

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI**

3/14/2021

APPEAL NO: 16 OF 2019

**IN THE MATTER OF:-**

HASDEO ARANYA BACHAO SANGHARSH SAMITI

... APPELLANT

VERSUS

UNION OF INDIA AND ORS.

... RESPONDENTS

**INDEX**

<b>S.NO</b>	<b>PARTICULARS</b>	<b>P. NO</b>
1.	<b>Rejoinder to the Reply filed by Respondent No. 4, M/S Rajasthan Rajya Vidyut Utpadan Nigam Limited along with affidavit</b>	
2.	<b>ANNEXURE A-1</b> Screenshots of the RRVUNL website and the error message	
3.	<b>ANNEXURE A-2</b> A copy of the postal receipts through which affidavit in support of the Appeal and Delay Application was sent by post to counsel at Delhi.	
4.	<b>ANNEXURE A-3</b> A copy of the affidavit dated 15.03.2021 sworn by Advocate Pawan Pandey.	
5.	<b>ANNEXURE A-4</b> A copy of the certificate of the notary.	

THROUGH

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**RAHUL CHOUDHARY  
ADVOCATES**

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**DATE: 14.03.2021**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

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**APPEAL NO. 16 OF 2019**

**IN THE MATTER OF:**

HASDEO ARANYA BACHAO SANGHARSH SAMITI

... APPELLANT

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... RESPONDENTS

**REJOINDER TO THE REPLY FILED BY RESPONDENT NO. 4, M/S RAJASTHAN**

**RAJYA VIDYUT UTPADAN NIGAM LIMITED**

**MOST RESPECTFULLY SHOWETH:**

1. That the Appellant has filed the above titled Appeal against the grant of Environmental Clearance dated 12.07.2019 by the Ministry of Environment, Forest and Climate Change ("MOEF&CC") to Respondent No. 4, Rajasthan Rajya Vidyut Utpadan Nigam Limited ("RRVUNL") for Parsa Opencast Coal Mining project capacity 5 MTPA and Pit Head Coal Washery of 5 MTPA in the districts of Surguja and Surajpur. The environmental clearance has been recommended by the Expert Appraisal Committee without application of mind especially considering the several illegalities and irregularities in the documents and submissions set forth by the Project Proponent.
2. That the Appellant had filed an I.A. No. 82 of 2019 seeking condonation of delay of 47 days in filing the above-titled Appeal. It is submitted that the contents of the said Application may be read as part and parcel of the present rejoinder and is not repeated here for the sake of brevity.

3. That the present rejoinder is being filed in response to the reply dated 16.10.2020 filed by the Respondent No. 4, RRVUNL to I.A. 82 of 2019. That the Appellant denies all the averments made by the Respondent unless specifically admitted or are matter of record.

**PRELIMINARY SUBMISSIONS**

4. That the respondent No. 4, M/S Rajasthan Rajya Vidyut Utpadan Nigam Limited in their reply has raised following contentions:
  - a) The Appellant has signed the affidavit in support of Appeal as well as Application on 12.08.2019 which was notarized on 30.08.2019. They have alleged that this clearly establishes the fact that the Appeal was ready for filing as early as 12.08.2019 and it is incorrect that the appeal was drafted and finalized on 26.09.2019.
  - b) The environment clearance dated 12.07.2019 was in public domain since 17.07.2019 and was available on the website from 18.07.2019.
  - c) The delay in filing of the appeal has to be explained on a day to day basis.
  - d) The Appellant has no locus standi to file the Appeal.
5. That before responding to the averments made in the reply by RRVNUL, the Appellant would like to make the following preliminary submissions:-
  - a) The Appellant has approached this Hon'ble Tribunal under Section 16 of the National Green Tribunal Act, 2018 challenging the Environmental Clearance dated 12.07.2019 granted to RRVUNL by the MOEF&CC for Parsa Opencast Coal Mining project capacity 5 MTPA and Pit Head Coal Washery of 5 MTPA in the districts of Surguja and Surajpur. The Appeal has been filed with a delay of 47 days which has been explained in the I.A No. 82 of 2019.
  - b) That as stated in the Application for Condonation of Delay, the Appellant came to know about the impugned Environmental Clearance on 03.08.2019 through the MOEF&CC website. The copy of the same was not available earlier on the website of the ministry i.e. Respondent No. 1 and not even on the website of Respondent No. 4 i.e. is the Project Proponent.

