

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, AT PUNE.

INTERLOCUTORY APPLICATION NO. 78 OF 2025 (WZ)

IN

APPEAL NO. 30 OF 2025 (WZ)

M/s. Reactive Polymers Limited

.....Appellant

Versus

The Appellate Authority,
through the Principal Secretary,
Department of Environment and Forests,
Govt. of Gujarat & Anr.

.....Respondents

AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT NO. 2,
TO THE APPLICATION FOR CONDONATION OF DELAY

I Mukesh R Macwana, the Senior Environment Engineer of the Respondent No. 2 herein, Adult, Occupation: Service having office address at Paryavaran Bhavan, Sector 10A, Gandhinagar, do hereby state on solemn affirmation and make this affidavit, as under:

I am serving as the Senior Environment Engineer with the Respondent No. 2 board. I have gone through the captioned Application and the Appeal and I am well aware and conversant with the facts and circumstances of the present case based on the records



and documents available and I am also duly authorised on behalf of the Respondent No. 2 to file this affidavit in reply. The present affidavit is essentially being filed to place on record the true and correct facts and at this stage, I am not dealing with the said Application parawise and the same may not be interpreted as an admission on part of the Respondent Board to any of the allegations and averments that are made, save and except those specifically admitted hereunder:

1. At the outset, I say that the Application, as made by the Applicant is not maintainable and deserves to be dismissed with costs.
2. The Application for the condonation of delay, is baseless and meritless and does not contain any plausible reasons or grounds for condoning the so called delay and therefore also, the Application deserves to be dismissed.
3. The Application, on the face of it is based on misleading and misconceived facts that have been narrated by the Applicant and which also are contrary to the records and therefore also, the Application cannot be entertained.
4. In the captioned Application filed by the Applicant for condonation of Delay, the Applicant is praying inter alia before this Hon'ble Tribunal to condone the so called delay of



17 days in filing the main Appeal. However, the entire Application is absolutely silent as to how such delay has been calculated and based on what reasons, grounds the same is required to be condoned and therefore also the application does not require any consideration and deserves to be rejected.

5. It is most humbly submitted that in the Application for condonation of delay, the Applicant, with an attempt to mislead and misguide this Hon'ble Tribunal, has stated incorrect facts in as much as, the Applicant has falsely stated that vide Order dated 30.12.2024, the appeal of the Applicant was disposed stating that the jurisdiction lay before this Hon'ble Tribunal. As a matter of fact, a perusal of the Order dated 30.12.2024 would indicate that the learned Appellate Authority has stated that as per the orders and directions of this Hon'ble Tribunal, issues pertaining to interim environment damage compensation etc. would be not within the jurisdiction of the Authority and no decision in that regard can be taken by the Appellate Authority and stating som the appeal of the Applicant has been dismissed. Based on this ground alone the Application deserves to be rejected.



6. It is most humbly and respectfully submitted that the Applicant in the main appeal has prayed for the following reliefs:

A. *This Hon'ble Tribunal may be pleased to admit and allow the present Appeal;*

B. *This Hon'ble Tribunal may be pleased to quash and set aside the Order no. NO: GPCB/BRCH/CCA-1730/1D-37994/781883 dtd. 23.01.2024 passed by the Gujarat Pollution Control Board, which has not been interfered with by the Respondent no. 1 in its order no. ENV-10-2024-A.O.-04-T. dtd. 30.12.2024:*

C. *The unreasonable conditions vide the Order no. NO: GPCB/. BRCH/ CCA-1730/ 1D-37994/ 781883 dtd. 23.01.2024 passed by the Gujarat Pollution Control Board imposed should be treated as annulled or it/ they should be constituted for such other condition (s) it appears to be reasonable:*

D. *The Appellant may be permitted to resume business operations on newly constructed site in accordance with the letter did.17.01.2025;*

E. *This Learned Authority may be pleased to call for the records of the Order no. NO: GPCB/. BRCH/CCA-1730/1D-37994/781883 dtd. 23.01.2024 passed by the Gujarat Pollution Control Board;*



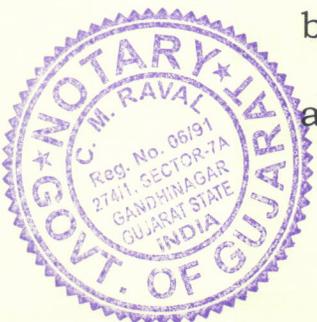

F. Till final hearing and disposal of the present Appeal, the operation of the Order no. NO: GPCB/. BRCH/CCA-1730/1D-37994/781883 dtd. 23.01.2024 passed by the Gujarat Pollution Control Board may be stayed.

G. Ex-parte ad-interim relief in terms of para F above may be granted;

H. Any other relief to which the Appellant is entitled may be granted.

From the perusal of such reliefs, it is evident that the Appellant has inter alia prayed to quash and set aside the Order dated 23.1.2024 and such other reliefs. In view of such relief having been claimed by the Appellant, under no circumstances it can even be presumed that there is delay of about 17 days and there is no explanation worth the name given by the Appellant in the entire application as to how such delay is arrived at and neither any singular ground is stated based on which the Application can be entertained, much less, be allowed. On this ground, also the Application cannot be entertained.

7. A perusal of the Appeal further indicates that the Appellant is very cleverly attempting to mislead this Hon'ble Tribunal by stating that his cause of action to file the present appeal arose on 07.01.2025 whereas, the challenge made by the



Appellant in the Appeal is to the Order that has been passed way back in the year 2024 and in view of this contradiction itself, the Application deserves to be rejected with costs.

8. As per the settled Principles of Law, each day delay is required to be explained, and the cause of delay is also required to be justified by specific pleadings and in absence of the same, not delay can be condoned.

In view of the facts and circumstances, the Application of the Applicant to condone the delay requires to be rejected with costs.

What is stated herein above is true and correct.

Solemnly affirmed at Gandhinagar on this 28th day of July, 2025.

Deponent

SOLEMNLY AFFIRMED
BEFORE ME

(C. M. RAVAL)
NOTARY
GOVT. OF GUJARAT

28/7/2025
28/7/2025

