

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

I. A No. 101 of 2023 (SZ)

In

Appeal No. 24 of 2023 (SZ)

In the matter of:

Bharathi. K,

Chennai

... Applicant(s)

Versus

The Public Works Department,

Chennai and others

... Respondent(s)

INDEX

S. No.	Date	Description	Page No.
1.	30.10.2023	Counter for the Condone Delay in I.A No. 101 of 2023 By R1 - Executive Engineer, Public Works Department, Chennai	1 – 6
2.	23.06.2023	Newspaper Article – The Hindu (Tamil and English) Thina Thandi – Tamil Newspaper	7 – 13
3.	21.09.2023	Judgment – Royal Stitches P Ltd vs The Deputy Commissioner of Income Tax (M.P.Nos.1 and 1 of 20212 and T.C.A.SR.Nos.32644 of 2012)	14 – 22
4.	23.06.2023	Online Newspaper Article – The Times of India and The Hindu	23 – 29

(Note: The page numbers are at the top centre of every page)



Through

Dr. D. Shanmuganathan

Standing Counsel for Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

BEFORE THE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE, CHENNAI****I.A No. 101 of 2023 (SZ)****In****Appeal No. 24 of 2023 (SZ)****IN THE MATTER OF:**

Bharathi. K,
S/o, Kumarasamy C,
97, Kamarajar Salai, Nochikuppam,
Mylapore, Chennai

...Applicant(s)

Versus

1. The Public Works Department,
Government of Tamil Nadu,
Building Construction Division,
Chepauk, Chennai – 600 005
2. Ministry of Environment, forests and Climate Change,
Rep. by its Secretary,
Jor bagh, Lodhi Colony,
New Delhi, Delhi – 110 003
3. The Tamil Nadu Coastal Zone Management Authority,
Rep by its Member Secretary,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet,
Chennai – 600 015

...Respondent(s)

COUNTER FOR THE CONDONE DELAY IN I.A No. 101 of 2023

I, Muthamil Executive Engineer, Public Works Department, Government of Tamil Nadu, Secretariat, Chennai – 600 009, making this statement to object the application for condonation of delay of 59 days.

CHRONOLOGY

- | | | |
|---|------------|----------------|
| 1. Environmental Clearance | 19.06.2023 | |
| 2. Newspaper articles published on (major Tamil & English) | 23.06.2023 | |
| 3. Appeal No. 12 of 2023(SZ) filed by Vennila Thayumanavan on days) | 12.07.2023 | (within 30 |
| 4. Appeal No. 30 of 2023(SZ) filed by Ramkumar Adhityan on days) | 17.07.2023 | (within 30 |
| 5. Appeal No. 24 of 2023(SZ) filed by K. Bharathi on days) | 15.09.2023 | (Not within 30 |

LEGISLATION:

According to Section 16 of the National Green Tribunal Act 2010,
Section 16. Any person aggrieved by,-

(h) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986;

may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

*provided that the Tribunal may, if it is satisfied that the appellant was prevented by **sufficient cause** from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days.*

(Emphasis added)

FACTS:

1. It is submitted that, on 19.06.2023, decision for Kalaignar Pen Monument was approved by the Ministry of Environment, Forest and Climate Change. Hence anyone aggrieved by this clearance, require to file an appeal within 30 days from the date of the order.
2. The applicant claims that he could not file the Appeal within the said period as the decision was available neither at the Public Works Department website nor at the Tamil Nadu Pollution Control Board website. Hence the delay has occurred.
3. It is submitted that, in **“Save Mon Region Federation case”**, the Hon’ble NGT discussed that term communication in the context of Environmental clearances under the EIA Notification, 2006, clause 10 of the EIA Notification, conditions in the clearance, held that limitation will be computed only from the date on which the order is communicated to the public as per law.
4. The applicant claims that, he filed delay condonation application for abundant caution, as he was not able to locate or secure the decision date 19.06.2023.

NEWS PAPER REPORTS:

5. On 23.06.2023 both Tamil and English daily broadsheet newspapers published at their first page, that MOEF&CC has granted clearance for the construction of pen monument

6. It is submitted that, in paragraph 7 the Appellant's application media friend has given a copy of the Environment Clearance dated 19.06.2023. Further, no document proof or information regarding the journalist who provided the copy of the decision to the applicant herein.