The copy of the same is also not available on the website of Respondent No. 4 at present. Screenshots of the website of Respondent No. 4 is filed and annexed as **Annexure A-1**.

- c) That after getting the copy of the environmental clearance Mr. Jainandan Porte who is also presently authorized representative of the Appellant Organisation, met a local lawyer, Advocate Pawan Pandey on 04.08.2019 and discussed with him about the challenging the Environmental Clearance dated 12.07.2019 granted to Respondent No. 4.
- d) That the authorized representative informed the lawyer that the Appellant's organization was in the process of passing a resolution and requested the lawyer to start preparing the Appeal.
- e) Advocate Pawan Pandey, who is a local lawyer at Surguja, Chhattisgarh finished the drafting of the Appeal on 10.08.2019 and showed it to the authorized representative of the organization on 11.08.2019. After incorporating some changes, the same was approved on 12.08.2019 and same day the affidavit in the name of Mr. Jainandan Porte was made and signed. As by this time a formal resolution was not passed by the organization in the name of Mr. Jainandan Porte, he asked the local lawyer to wait till the time resolution to file the case was passed by Appellant organisation.
- f) The Appellant organisation passed the resolution on 18.08.2019 resolving to file an appeal before the national green tribunal against the Environmental Clearance dated 12.07.2019 and also resolved that Shri Jainandan Porte was authorized to represent the organization.
- g) That the fact about passing of resolution on 18.08.2019 was informed to Advocate Pawan Pandey (Local lawyer at Surguja) on 19.08.2019 and Mr. Jainandan Porte also informed him that they are discussing the draft and also taking help of other organisations and will file the appeal after receiving the inputs from them.

- h) That the members of the Appellant's organisation got to know about lawyers in Delhi from other organisations who are working in the field of environment in Chhattisgarh. Thereafter, they approached the lawyers at Delhi and showed them the draft prepared by the lawyer at Surguja.
- i) The lawyers at Delhi asked for the signed document in support of the Appeal and delay Application. The authorized representative of the Appellant organization who was in Chhattisgarh got an affidavit attested on 30.08.2019 through Advocate Pawan Pandey. It is submitted that the affidavit in support of the Appeal and Delay Application was set by post to counsel at Delhi. The copy of the postal receipt is filed and annexed as **ANNEXURE A-2.**
- j) That affidavit with other signed papers were sent to the lawyer at Delhi by post on 02.09.2019. The abovementioned fact is sworn on affidavit by the lawyer at Surguja, Advocate Pawan Pandey. A copy of the affidavit dated 15.03.2021 sworn by Advocate Pawan Pandey is filed and annexed as **ANNEXURE A-3.**
- k) The Notary who has attested the affidavit has also certified by certificate dated 16.03.2021 that the affidavit for Appeal and Condonation Application was attested on 30.08.2019 at Surguja. A copy of the certificate of the notary is annexed as **ANNEXURE A-4.**
- l) However, as stated by the Appellant in the Condonation Application, the lawyers at Delhi started fresh drafting of the Appeal which was ready by 11.09.2019 and appeal was finalized on 21.09.2019.
- m) That as the paper was being prepared for filing of the Appeal, inadvertently the clerk working in the office of lawyer at Delhi, Mr. Om Prakash annexed the affidavit dated 30.08.2019 thinking that they were fresh affidavits signed by the Appellant.
- n) That it was a bona fide mistake from the office of the counsel of the Appellant. To remove any irregularity and to stand by the contents of the

Appeal and Application, the Appellant is filling an affidavit in support of the Appeal and Condonation Application.

- o) That the Hon'ble Supreme Court in **Dwaraka Nath v. Income Tax Officer (AIR 1966 SC 81)**, held that, if an affidavit is defective in any manner, instead of rejecting it a reasonable opportunity is to be given to the party concerned to file better affidavit complying with the requirements of law.

