

**BEFORE THE NATIONAL GREEN TRIBUNAL
WEST BENCH AT PUNE**

APPEAL NO. 60/2024(WZ)

(I.A NO. 117/2024 (WZ))

IN THE MATTER OF

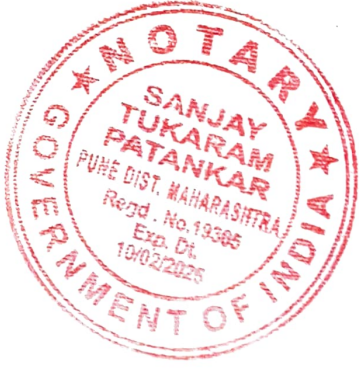
Mr. Tanaji Balasheb Gambhire ... Appellant

v/s

The Union of India and Ors Respondents

INDEX

Sr.	Particulars	PageNos.
1	Affidavit-In-Reply Of The Respondent No.4 M/S Waghere Associates To The Application Seeking Condonation Of Delay	1-5



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH PUNE AT PUNE**

APPEAL NO. 60/2024(WZ)
(I.A NO. 117/2024 (WZ))

IN THE MATTER OF

Mr. Tanaji Balasheb Gambhire ... Appellant

v/s

The Union of India and Ors Respondents

**AFFIDAVIT-IN-REPLY OF THE RESPONDENT NO.4
M/S WAGHERE ASSOCIATES TO THE APPLICATION
SEEKING CONDONATION OF DELAY**

MOST RESPECTFULLY SHOWETH:

②

I, Samual James, Aged about 34 years, occupation-Service having office at- Waghare Residency, Shop No.6, Pimprigaon Road, Pimpri, Pune -411017 do hereby solemnly affirm and state as under-

- 1 The present Affidavit in reply is being filed by me on behalf of Respondent No.4 i.e. Waghare Associates having its office at Waghare Residency, Shop No.6, Pimprigaon Road, Pimpri, Pune -411017. I am an employee of Respondent No.4, presently holding the designation of Assistant Legal since 2023 and state that I am well conversant with the facts and circumstances of this case on the basis of information derived by me from the records maintained by the Respondent No.4 which are believed by me to be true and correct. The Letter of Authority dated 20/08/2024 authorizing me to represent the Respondent No.4 is already filed by me along with Vakalatnama on 20/08/2024.
- 2 I state that the Appellant has filed the present Appeal challenging the EC granted to present Respondent No.4. That there is delay of 58 days in filing the Appeal and hence appellant has filed the present application for Delay Condonation.



- 3 I state that the contentions raised in the delay condonation application are not true and correct and are denied by the Respondent No.4. That there is no justifiable reason/s mentioned by the Appellant for filing the appeal after delay of 58 days.
- 4 I state that the contention of the Appellant that there was technical difficulty to upload the appeal is without any evidence.
- 5 I state that the contention of the Appellant that there was personal difficulty regarding the health and family priorities are also unsubstantiated and such ground can't be raised for condonation of delay.
- 6 I state that the Appellant has failed to give details of the alleged reasons for the delay and therefore delay can not be condoned unless it is properly explained.
- 7 I state that, since the application for condonation of delay is based on unsupported, incorrect facts and statements, same needs to be dismissed.
- 8 I state that, Appellant has failed to set out any sufficient cause to justify condonation of delay in filing the Appeal. It is trite law that sufficient cause is *sine qua non* for exercising power of condonation



(4)

of delay. That the Appellant merely cited reasons such as personal difficulty, healthy issues, family priorities which does not constitute sufficient cause for condonation of delay. Further, the purported issue of the website server of this Hon`ble Tribunal, as claimed by the Appellant is baseless and unsubstantiated. The Appellant failed to bring on record single document to support its aforesaid contentions for seeking delay condonation. It is settled law that in the event condonation of delay is sought, the party seeking such delay must explain each days delay, which has clearly not been done in the present case/ that the Appellant has not given any cogent or plausible reasons with supporting documents for the delay and application is liable to be dismissed.

- 9 For the reasons stated hereinabove, I submit that the application be dismissed with cost.

I say that the contents of the present are read over to me in vernacular and whatever stated therein is true and correct to the best of my knowledge, belief

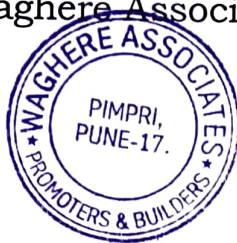


and information and hence I have signed this at Pune today.

Dated- 09/10/2024

Samuel James

Affiant/Respondent No.4
Samual James for
Waghare Associates



(Signature)
I know the Affiant

(Vaibhav Jathar)
Advocate For R-4



BEFORE ME

(Signature)

SANJAY TUKARAM PATANKAR
NOTARY, GOVT. OF INDIA
PUNE DIST. MAHARASHTRA
Regd. No. 19365 Exp. Dt. 10/02/2025

09 OCT 2024

NOTED AND REGISTERED
AT SR. NO. 1541/2024
DATE 09/10/2024

