applicant has failed to demonstrate any *bona fide* reason or day-to-day explanation for the delay.




 SUBASH CHANDRA BEHERA
 NOTARY
 KEONJHAR, ODISHA
 Regd.No-46/2008

9. That, it is a well settled principle that “law aids the vigilant and not those who sleep over their rights”. Therefore, in the absence of any convincing justification, the delay cannot be condoned merely on sympathetic or equitable grounds.
10. That, the explanation given by the appellant is general in nature and remains unsupported by any documentary material. It fails to disclose any unavoidable impediment or genuine cause preventing the timely filing of the appeal and hence fails to meet the standard of ‘**sufficient cause**’ which must be shown for every day’s delay. Hence, the application deserves to be dismissed as being devoid of merits.
11. That, no medical certificate or any other documentary evidence has been placed on record in support of the present application to substantiate the alleged illness of the previous counsel. The plea of illness is vague, uncorroborated by any affidavit or medical record, and fails to constitute ‘sufficient cause’ in law. The Appellants, being several in number and already represented in earlier proceedings, were under an obligation to act with due diligence and could have engaged alternate counsel within the prescribed period. According to the Appellant’s own averments, the case brief was handed over on 22.09.2025, leaving sufficient time prior to the expiry of limitation on 09.10.2025. The Appellants have failed to explain the inaction during this intervening period. Moreover, the absence of a day-to-day explanation for the delay between 09.09.2025 and 16.10.2025 is fatal to the prayer for condonation.
12. That the term ‘sufficient cause’ requires that the delay be *bona fide*, unavoidable, and beyond the control of the Appellant, and must not arise from negligence, a casual approach, or lack of diligence. While the Tribunal may, in suitable cases, condone delay upon being satisfied with a genuine explanation, unexplained inaction reflects negligence on the part of the Appellant and weighs against the grant of such relief. It is further submitted that the National Green Tribunal Act, 2010 is a self-contained legislation prescribing its own forum, procedure, powers, and limitation, and by virtue of Section 33, it overrides the general law of limitation. Accordingly, the special limitation under the said Act prevails over the Limitation Act, 1963. In considering condonation of delay, it is not the length of delay but the sufficiency and acceptability of the cause shown that is determinative.
13. That, the averments made in paragraph 1 to 3 of the IA are a matter of record and needs no reply.
14. That, the averments made in paragraph 4 and 5 of the IA are incorrect and without any basis. The appellant has stated that the delay occurred due to the illness of their previous counsel, but have failed to produce any medical records or documentary evidence.
15. That, the averments made in paragraphs 6, 7 and 8 are vague and needs proof. It is humbly submitted that the appellant’s assertions are baseless, unsubstantiated and unsupported by any expert report, technical data or credible material. Therefore, in the absence of appropriate justification of delay, the application of the appellant may be dismissed.



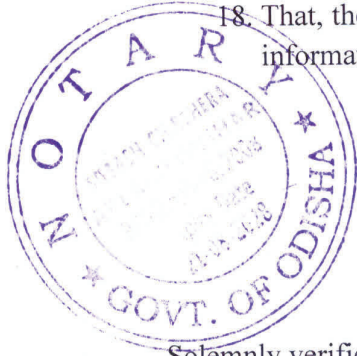
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SUBASH CHANDRA BEHERA
NOTARY
KEONJHAR, ODISHA
Regd.No-46/2008

9/10/26

16. That, the appellant's assertions are baseless, unsubstantiated and unsupported by any expert report, technical data or credible material. It is respectfully submitted that in the absence of appropriate justification of delay, the application of the appellant may be dismissed in the interest of justice.

17. That, I have gone through the statements made hereinabove and fully understood the same.

18. That, the statements made in paragraphs 1 to 19 are true to my knowledge and based on information derived from records which I believe to be true.



[Handwritten Signature]
DEPONENT
COLLECTOR, KEONJHAR

VERIFICATION

Solemnly verified at Keonjhar on this 5th day of May 2026 that the contents of paragraph no. 1 to 2 are true to my knowledge and those in paragraphs 3 to 19 are true and correct to my knowledge based on information derived from the record, which I believe to be true and nothing material has been concealed therefrom.

[Handwritten Signature]
DEPONENT
COLLECTOR, KEONJHAR

5-5-26
SUBASH CHANDRA BEHERA
NOTARY
KEONJHAR, ODISHA
Regd.No-46/2008

VAKALATNAMA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,
KOLKATA

Original Application No. 10/2025/EZ

I.A.No. 116 of 2025

In re:

Sanatan Mardi & ors

... APPLICANTS

Versus

Ministry of Environment, Forest & Climate Change & ors

... RESPONDENTS

KNOW ALL to whom these presents shall come that I Vishal Singh, presently working as Collector & District Magistrate, Keonjhar, of the above-named respondents do hereby appoint: -

Utkarsh Chandra, Advocate.

D/13059/2023

C-24, Nangal Dewat, Vasant Kunj, Sector - D,
Vasant Kunj, New Delhi, Delhi - 110070.

Mobile No. 8917347515; E-mail: chandra.utkarsh06@gmail.com

(Hereinafter called the advocate/s) to be my/ our Advocate in the above noted case and authorize him: -

To act, appear and plead in the above- noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleading, appeal cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/ or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheque, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think to do so and to sign the Power of Attorney on our behalf.

And I / We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/ our own acts, as if done by me/ us to all intents and purposes.

And I / We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

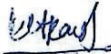
And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this day of March 2026.

Accepted subject to the terms of fees.


Advocates: -


Utkarsh Chandra

D/13059/2023

Sanjay Kumar Singh

D/842/97 (R)


Client
COLLECTOR, KEONJHAR