#### **Response to the Contentions raised by Respondent No. 4**

6. With respect to the contentions raised by the Respondent No. 4, the Appellant is providing the following response:

- a) **Respondent No. 4 Claims that the Appellant intentionally delayed filing the Appeal and Condonation Application**

- i. **Respondent No. 4-RRVUNL** in its reply has contended that the Appellant has intentionally delayed the Appeal relying on the Affidavit for the Appeal and Application for Condonation of Delay as the Affidavit was signed by the Appellant on 12.08.2019 and notarized on 30.08.2019. The Appellant has explained that this was a bona fide and inadvertent mistake of the office clerk of the Counsel.
- ii. In the preliminary submissions of the instant Rejoinder, the Appellant has explained the bona fide mistake of the Appellant. The same are not being repeated here for the sake of brevity.
- iii. The Appellant submits that the Appeal and Condonation Application was drafted twice. First, the Appeal and Application was drafted by Advocate Pawan Pandey, who is a local lawyer in Sarguja, Chhattisgarh. The affidavit for the Appeal and Condonation Application drafted by Advocate Pawan Pandey was signed on 12.08.2019 and notarized on 30.08.2019.
- iv. Subsequently, the Appeal and Condonation Application was redrafted by the present counsels as there were many points missing from the

earlier draft. The office clerk of the present counsel inadvertently attached the old affidavit and this was a bona fide mistake.

- v. That the Hon'ble Supreme Court in **State Of Nagaland vs Lipok Ao & Ors** reported in **2005(3) SCC 752** held that substantial justice should not suffer due to technical considerations:

*"When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay."*

- b) **Environment Clearance Dated 12.07.2019 was in Public Domain Since 17.07.2019 and was available on the website From 18.07.2019**

- i. The Appellant submits that members of the Appellant organization had been regularly checking the Ministry's website and found the environmental clearance only on 03.08.2019. The Appellant further submits that the Environmental Clearance was also not available on the website of the Project Proponent, Respondent No. 4 in the present Appeal. Till date the Environmental Clearance is inaccessible on Respondent No. 4's website, screenshots of which have been annexed as Annexure A-1.
- ii. The Appellant further submits that the period of 30 days is triggered once the order or decision or direction or determination is communication. The Hon'ble Tribunal in **Padmabati Mohapatra v Union of India** reported in **2013 SCC OnLine NGT 98** held that till all the stakeholders i.e. the Project Proponent, MOEF&CC and the State Pollution Control Board do not fulfil their statutory obligations under Paragraph 10 of the EIA Notification, 2006 of "*communication*", they cannot contest limitation:

*"14. We have perused the publication of order of EC effected by the applicant in the two newspapers. The law requires the project proponent not only to give intimation in regard to factum of passing an order of EC but also to publish the stipulated conditions and safeguards stated in such order."*

*This admittedly has not been done by the project proponent. The project proponent admittedly did not give copies of the EC to the heads of the local authorities, panchayats and municipal bodies of the district to display on their respective notice boards and thus, could not ensure that it reaches the common man of the area where the project is proposed to be established. These are the apparent breaches of its obligations committed by the project proponent. The project proponent merely put the EC order on its website on 1st March, 2011. Firstly, there is no justification for placing it on the website after a lapse of more than 2 weeks, and secondly, the period of limitation cannot run from 1st March, 2011 as other co-related obligations had not been discharged by the project proponent even on that date.*

***Once there is no compliance of the statutory obligations, then neither the MoEF nor the project proponent can raise any objection with regard to the limitation successfully."***

(Emphasis Added)

- iii. That as per Paragraph 10 of the EIA Notification, 2006, it is mandatory that while publishing an advertisement in two local newspapers about the grant of Environmental Clearance, the Project Proponent has to also publish the environmental conditions as well. Further, the Project Proponent has to ensure that the same are displayed on its website permanently:

