

IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI AT NEW DELHI

APPEAL NO. 45 OF 2025

IN THE MATTER OF: -

Vipin Kumar Saxena

...APPELLANT

Versus

SEIAA UP & Ors.

...RESPONDENTS

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APPELLANT

Through



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Date: 19.11.2025

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**AFFIDAVIT OF APPELLANT PURSUANT TO ORDER
DATED 12.11.2025 EXPLAINING THE ISSUE OF
LIMITATION ORALLY RAISED BY RESP. NO.1**

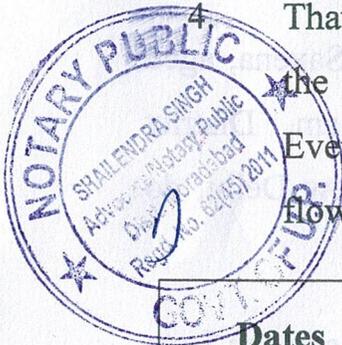
I, Vipin Kumar Saxena S/o Shri Om Prakash Saxena, aged about 53 years R/o HIG-A/135, Aashiyan Prtham, District Moradabad, Uttar Pradesh - 244001, presently at New Delhi, do hereby solemnly affirm and state as under:

1. That, I am the appellant in the present case and as such I am well conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. That on 12.11.2025, when the present appeal was listed for final hearing, after completion of pleadings, for the first time, the respondent No.1 orally raised a preliminary objection that the present appeal is barred by time. Thereafter, this Hon'ble Tribunal granted time to examine it and argue on the issue of limitation.

Accordingly, the appellant is filing the present affidavit setting out the factual circumstances and bona fide reasons explaining the alleged delay, to assist this Hon'ble Tribunal in adjudicating the issue of limitation.

3. That in the present appeal the appellant has challenged;
- (a) Order dated 22.12.2024 (Annex: A/1 Pg. 27) passed by Resp No.1 SEIAA cancelling the EC (arising out of minutes of meeting dt. 12.12.2024) AND;
- (b) Order dated 15.05.2025 (Annex: A/2 Pg.28), whereby, restoration applications for restoration of EC was rejected by Resp.No.1

4 That for the kind consideration of this Hon'ble Tribunal, the appellant is placing on record a List of Dates and Events as a convenience chart depicting the sequence and flow of relevant facts, as under:

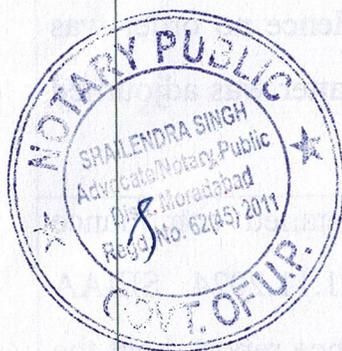


Dates	Events
17.06.2023	OA No. 440 of 2023 was filed alleging violation of EC conditions.
04.07.2023	This Hon'ble Dismissed the OA vide order dated 4.7.2023.
12.02.2024	Hon'ble Supreme Court restored the OA and remanded back for fresh adjudication vide order dated 12.02.2024.
18.03.2024	This Hon'ble issued Notice vide order dated 18.03.2024.