SEEKING LEGAL ADVICE:

7. It is submitted that, the journalist has given the information regarding the project environmental clearance and no valid evidence has been produced with regard to who the journalist is, or any other information regarding him/her is not mentioned anywhere in this Condon delay.
8. It is further submitted that, there is no appointment details for the appellant for approaching a lawyer or an expert details were produced by the appellant herein.

NO MEDICAL EVIDENCE:

9. It is submitted that, the appeal should be filed within 30 days and further 60 days if the appellant has sufficient reason for the delay in filing the appeal. The applicant claims that due to illness he was not able to file the present appeal within 30 days hence the delay has occurred. No medical evidence is produced by the appellant with this condone delay application regarding his medical treatment.

TO OR NOT TO BELIEVE FAKE NEWS:

10. It is submitted that, the Environmental clearance was granted by the Ministry of Environment, Forest and Climate Change on 19.06.2023. But, the Appellant herein states that, he checked the Public Works Department website and Tamil Nadu Pollution Control Board website for the Environmental Clearance, with no success.

11. It is submitted that, the appellant through media and newspapers came to know that the Government has withdrawn the project.
12. On the other hand, the Honorable Chief Minister of Tamil Nadu visited the project site twice since the clearance was given by the MOEF&CC on 19.06.2023.

CREDENTIALS OF THE APPLICANT:

13. Further, the applicant herein is the Founder of the South Indian Fisher Men's Association. He sent the letter for rejection of the Environmental Clearance to all the 14 members of the Expert Appraisal Committee's personal address but he was unaware where the clearance is to be found.
14. It is important to note that there are two appeals pending at this Tribunal challenging the decision date 19.06.2023 recording the clearance for Pen Monument. When other appellants filed their appeals within 30 days under sec 16 of the NGT Act 2010, the present applicant's claim of "Not able to find the decision date 19.06.2023" and "help from journalist friend" were beyond imagination.
15. Recently a division bench at the Madras High Court held in *M/s .Royal Stitches P Ltd v The Deputy Commissioner of Income Tax* on 21.09.2023 that,

*... thus, it is crystal clear from above legal proposition that the discretion to condone the delay has to judiciously on facts circumstances of each case and that, the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or **lack of bona fides** is attributed to the party. In the present case, the petitioner/appellant has not given 'sufficient cause' for condoning the huge delay of 1072 days in filing the appeals.*

(Emphasis added)

16. Hence I request the Honorable Tribunal to reject the applicant's application to condone the delay and award legal costs as he has failed to demonstrate the "sufficient cause" as required under sec 16 of the NGT Act 2010.

VERIFICATION

I, Muthamil s/o S.Samy Alangaram, aged about 53 years employed as Executive Engineer, Public Works Department, Government of Tamil Nadu, Secretariat, Chennai - 600 009, solemnly affirm that the contents of this Report are true to the best of my knowledge based on the records and I have not suppressed any facts.

Date: 30/10/23

S. Muthamil
30/10/23
Respondent



MANIPUR CRISIS
Congress wants PM to chair all-party meet
NEWS » PAGE 12



SUBVERSIBLE SEARCH
Five people aboard thought to be dead
WORLD » PAGE 15



COWIN BREACH
Man, minor held for involvement in 'leak'
NEWS » PAGE 12

POLITICS IN INDIA
An organised counter to take on hate
The national interest must be kept in mind
EDITORIAL » PAGE 10



COMMON GOAL
We believe in team's cause at CSK: Dube
SPORT » PAGE 17

Modi's U.S. visit yields many vital agreements

PM and Biden announce deals on jet engine tech transfers, drones, health and space cooperation; democracy is in our veins, says Modi, maintaining that there is no discrimination in India

Sriram Lakshman
WASHINGTON



Stronger bond: Narendra Modi and Joe and Jill Biden during a welcome ceremony for the Prime Minister at the White House. AFP

India and the U.S. on Thursday announced a number of agreements on defence cooperation, critical and emerging technologies, health, environment, visas and space including a deal which could pave the way for an unprecedented transfer of jet engine technology — as Prime Minister Narendra Modi met U.S. President Joseph Biden as part of his first state visit to the United States.

The two leaders, who hailed the strengthening of the strategic partnership with the visit, met at the White House and made the point that both countries share democratic values, while addressing a gathering of officials and thousands of members of the Indian American diaspora.