*"10. Post Environmental Clearance Monitoring:*

***(i) (a) In respect of Category 'A' projects, it shall be mandatory for the project proponent to make public the environmental clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district or State where the project is located and in addition, this shall also be displayed in the project proponent's website permanently. (b) In respect of Category 'B' projects, irrespective of its clearance by MoEF / SEIAA, the project proponent shall prominently advertise in the newspapers indicating that the project has been accorded environment clearance and the details of MoEF website where it is displayed. (c) The Ministry of Environment and Forests and the State / Union Territory Level Environmental Impact Assessment Authorities (SEIAAs), as the case may be, shall also place the environmental clearance in the public domain on Government portal. (d) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt."***

(Emphasis Added)

iv. That the newspaper articles dated 17.07.2019 published in Navbharat and Haribhoomi only refer to the grant of Environmental Clearance to Respondent No. 4 but failed to publish the environmental conditions in the newspaper articles. This is in violation of Rule 10 of the EIA Notification, 2006. Hence, the Respondents have not fulfilled their statutory obligations.

c) **The Delay in filing of the Appeal has to be explained on a day to day basis**

i. As per Section 16 of the NGT Act, 2010, the Hon'ble Tribunal has the power to condone a delay of up to 60 days beyond the 30 day period stipulated to raise an Appeal if sufficient cause is shown. The Hon'ble Supreme Court in **R.B. Ramlingam v. R.B. Bhvaneswari** reported in **(2009) 2 SCC 689** laid down the test of "sufficient cause":

*"Section 5 of the Limitation Act, 1963 does not lay down any standard or objective test. The test of "sufficient cause" is purely an individualistic test. It is not an objective test. Therefore, no two cases can be treated alike. The statute of limitation has left the concept of "sufficient cause" delightfully undefined, thereby leaving to the court a well-intentioned discretion to decide the individual cases whether circumstances exist establishing sufficient cause. There are no categories of sufficient cause. The categories of sufficient cause are never exhausted. Each case spells out a unique experience to be dealt with by the court as such."*

ii. The Appellant has filed an Application for Condonation of Delay before this Hon'ble Tribunal explaining the delay. Sufficient cause has been shown in accordance with the guidelines laid down by the Supreme Court in **Collector (LA) v. Katiji** reported in **(1987) 2 SCC 107** while interpreting Section 5 of the Limitation Act, 1963:

*"The expression "sufficient cause" employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice — that being the life-purpose for the existence of the institution of courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other courts in the hierarchy. And such a liberal approach is adopted on principle as it is realized that:*

**"1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.**

**2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.**

**3. "Every day's delay must be explained" does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.**

*4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.*

*5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.*

*6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so."*

**(Emphasis Added)**

- iii. Hence, the Appellant does not need to explain each day of delay as long as it can show sufficient cause.

**d) The Appellant has No Locus Standi to file the Appeal**

- i. As mentioned in the Appeal, the Appellant is a community based organization which came together for conserving the Hasdeo Arand and protecting the livelihoods of tribal and forest dwelling communities. The Appellant organization has been working towards conservation of the environment in the region through community action for several years. The Principal Bench of this Hon'ble Tribunal in the matter of ***Vimal Bhai vs. Ministry of Environment & Forest & Others (Appeal No. 5 of 2011)*** has settled the proposition regarding the definition of aggrieved person as well as the *locus standi* of the person This Appeal was decided on 14.12.2011 while observing that :-

*"A reading of Section 2(j)(i) to (viii) would reveal that any individual, Hindu undivided family, Company, Firm, an association of persons or a body of individuals whether incorporated or not, trustees of a trust, a local authority and every artificial juridical person not falling within any of the preceding sub-clauses, would indicate "person" who can maintain an application/appeal under the NGT Act. But, it is the argument of the learned counsel of the Respondent that even the above defined person shall be a person either aggrieved or injured directly or indirectly and not otherwise.*

*Then the question arises whether in the environmental matters, a person who is really aggrieved/ injured shall alone be permitted to approach this Tribunal. A combined reading of the above sections, would indicate, that any person whether he is a resident of that particular area or not whether he is aggrieved and/or injured or not, can approach this Tribunal. In such situations, it is of course necessary to scan and find out the credentials of the applicant/appellants as to their true intentions and motives. No doubt that in the present case though the appellants have participated in the EC proceedings and they have not challenged the same. However, that does not mean that they cannot challenge the FC proceedings on any available legal grounds (However, it is to be noted that in the guise of challenging the FC, the appellants cannot be permitted to raise the grounds which might be raised, had the EC was challenged). Appellants apprehend a great danger and disaster to the environment and ecology, if the project is not properly envisaged and does not satisfy the principles of sustainable development and precautionary principles as is mandated under Section 20 of the NGT Act. In the matters of environmental cases, any individual or persons and*

