

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

I.A. No. 83 of 2025 (SZ)
in
APPEAL No. 37 of 2025 (SZ)

IN THE MATTER OF:

1. A. Arulalan,
S/o. Anandhasayanam,
No. 76/1, Sathampoondi (Village),
Desur (Post),
Vandavasi (Taluk),
Tiruvannamalai (District) - 604 501 and 5 others.

...Applicants/ Appellants

VERSUS

1. Union of India,
Rep. by its Secretary,
Ministry of Environment, Forest & CC,
Indira Paryavaran Bhavan,
Jor Bagh Road, Aliganj,
New Delhi - 110 003 and 8 others.

...Respondents/ Respondents

**COUNTER AFFIDAVIT FILED BY THE 8TH RESPONDENT TO THE
APPLICATION FOR CONDONATION OF DELAY**



M/s. G. Vignesh

Advocate

Counsel for 8th Respondent

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No. 76/1, Sathampoondi (Village),
Desur (Post),
Vandavasi (Taluk),
Tiruvannamalai (District) - 604 501.
Mobile No.: 7845287474
Email: arulalan1974@gmail.com
2. S. Shankar,
S/o. Sagadeven,
No. 551, Road Street,
Perungadaputhur (Village),
Desur (Post),
Vandavasi (Taluk),
Tiruvannamalai (District) - 604 501.
Mobile No.: 8056574082
Email: murugansank99@gmail.com
3. A. Shakila,
W/o. Allabakash,
No. 39, Fort in street,
Vandavasi (Taluk),
Tiruvannamalai (District) -604 501.
Mobile No.: 9600296948
Email: siddiquisiddiqu183@gmail.com
4. M. Logeshwaran,
S/o. C. Munusamy,
Desur Vandavasi Salai,
Thirakoil (Village),
Desur (Post),
Vandavasi (Taluk),
Tiruvannamalai (District) - 604 501.
Mobile No.: 9566830898
Email: logeshwar.m@gmail.com
5. S.R. Uthayakumar,



S/o. Rajaraman,
No. 81, Bajanai Koil Street,
Sathapoondi (Village & Post),
Vandavasi (Taluk),
Tiruvannamalai district - 604 501.
Mobile No.: 9941238611
Email: srbjp26@gmail.com

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VERSUS

1. Union of India,
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Ministry of Environment, Forest & CC,
Indira Paryavaran Bhavan,
Jor Bagh Road, Aliganj,
New Delhi - 110 003.
Email: secy-moef@nic.in
2. State of Tamil Nadu,
Rep. by its Principal Secretary for Mines and Geology,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai - 600 032.
Email: geomines@nic.in
3. The District Collector,
Tiruvannamalai District Collectorate,
Tiruvannamalai - 606 601.
Email: collrtnm@nic.in
4. The Assistant Director of Mines & Geology,
The District Mines and Geology Officer,
Dept. of Geology and Mining,
1st Floor, Collectorate,
Vengikkal,
Tiruvannamalai - 606 604.
Email: mines.tntvm@nic.in
5. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai - 600 032.
Email: tnpcb-chn@gov.in
6. The Member Secretary,
State Level Environment Impact Assessment Authority (SEIAA),
Panagal Maaligai, Saidapet,



Chennai - 600 015.
Email: seiaa.tn@gov.in

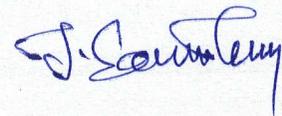
7. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruvannamalai District - 606 601.
Email: deetnv@tnpcb.gov.in
8. Santhanam Rough Stone & Gravel Quarry,
Rep. by Mr. J. Santhanam,
Thirakoil Village, Vandavasi (Taluk),
Tiruvannamalai District - 604 501.
Email: santhoworld09@gmail.com

...Respondents/Respondents

COUNTER AFFIDAVIT FILED BY THE 8TH RESPONDENT TO THE
APPLICATION FOR CONDONATION OF DELAY

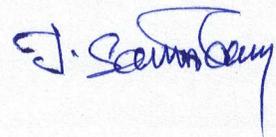
The 8th Respondent seeks to submit as follows:

1. It is respectfully submitted that the present Interlocutory Application is filed by the Applicant seeking condonation of a purported delay of 53 days in filing the accompanying Appeal. The Appeal directly challenges the Environmental Clearance granted to the 8th Respondent by the 6th Respondent, bearing EC Identification No. EC24B001TN112959, dated 10.01.2024, has been issued for mining of rough stone and gravel- open cast mechanised method of mining, to the 8th Respondent. The 8th Respondent submits that the alleged delay is not only beyond the permissible statutory limit, but also lacks any "sufficient cause" for condonation, thus threatening to unjustly impede an approved project.
2. It is respectfully submitted that the impugned Environmental Clearance was issued on 10.01.2024. Though the present Appeal bearing I.A. No. 83 of 2025 has been filed on 08.07.2025, the condonation of delay was only filed on 31.07.2025 as per NGT website. This represents a delay of approximately one year and six months from the date of the EC.



