

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

I.A. No. 70 /2026

IN

APPEAL NO. 14 /2026

IN THE MATTER OF:

SHAHANAVAJ KHAN

...APPELLANT

VERSUS

SEIAA BIHAR & ORS

...RESPONDENTS

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Kolkata

21.04.2026

FILED BY: -



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

I.A. No. _____/2026

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IN THE MATTER OF:

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**INTERLOCUTORY APPLICATION SEEKING CONDONATION OF
DELAY IN FILING THE ACCOMPANYING APPEAL.**

Most Respectfully Showeth:

1. That the Applicant/Appellant has filed the accompanying Appeal under Section 16(h) of the National Green Tribunal Act, 2010 challenging the Environmental Clearance dated 12.03.2026 granted by Respondent No.1/SEIAA Bihar in favour of Respondent No.5 for the project described as "Kishanganj Unit-03 Sand Ghat", District Kishanganj, Bihar.
2. That the accompanying Appeal raises substantial questions relating to legality of grant of a single/composite Environmental Clearance for four geographically distinct sand mining ghats, non-compliance of the EIA Notification, 2006 as amended by MoEF&CC Notification dated 15.01.2016, Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020.
3. That as per Section 16 of the National Green Tribunal Act, 2010, an Appeal is required to be preferred within thirty days from the date on which the order, decision or direction is communicated. The

proviso to Section 16 empowers this Hon'ble Tribunal to allow an Appeal to be filed within a further period not exceeding sixty days, if the Appellant satisfies this Hon'ble Tribunal that he was prevented by sufficient cause from filing the Appeal within the prescribed period. The NGT has consistently treated Section 16 as prescribing a 30-day limitation period with a further condonable period of 60 days.

4. That the impugned Environmental Clearance is dated **12.03.2026**. The accompanying Appeal is being filed on **21.04.2026**. Therefore, the Appeal is being filed within the outer condonable period prescribed under the proviso to Section 16 of the National Green Tribunal Act, 2010. The delay, if computed from the date of the impugned Environmental Clearance, is approximately **10 days beyond the initial statutory period of 30 days**, subject to final computation by the Registry of this Hon'ble Tribunal.
5. That after coming to know about the impugned Environmental Clearance, the Applicant/Appellant was required to collect and verify the relevant documents, including the Environmental Clearance, Letter of Intent, Google Map showing inter se distance between the mining areas, the applicable MoEF&CC Notification dated 15.01.2016, and the relevant provisions of the Sustainable Sand Mining Management Guidelines, 2016
6. Further the Applicant/Appellant, being a resident of Bihar and concerned with the environmental impact of the impugned mining activity, had to seek legal advice through his counsels at New Delhi and thereafter prepare the accompanying Appeal with necessary pleadings, grounds and annexures. The process of obtaining, scrutinising and arranging the relevant documents consumed some time.

7. That the delay has occurred only on account of the time taken in bona fide collection of documents, legal consultation, verification of facts, preparation of pleadings, and finalisation of the Appeal and accompanying documents. There is no negligence, inaction or want of bona fides on the part of the Applicant/Appellant.
8. That no prejudice shall be caused to the Respondents if the present delay is condoned and the accompanying Appeal is heard on merits. On the contrary, grave and irreparable prejudice would be caused to the environment, river ecology and public interest if the accompanying Appeal is dismissed at the threshold without adjudication on merits.
9. That the Applicant/Appellant has acted diligently and bona fide. The delay is short, sufficiently explained, and falls within the condonable period prescribed under Section 16 of the National Green Tribunal Act, 2010.
10. That this Hon'ble Tribunal has the power to condone the delay under the proviso to Section 16 of the National Green Tribunal Act, 2010, and the present case is a fit case for exercise of such discretion in favour of the Applicant/Appellant.

PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- a) Condone the delay in filing the accompanying Appeal challenging the Environmental Clearance dated **12.03.2026** granted by Respondent No.1/SEIAA Bihar in favour of Respondent No.5 for the project described as "Kishanganj Unit-03 Sand Ghat", District Kishanganj, Bihar;

- b) Take the accompanying Appeal on record and hear the same on merits;
- c) Pass such further order(s), direction(s) or relief(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT/APPELLANT AS IN DUTY BOUND SHALL EVER PRAY.

Kolkata

Date: 21.04.2026

शहानवाज खान

Appellant/Applicant
SHAHANAVAJ KHAN

FILED BY:

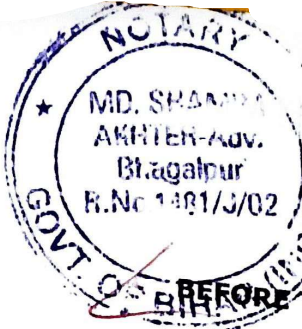
Rkhurana

Hasil Jain

Isham Sharma

RAHUL KHURANA, HASIL JAIN, ISHAM SHARMA

Advocates for the Appellant/Applicant



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

IA No. _____ 2026

IN

APPEAL NO. _____/2026

IN THE MATTER OF:

SHAHANAVAJ KHAN ...APPELLANT

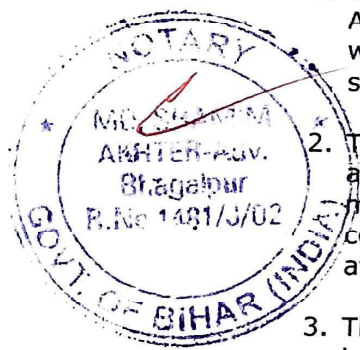
VERSUS

SEIAA BIHAR & ORS ...RESPONDENTS

AFFIDAVIT

I, Shahanavaj Khan S/o Noor Khan aged about 52 years R/o Kharadi Tola, Post Mirjanhaat Thana- Babarganj, Kutubganj, Bhagalpur, Bihar- 812005 do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the accompanying Interlocutory Application filed along with Appeal and well being and acquainted with facts and circumstances of the case and thus competent to swear this affidavit.
2. That the IA has been drafted by my counsel under my instructions and contents thereof have been read over and explained to me in my vernacular which are true and correct to my knowledge, the contents thereof may kindly be read as part and parcel to this affidavit also and not repeated herein.
3. The contents as stated above are true and correct to my knowledge and belief.



Shahanavaj Khan

DEPONENT

Verification

It is verified at _____ on _____ that the contents of the present application are true and correct and nothing has been concealed therefrom.

*Identified by
K. Kamar Adul
21/04/2026*

Shahanavaj Khan

DEPONENT

Dependent.....
Who is identified by.....
I solemnly affirm and declare
before me

Shahanavaj Khan
K. Kamar Adul
21/04/26
Md. Shamim Akhter
Notary, Bhagalpur