Mr. Modi and Mr. Biden marked what they have described as a new stage in the India-U.S. relationship as the Prime Minister was accorded a ceremonial welcome at the White House South Lawn by the President and First Lady Jill Biden on a dizzy Thursday morning.

Both leaders addressed a press conference after their bilateral meeting. Mr.

Modi answered two questions — one on democracy in India from the American press corps and another on climate change from the Indian media.

Mr. Modi agreed with Mr. Biden that democracy was in the DNA of India and the U.S. "Democracy runs in our veins," Mr. Modi said, maintaining that there was no discrimination in India.

Barack Obama sounds alarm on minority rights

NEW DELHI
India may "pull apart" if rights of the religious and ethnic minorities are not upheld, former U.S. President Barack Obama said, adding that the Biden administration should discuss these issues "honestly" with PM Modi. » PAGE 13

The Prime Minister and the President discussed the war in Ukraine during their bilateral meeting. "We are completely ready to contribute in any way we can to restore peace," Mr. Modi told the press conference.

CONTINUED ON » PAGE 13

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NEARBY



ED's authority questioned in High Court

CHENNAI
Senior counsel N.R. Elango, appearing before the Madras HC for Minister Senthilraj's wife, questioned ED's authority to insist on custodial inquiry of her husband. » PAGE 8

17 fishermen arrested by Sri Lankan Navy

PUDUKOTTAI/CHENNAI
Seventeen fishermen from Pudukkottai district were arrested by Sri Lankan Navy on the charge of trespassing into the island country's territorial waters. » PAGE 8

FRIDAY REVIEW » 4 PAGES

Governor holds poll panel accountable for Bengal violence

Shih Sahay Singh
KOLKATA



CV Ananda Bose

West Bengal Governor C.V. Ananda Bose on Thursday blamed the State Election Commission (SEC) for the violence during the ongoing panchayat poll process in the State, and held it accountable for every drop of human blood that is shed in the field.

"People are disappointed by the apparent inaction from the Election Commission. People are in a state of fear. There is violence, but of course I will not say there is violence all over. But there is violence, and the fact that there is violence cannot be denied," the Governor said.

On Thursday, the SEC requisitioned 800 companies of Central forces to be deployed in the State during the panchayat polls, in accordance with the Calcutta High Court's direc-

tions, though the BJP said this was also insufficient.

Bose vs Sinha
Mr. Bose said that he had appointed Rajiva Sinha as the State Election Commissioner, trusting that he would conduct the election process in a free and fair manner. He added that during the election, the Commissioner has power over the police and magistrates.

CONTINUED ON » PAGE 12

AAP demands Cong. support in fight against ordinance

Nikhil M. Babu
Sobhana K. Nair
NEW DELHI

Threatening to derail the first Opposition meeting to decide its strategy against the BJP for the 2024 general elections, Aam Aadmi Party (AAP) sources said the party would walk out of the meeting if the Congress did not agree to support its fight against the Union government's ordinance.

Two other Opposition leaders — Bahujan Samaj Party supremo Mayawati and Rashtriya Lok Dal leader Jyanti Chaudhary — will also be skipping the meet.

Though the AAP has not gone public with its stand, according to sources, it has conveyed its position to the other Opposition leaders.

Several Opposition leaders of The Hindu reached out to, said that the Ordinance was not a pressing issue.

Kalaingar pen monument gets CRZ nod

K. Lakshmi
CHENNAI



The CRZ clearance is subject to the final order of the NGT, southern zone. Picture shows an artist's impression of the monument.

The Union Ministry of Environment has granted the Coastal Regulation Zone (CRZ) clearance, with 15 conditions, for the Tamil Nadu government's proposal to construct the Muthamizh Arignar Dr. Kalaignar pen monument in the Bay of Bengal, off the Marina beach.

EAC recommendations
With this, the State can start implementing its pro-

posal. In its letter to the Public Works Department on June 19, the Ministry said that the clearance was

granted based on the recommendations of the Expert Appraisal Committee and the Tamil Nadu

Coastal Zone Management Authority. It may be revoked or suspended if implementation of the conditions were not satisfactory.

The environmental statement would have to be submitted to the Tamil Nadu Pollution Control Board every year and the status of compliance of conditions need to be uploaded on the Public Works Department website, the letter noted.