THE PRESENT APPLICATION IS BARRED BY TIME:

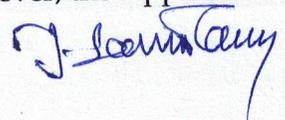
3. This Hon'ble Tribunal is vested with jurisdiction under Section 14 and 16 of the NGT Act,2010 to entertain challenges to EC only if such appeals are filed within 30 days from the issuance of EC and are further vested with jurisdiction to condone delay of upto 60 days if sufficient cause is shown. In the present case, the delay is more than 508 days and no sufficient cause has been cited by the Applicant to show what prevented him from filing the present appeal within the extended period as provided in the proviso of Section 16 of the NGT Act. If the delay is condoned, the entire statutory scheme will be bypassed, and it will be contrary to the intent and object of the NGT Act,2010.
4. It is submitted that the Applicants' claim of late discovery of the Environmental Clearance, allegedly commencing in February 2025 and culminating in formal knowledge on 15.04.2025, which is approximately about a year after the EC was issued, demonstrates a serious lack of diligence. Environmental Clearances are accessible through the SEIAA website - as the Applicants themselves admitted that they eventually found it there, and not through the RTI Replies as narrated in the pleadings of the Applicant. It is incumbent upon them to explain how they immediately knew to access the PARIVESH website and, crucially, how they were able to identify the specific EC Identification Number to find the impugned document. This casts serious doubt on the bona fides of their claim regarding the date of knowledge.
5. It is submitted that, the 1st Applicant's claim of being an "adjacent landowner" further increases the expectation of proactive awareness. Their belated inquiries, commencing more than a year after the EC's issuance, cannot constitute "sufficient cause" for condoning a delay that has become incurable by statute. Such a delay, if condoned, would severely prejudice the 8th Respondent's ongoing and legally approved business operations.



6. It is humbly submitted that the stringent limitation period in the NGT Act is designed to ensure expeditious resolution of environmental disputes and prevent duly approved projects, like that of the 8th Respondent, from being indefinitely stalled by dilatory tactics. Condoning the delay would prejudice the 8th Respondent and undermine the statutory scheme of strict adherence to limitation periods. Hence, allowing such an appeal would defeat the legislative intent as the primary reason behind the prescription of a limitation period is to protect stakeholders who have invested resources and commenced operations based on a valid EC.

LEGAL MAXIM-'WHAT CANNOT BE DONE DIRECTLY CANNOT BE DONE INDIRECTLY':

7. It is submitted that the Applicants' attempt to calculate the delay from their self-professed date of knowledge (15.04.2025) is an artificial construct to bypass the statutory bar and the Applicant further resorted to filing the present Appeal on 08.07.2025. Further, the "communication to the aggrieved party" under Section 16 cannot be interpreted as solely personal or direct communication, especially when public records, which are readily available, show that the EC was granted on 10.01.2024. The 8th Respondent cannot be held accountable for the Applicants' failure to duly access public information. It is pertinent to note that the present appeal is filed based on the EC obtained directly from the website at a later point of time as claimed by the applicant. Moreover, the Applicant has not disclosed the date of accessing EC from the PARIVESH website; instead he has cited the RTI reply, as per his convenience, despite it being irrelevant, as the exact details of the EC was not disclosed in the said RTI reply.
8. It is humbly submitted that the project had commenced after the execution of the lease deed by the government on 20.01.2025. It is vehemently seen that the Applicant claiming to be a neighbour, ought to have been fully aware of the fact that the project had commenced on January 2025. However, the Applicant



initiated action by sending RTI reply seeking information only on 03.03.2025. Hence, the Applicant cannot plead ignorance of communication when the project had commenced in a full-fledged manner since 20.01.2025.

APPLICATION IS FILED BEYOND THE CONDONABLE PERIOD UNDER THE NGT ACT, 2010:

9. It is respectfully submitted that the circumstances cited by the Applicants does not qualify as "bona fide and unavoidable" in the context of such an extensive delay and the Applicant has not given any "sufficient cause" for the same. Further, the Applicant's attempt to seek condonation for a delay, especially when it exceeds the maximum period prescribed under the National Green Tribunal Act, 2010, is legally untenable and beyond the powers granted under this statutory Act.
10. It is respectfully submitted that, for the purpose of summarising the above pleadings, a tabular column is prepared for the convenience of this Hon'ble Tribunal.

S.No	Series of Events	Date	Number of Days	Short Points
1.	Consent for Establishment of Crusher Unit	15.05.2019		
2.	Approval of Mining Plan	30.07.2019		
3.	Environment Clearance Granted	10.01.2024	376 days	
4.	Execution of Mining Lease and Commencement of Project	20.01.2025		
5.	Date on which the Applicant noticed the Notice Board outside the Premises Note: The Notice Board was kept outside the premises prior to 20.01.2025	February 2025	31 days	No Sufficient Cause explained by the Appellant from date knowledge

J. S. Sanjay

6.	1 st RTI Letter Sent by the Appellant	03.03.2025		
7.	Reply by the Public Information Officer	11.04.2025	17 days	RTI Appeal is pending as on date (as admitted by Applicant)
8.	RTI Appeal preferred by Applicant pending as on date	28.04.2025		
9.	Information about EC Received by Applicant	15.04.2025	84 days	
10.	NGT Appeal Filed	08.07.2025		
Total Number of Days from the date of issuance of EC		= 508 days		

For the reasons stated above, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the Interlocutory Application bearing I.A. No. 83 of 2025 (SZ) seeking condonation of delay and consequently dismiss the accompanying Appeal No. 37 of 2025 (SZ) as being hopelessly barred by limitation, and pass such other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case, and thus render justice.

J. Senthil Kumar

Solemnly affirmed at Chennai
on the 23rd day of September
2025, and signed his name in my
presence.

Before Me.

Advocate, Chennai

Buvaneshwari MS No. 4359/2025
79, 1st Cross St, Mogappair
West, Chennai 600 037.