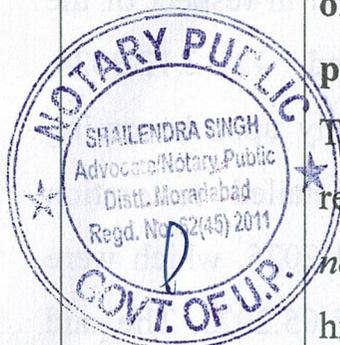
22.05.2024	On the very next vide order dated 22.05.2024 this Hon'ble Tribunal formed a joint Committee to check violation of EC conditions.
16/28.08.2024	On 8.8.2024 the Joint Committee filed its report and vide order dated 16/28.08.204, this Hon'ble Tribunal directed SEIAA and PCB to take action.
24.10.2024 Pg.156 – 414	Appellant filed a detailed compliance affidavit alongwith IA No. 535/2024 in OA No.440/2024 alongwith a detailed compliance affidavit, seeking a direction to Joint Committee to check the compliance of general and specific conditions of EC. The IA was mentioned for urgent listing and it was directed to be listed on 13.11.2024.
13.11.2024	Vide order dated 13.11.2024, this Hon'ble Tribunal granted State of UP, SEIAA and Applicant in OA one week time to file replies. Hence no order was passed on the application and matter was adjourned to 13.12.2024.
21.11.2024 Pg. 85	Instead of reverting on the detailed compliance affidavit vide letter dated 21.11.2024 SEIAA without considering the compliance report, kept the EC in abeyance; letter sent to wrong address MIG A/135 and obsolete email <i>saxenavipin82@gmail.com</i> .
12.12.2024	It is alleged that SEIAA in its minutes of meeting dated 12.12.2024 taken a decision to cancel the EC of the appellant, however, no order of cancellation was passed on 12.12.2024.



12.12.2024	Relying upon the allegation of violation of EC condition without considering the detailed compliance affidavit submitted by the appellant on 24.10.2024 alongwith IA No. 535 of 2024, DM Jhansi cancelled the mining Lease. (Pg.30)
13.12.2024	<p>When IA No. 535/2024 in OA No.440/2024 was listed seeking direction of checking the compliance of general and specific conditions of EC based on detailed compliance affidavit filed by the appellant, counsel for SEIAA informed that SEIAA has cancelled the EC vide order dated 12.12.2024 (Pls see Par 6 of order), however, there existed no such order nor it was filed before this Hon'ble Tribunal nor it was handed over in court.</p> <p>Based on this false oral statement made by counsel for SEIAA, this Hon'ble Tribunal without passing any order for checking the compliance of general and specific conditions of EC as was mentioned in the detailed compliance affidavit filed by the appellant alongwith IA No. 535/2024, disposed of the OA.</p> <p>Thus the compliance filed by the appellant has never been adjudicated or taken into consideration either by this Hon'ble Tribunal or by SEIAA at any stage of the proceedings before passing the impugned orders of cancellation of EC of the appellant.</p>
19.12.2024	Appellant filed two representations for restoration

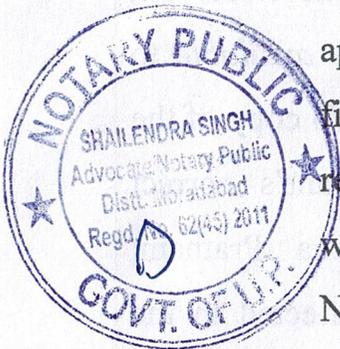


<p>And 07.01.2025 Pg.111 to 114</p>	<p>of EC, as EC cancellation was done without verifying the compliance affidavit filed by the appellant.</p>
<p>09.01.2025</p>	<p>The appellant filed OA No.08 of 2025 seeking a direction to SEIAA to decide both the aforesaid representations for restoration of EC.</p>
<p>15.05.2025</p>	<p>SEIAA passed final order rejecting restoration applications, without hearing, without site verification, and without considering compliance documents vide letter dated 15.05.2025. The order at Pg.29 records that an appeal against this order shall lie with this Hon'ble Tribunal within a period of 30 days as per Section 26 of NGT Act.</p> <p>The appellant most respectfully submits that the rejection order dated 15.05.2025 was <i>never served, never communicated and never made available</i> to him by SEIAA at any point of time. No copy of the said order was sent to the appellant's correct address, i.e., HIG A/135, Ashiyana Pratham, Moradabad, which is consistently reflected in the mining lease, inspection reports, and official correspondence. Instead, as in the past, SEIAA continued to rely upon incorrect addresses and outdated email IDs, resulting in complete non-communication of the order.</p>
<p>23.05.2025</p>	<p>Based on statement of SEIAA that representations for restoration of EC has already been rejected on 15.05.2025 this Hon'ble Tribunal was pleased to</p>