CONTINUED ON » PAGE 8

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Kalaignar pen monument gets CRZ nod

K. Lakshmi
CHENNAI

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CONTINUED ON
» PAGE 8

கருணாநிதி...

(1-ம் பக்க தொடர்ச்சி)

அனுமதி கோரி தமிழக அரசு விண்ணப்பித்தது.

இந்த விண்ணப்பத்தை பரிசீலித்த கடலோர ஒழுங்கு முறை ஆணையம், மெரினா கடல்பகுதியில் கருணாநிதிக்கு பேனா நினைவு சின்னம் அமைக்க ஒப்புதல் அளித்துள்ளது.

15 நிபந்தனைகள்

மேலும், 'ஐஎன்.எஸ் அடையாறு கடற்படை தளத்தில் தடையில்லா சான்று பெற வேண்டும். கட்டுமான பணிகளுக்காக எந்தவொரு நிலையிலும் கடற்கரை பகுதியில் இருந்து நிலத்தடி நீரை எடுத்து பயன்படுத்தக்கூடாது. திட்டத்தை செயல்படுத்தும் போது நிபுணர் குழு அமைத்து கண்காணிக்க வேண்டும். அவசரகால மீட்புப்பணி தொடர்பான விரிவான திட்டம் தீட்டப்பட வேண்டும். ஆமை இனப்பெருக்க காலத்தில் கட்டுமான பணிகளை மேற்கொள்ளக் கூடாது.

தேசிய கடலோர ஆராய்ச்சி மையம், மண் அரிப்பு, மணல்

திரட்சி குறித்து கண்காணிக்க வேண்டும், கட்டுமான பணிகளின் போது தோண்டி எடுக்கப்படும் மணல் உள்ளிட்ட வற்றை நீர்நிலை பகுதிகளில் கொட்டக்கூடாது. கட்டுமான பணிகளுக்காக அமைக்கப்படும் தற்காலிக கட்டமைப்புகளை கட்டுமான பணிகள் நிறைவு பெற்றதும் அகற்றி விட்டு பழைய நிலைக்கு கொண்டு வர வேண்டும்' என்பது உள்ளிட்ட 15 நிபந்தனைகள் விதிக்கப்பட்டுள்ளன.

விரைவில் பணிகள் தொடங்கும்

மேலும், இந்த திட்டத்தை செயல்படுத்தும் நடைமுறைகள் தொடர்பாக தவறான தகவல் அளிக்கப்பட்டால் அனுமதி வாபஸ் பெறப்படும் என்றும் அந்த ஒப்புதல் கடிதத்தில் தெரிவிக்கப்பட்டுள்ளது.

கருணாநிதி பேனா நினைவு சின்னத்துக்கு மத்திய அரசின் அனைத்து அனுமதிகளும் கிடைத்திருப்பதால் விரைவில் கட்டுமான பணிகள் தொடங்கும் என எதிர்பார்க்கப்படுகிறது.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

M.P.Nos.1 and 1 of 2012

AND

T.C.A.SR.Nos.32642 and 32644 of 2012

M/s.Royal Stitches P Ltd.
Sai Business Point
II Floor, 17, Mount Road
Saidapet, Chennai 600 015
PAN : AAACR1709A

.. Petitioner / appellant
in both cases

Vs.

The Deputy Commissioner of Income Tax
Company Circle IV(5)
Chennai

.. Respondent / Respondent
in both cases

Miscellaneous Petitions filed under Section 5 of the Limitation Act to condone the delay of 1072 days in filing the above Tax Case Appeals.

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961, challenging the common order dated 28.11.2008 passed by the



M.P.Nos.1 and 1 of 2012

AND

T.C.A.SR.Nos.32642 and 32644 of 2012

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Income Tax Appellate Tribunal, 'D' Bench, Chennai, in I.T.A.Nos.774 & 775/MDS/2002, in respect of the assessment years 1994-95 & 1995-96, respectively.

For Petitioner : Mr.Sairam
in both cases for Mr.S.Sridhar

For Respondent : Mrs.V.Pushpa
in both cases Senior Standing Counsel

COMMON ORDER

[Order of the court was delivered by R.MAHADEVAN, J.]

Heard both sides and perused the materials available on record.

2. These miscellaneous petitions have been filed by the petitioner / appellant / assessee to condone the delay of 1072 days in filing the appeals against the common order dated 28.11.2008 passed by the Income Tax Appellate Tribunal, 'D' Bench, Chennai, in I.T.A.Nos.774 & 775/MDS/2002, for the assessment years 1994-95 & 1995-96, respectively.



