

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

APPEAL NO. 217 OF 2025 (WZ)

IN THE MATTER OF:

SURTI MOHAMMAD IRFAN ...
APPELLANT

VERSUS

STATE OF GUJARAT & ORS. ...
RESPONDENT

**ADDITIONAL SUBMISSION ON BEHALF OF APPELLATE
AUTHORITY – RESPONDENT NO. 1**

1. Gujarat State Pollution Control Board granted Consolidated Consent and Authorisation (CCA) to M/s N. H. H. Textile Processors on 4.01.2019, which was later amended on 19.10.2022. The CCA was periodically renewed and was lastly valid upto 25.11.2023. M/s N. H. H. Textile Processors made an application for renewal of the permission on 22.02.2024. It

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was initially rejected on 21.05.2024, whereafter another application was made on 27.05.2024. Finally, the State Pollution Control Board granted a Consolidated Consent and Authorisation on 20.11.2024, with a validity of 01 year.

2. This decision of the State Pollution Control Board granting the CCA on 20.11.2024 came to be challenged before the Appellate Authority. The Appellate Authority rejected the appeal on numerous grounds, one of them being non-joining of M/s N. H. H. Textile Processors as a party in the appeal proceeding, by order dated 6.06.2025. This decision of the Appellate Authority has been assailed in the present appeal filed under Section 18(1) read with Section 16(a) of the National Green Tribunal Act, 2010.

3. Pending the hearing of the present appeal before this Honble Tribunal, M/s N. H. H. Textile Processors applied for extension of the period of validity of CCA on 1.10.2025 since the validity of the previously granted permission was expiring on 25.11.2025. State Pollution Control Board processed the application as per prevailing rules in absence of there being

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any legal embargo or restraint by court order, and extended the validity of CCA up to 25.11.2026 on 14.11.2025.

4. There is no dispute, it being a matter of record, that the appeal filed before the Appellate Authority was confined to the correctness of the Consolidated Consent and Authorisation dated 20.11.2024 valid for a period of 01 year. The CCA dated 20.11.2024 assailed in the appeal before the Appellate Authority has lived its life, and in any case, stands amended by decision dated 14.11.2025.

5. Today there is no challenge to the extension of the validity period of the CCA dated 20.11.2024 granted by the State Pollution Control Board. It is restated that the original challenge before the Appellate Authority as also the challenge in the present appeal proceeding is restricted to the CCA dated 20.11.2024 which was valid for a period of 01 year, and which CCA now stands amended and substituted by decision dated 14.11.2025.

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6. Lord Viscount Simon in his speech in the House of Lords in *Sun Life Assurance Company of Canada v. Jervis* [1944] AC 111 observed:

"I do not think that it would be a proper exercise of the Authority which this House possesses to hear appeals if it occupies time in this case in deciding an academic question, the answer to which cannot affect the respondent in any way. It is an essential quality of an appeal fit to be disposed of by this House that there should exist between the parties a matter in actual controversy which the House undertakes to decide as a living issue."

The Indian Constitutional Courts too have consistently taken a view that if the dispute raised in the case has lost its relevance due to passage of time and subsequent events which have taken place during the pendency of the litigation then in such circumstances continuing the litigation will be like flogging a dead horse. Such litigation, irrespective of the result, will neither benefit the parties in the litigation.

7. In the present case, apart from the fact that the party in whose favour the CCA dated 20.11.2024 was granted by the State Pollution Control Board is not a party to the original proceeding or even this proceeding and therefore there can be

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no meaningful adjudication of the propriety and correctness of the decision of the State Pollution Control Board in granting the CCA dated 20.11.2024 or for that matter the decision dated 6.06.2025 made by the Appellate Authority, the CCA dated 20.11.2024 in the form in which it was challenged before the Appellate Authority no longer exists in the eye of law. Today Consolidated Consent and Authorisation dated 20.11.2025 stands amended and substituted by a fresh order of the State Pollution Control Board dated 14.11.2025.

8. In view of the facts and circumstances, it would be just and proper to dispose of the present appeal reserving liberty to the appellant to challenge the Consolidated Consent and Authorisation amended by order dated 14.11.2025 in accordance with law. As and when Consolidated Consent and Authorisation amended on 14.11.2025 is questioned in a proper legal proceeding, the competent authority shall examine and decide the same in accordance with law.

17.11.2025

Gandhinagar

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Member

Appellate Authority