	<p>disposed of the said OA vide order dated 23.05.2025.</p> <p>It was only on 23.05.2025, during the final hearing of O.A. No. 08/2025, that the appellant was informed for the <i>first time</i> in open court that SEIAA had already rejected the restoration applications on 15.05.2025. This disclosure during the hearing constituted the first and only 'communication' of the said order.</p>
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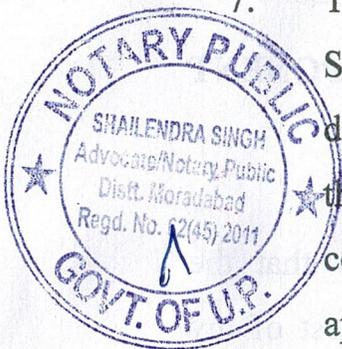
5. That there is, therefore, no delay even in respect of the alleged cancellation of EC dated 12/22.12.2024, inasmuch as the appellant, immediately upon becoming aware of the proceedings, filed detailed restoration applications on 19.12.2024 and 07.01.2025, which were finally decided by SEIAA only on 15.05.2025. The said rejection order was never served upon the appellant and was disclosed for the first time during the hearing of O.A. No. 08/2025 on 23.05.2025, which constitutes the first and only 'communication' and 'knowledge' of the impugned decision. In terms of Section 16 of the NGT Act, limitation can begin only from the date of such communication; an order that is not served and not communicated cannot trigger limitation. The present appeal, filed on 17.06.2025, is thus well within 30 days from the date of first knowledge and squarely within the statutory period prescribed under Section 16.



6. That the appellant has acted with utmost bona fides and diligence throughout the proceedings. At no stage has the appellant slept over his rights or allowed any delay to occur. Immediately after the oral disclosure made on 23.05.2025, the appellant took steps to obtain a copy of the impugned order and promptly filed the present statutory appeal on 17.06.2025. The conduct of the appellant clearly demonstrates that the present appeal has been filed at the earliest possible opportunity after communication, and well within the period prescribed by law.

7. That it is a settled legal principle that limitation under Section 16 of the NGT Act can commence only from the date on which the impugned order is "communicated" to the aggrieved person. An order that is neither served nor communicated cannot operate to the prejudice of the appellant, nor can it trigger the statutory clock. Since the order dated 15.05.2025 was never served and was disclosed for the first time in open court on 23.05.2025, the said date alone constitutes the legally recognisable starting point for computing limitation.

8. That without prejudice to the above, even assuming that any marginal delay is alleged, the same stands fully explained and justified by the circumstances on record—namely, incorrect addressing by SEIAA, non-service of communications, the pendency of restoration applications, and the bona fide pendency of O.A. No. 08/2025. These constitute sufficient cause within the



meaning of the proviso to Section 16, warranting condonation. It is therefore humbly submitted that the present appeal is not barred by limitation and deserves to be adjudicated on merits.

In view of the above facts, circumstances and submissions, it is most humbly prayed that this Hon'ble Tribunal may be pleased to hold that the present Appeal is within limitation; or in the alternative, may be pleased to condone any alleged delay in the interest of justice, equity and good conscience.



[Handwritten Signature]

DEPONENT

VERIFICATION:

I, the deponent above named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge derived from the records and nothing relevant has been concealed therefrom. Verified at _____ on this _____ day of November, 2025.

[Handwritten Signature]

DEPONENT

I solemnly affirmed before me by Sri/Smt./Km. _____ who is identified sri/smt./Km. _____ of sri/smt./Km. _____ Advocate on _____
I have satisfied my self after examining the deponent that he / she under study the contents of the affidavit and the same has been read over and explained by me Recd. No. _____ as fees _____
SI. No. _____

[Handwritten Signature]
SHAIENDRA SINGH
Regd. No. 62(45) 2011
NOTARY PUBLIC
Moradabad