M.P.Nos.1 and 1 of 2012

AND

T.C.A.SR.Nos.32642 and 32644 of 2012

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3. It is averred in the affidavits filed in support of these petitions that pursuing alternate remedy under the Act, would constitute reasonable cause for considering the plea for condonation of delay in filing the appeals. It is further stated by the petitioner / assessee that consequent to the change of counsel on record, the distinction between the remedy of waiver of interest available under the Act and the right of appeal to challenge the very levy of such interest, was brought to the notice of the petitioner, while the mistake in the order of the Income Tax Appellate Tribunal dated 28.11.2008 was pointed out to them. Thereafter, the appeals were preferred along with condonation of delay petitions. Thus, the delay of 1072 days in filing the appeals is neither wilful nor wanton, but only due to the reasons stated above and hence, the same may be condoned.

4. Opposing the relief sought herein, the respondent / Revenue filed a detailed counter affidavit, *inter alia* stating that the petitioner has not averred any good and valid reason for condoning such huge delay of 1072 days and hence, the delay petitions are liable to be dismissed. It is further



M.P.Nos.1 and 1 of 2012

AND

T.C.A.SR.Nos.32642 and 32644 of 2012

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stated that the petitioner has allowed the case to be pending since 2012 (i.e.) for nearly 11 years without taking any effective steps for having the appeal numbered, and thus, they have not shown any interest in pursuing the appeals. It is also submitted that the issue under consideration relating to the assessment years 1993-94, 1994-95, 1995-96 and 1996-97, was already dealt with by this court in WP.Nos.2104 to 2107 of 2007 on 19.05.2009 and in WA.Nos.1441 to 1443 of 2009 on 01.12.2010; and having not succeeded, they filed appeals under section 260A on 30.03.2012 against the ITAT order dated 28.11.2008 with a delay of 1072 days, but allowed the same to be kept pending without numbering for nearly 11 years. Referring to the decision of the Supreme Court in *Majji Sannemma v. Reddy Sridevi [2021 SCC Online SC 1260]*, it is stated that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by statute. Thus, the respondent sought to dismiss these petitions seeking condonation of delay in filing the appeals.



M.P.Nos.1 and 1 of 2012

AND

T.C.A.SR.Nos.32642 and 32644 of 2012

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5. We are not convinced with the reasons adduced in the affidavits filed in support of these petitions for condoning the inordinate delay of 1072 days. It is trite law that where a case has been presented in the Court beyond limitation, the petitioner has to explain the Court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the Court within limitation. In this connection, reference may be made to the following decisions of the Hon'ble Supreme Court:

(a) Basawaraj v. Land Acquisition Officer, (2013) 14 SCC 81:

"9. Sufficient cause is the cause for which the defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", inasmuch as may be necessary to answer the purpose intended. Therefore, the word "sufficient" embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the viewpoint of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". However, the facts and circumstances of each case must afford sufficient ground to enable the court concerned to exercise discretion for the reason that whenever the court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an



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M.P.Nos.1 and 1 of 2012

AND

T.C.A.SR.Nos.32642 and 32644 of 2012

ulterior purpose. (See Manindra Land and Building Corpn. Ltd. v. Bhutnath Banerjee [AIR 1964 SC 1336], Mata Din v. A. Narayanan [(1969) 2 SCC 770], Parimal v. Veena [(2011) 3 SCC 545] and Maniben Devraj Shah v. Municipal Corpn. of Brihan Mumbai [(2012) 5 SCC 157].)"

(b) Ajay Dabre Vs Pyare Ram 2023 SCC Online SC 92:

"13. This Court in the case of Basawaraj v. Special Land Acquisition Officer while rejecting an application for condonation of delay for lack of sufficient cause has concluded in Paragraph 15 as follows:

"15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."

14. Therefore, we are of the considered opinion that the High Court did not commit any mistake in dismissing the delay condonation application of the present appellant."

Thus, it is crystal clear from the above legal proposition that the discretion to condone the delay has to be exercised judiciously based on facts and



M.P.Nos.1 and 1 of 2012

AND

T.C.A.SR.Nos.32642 and 32644 of 2012

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circumstances of each case and that, the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or lack of bona fides is attributed to the party. In the present case, the petitioner/appellant has not given 'sufficient cause' for condoning the huge delay of 1072 days in filing the appeals.

6. It is also to be pointed out that the appeals were filed along with condone delay petitions in the year 2012 itself. By order dated 14.09.2012, notice was ordered to the respondent in the condone delay petitions. Subsequently, on two occasions, in March, 2015, the matter stood adjourned for filing counter by the respondent. Thereafter, nothing moved and the appellant has not taken any step to follow up the same, till June 2023. Now, they suddenly woke up from slumber like Rip Wan Winkle and prayed to condone the delay in filing the appeals. Such callous and lackadaisical attitude on the part of the appellant, cannot be countenanced by this court. The Supreme Court in *Pundlik Jalam Patil v. Executive Engineer, Jalgaon Medium Project [(2008) 17 SCC 448]*, observed that the courts help those,



M.P.Nos.1 and 1 of 2012

AND

T.C.A.SR.Nos.32642 and 32644 of 2012

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who are vigilant and “do not slumber over their rights”. Therefore, we are not inclined to condone the delay of 1072 days in filing the appeals.

7. Thus, for the reasons stated above, these miscellaneous petitions fail and are accordingly, dismissed. Consequently, the tax case appeals are rejected at the SR stage itself. No costs.

[R.M.D., J.] [M.S.Q., J.]
21.09.2023

Internet : Yes
Neutral Citation: Yes / No
gya

To

1.The Income Tax Appellate Tribunal, D Bench,
Chennai.

2.The Deputy Commissioner of Income Tax
Company Circle IV(5)
Chennai



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(https://timesofindia.indiatimes.com/topic/m-karunanidhi) at the Marina beach has got clearance from the union coastal zone regulation with some conditions.

The environment committee has stated that the construction of the 42m tall memorial is a permissible activity as per CRZ Notification 2011.

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It was recommended for CRZ clearance after detailed deliberations considering the submissions made by the project proponent (Public works department of Tamil Nadu state government) and based on the recommendations of the Tamil Nadu Coastal Zone Management Authority, the committee has stated.

Environmentalists called it a bad precedent and said the expert appraisal committee itself had many shortcomings. G Sundararaj of Poovulagin Nanbargal said the permission was given on the basis of incomplete data and a public hearing that was held in violation of the rules. "This will really cause a lot of environmental degradation and allowing such construction will cause further degradation of the beach," he said.

The ministry, while granting permission, however, has stated that a no objection certificate should be obtained from INS Adyar prior to commencement of construction, and erosion and accretion studies should be conducted and the same should be submitted to the regional office of CZMA.

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Union Environment Ministry grants final approval for Kalaignar pen monument in Bay of Bengal; lays down 15 conditions

With this final approval from the Union Environment Ministry, Tamil Nadu government may begin process of implementation of the project proposal

June 22, 2023 02:10 pm | Updated June 23, 2023 12:39 pm IST - CHENNAI



K. LAKSHMI

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Committee (CRZ) and the Tamil Nadu Coastal Zone Management Authority.

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It has also noted that the Ministry may revoke or suspend the clearance if the implementation of the conditions were not satisfactory.

The environmental statement would have to be submitted to the Tamil Nadu Pollution Control Board every year and the status of compliance of conditions need to be uploaded on the website of PWD, the letter noted.

Conditions

Some of the conditions laid down by the Union Ministry include obtaining a no-objection certificate from INS Adyar that is situated 800 metres away from the project site, before the construction; monitoring erosion and carrying out accretion studies; filing reports on crowd management and setting out emergency evacuation plans that are to be provided to the regional environment office.

Noting that any order or direction of court and tribunal must be complied, the Ministry added that the CRZ clearance letter was subject to the final order of the National Green Tribunal, southern zone.

Chennai-based Hubert Enviro Care Systems was the infrastructure and environmental consultant for the project. The PWD would prepare a detailed project report for executing the project based on the Ministry's approval.

The structure

The PWD had proposed that the the pen monument would be 30-metre high and spread over 8,551 sq.m. This project includes a pen pedestal, a lattice bridge above beach and land and a pedestrian pathway above sea. The 7-metre wide bridge would be 290-metre long over the land and 360-metre long over the sea.

Officials of the PWD noted that IIT-Madras and other experts would be consulted for design of the monument. The detailed project report would be completed in three months, after which the process for construction would begin.