*body of individuals can agitate as to the correctness of the study of environment and ecology made by the granting authority. Further, nothing substantial has been demonstrated to doubt the credentials of the appellants except saying that they (appellants) are not aggrieved and/or injured person (s) under the Act and they are a busy body and their motives are ulterior. The person injured per-se as occurred in Section 18 (2) of the NGT Act is only for the purpose of claiming relief, compensation or settlement of disputes, is altogether different from the person aggrieved as available in Section 16. Person aggrieved and person injured are two different words which connote different meaning. Under Section 16 any person aggrieved can approach this Tribunal by way of filing an appeal. Whereas, under Section 18 (2) the person injured per-se, whether it is an individual or a body of individual or a social organization or a Hindu joint family etc. Further under Section 14 and 16 any person can approach this Tribunal for appropriate relief including the relief under Section 18."*

*"From the above it is clear that the State shall endeavour and safeguard the environment and wild life and it is the fundamental duty of the citizen to improve the natural environment including forests, lakes, rivers, and wildlife and also to have compassion for living creatures. Once, the protection and improving the natural environment is the fundamental duty of a citizen, any person can approach this Tribunal and agitate his grievance as to protection and improvement of the natural environment. The statutory provisions are subservient to the constitutional mandates. The person as defined or person aggrieved as occurs in Section 2(j) 16 and 18 (2) of the NGT Act cannot be placed above "every citizen" as appears in Article 51(A) of the Constitution of India. Once*

*the mandate is of every citizen, any person can approach this Tribunal complaining environmental threat in the activities of the State or any organization or individual.*

*Therefore, we are of the view that the appellants are interested persons in the environment and ecology of the area, though they are not directly affected/ injured at this point of time. But, they can be definitely called aggrieved persons since they apprehend some danger, if the project is launched without taking proper precautions. The person aggrieved in environmental matters must be given a liberal construction and needs to be flexible. Therefore, we are of the considered opinion that persons like the appellants are also entitled to approach this Tribunal and the appeal is maintainable."*

- ii. It is very clear from the above cited Judgment that any person whether directly aggrieved or not may approach the Hon'ble Tribunal to initiate an action on *bonafide* ground to agitate his grievance as to protection and improvement of the natural environment. Also, any person being aggrieved with the threat or damage caused by the activities undertaken by the Company such as the Respondent No.4 in the present case can very well espouse the cause before the Tribunal. To be an aggrieved person the person need not be required to be directly affected by the illegal action and violation by the organization to invoke the jurisdiction of this Hon'ble tribunal where substantial question relating to environment is involved.
- iii. The Principal Bench in the case of ***Goa Foundation vs. Union of India, 2013 All India (NGT) Reporter (New Delhi) 234*** where on the question of *locus standi*, the Tribunal held as under –

*"25.The very significant expression that has been used by the legislature in Section 18 is 'any person aggrieved'. Such a person*

*has a right to appeal to the Tribunal against any order, decision or direction issued by the authority concerned. 'Aggrieved person' in common parlance would be a person who has a legal right or a legal cause of action and is affected by such order, decision or direction. The word 'aggrieved person' thus cannot be confined within the bounds of a rigid formula. Its scope and meaning depends upon diverse facts and circumstances of each case, nature and extent of the applicant's interest and the nature and extent of prejudice or injury suffered by him. P. Ramanatha Aiyar's The Law Lexicon supra describes this expression as 'when a person is given a right to raise a contest in a certain manner and his contention is negative, he is a person aggrieved' [Ebrahim Aboodbakar v. Custodian General of Evacue Property [AIR 1952 SC 319]. It also explains this expression as 'a person who has got a legal grievance i.e. a person wrongfully deprived of anything to which he is legally entitled to and not merely a person who has suffered some sort of disappointment'*

...

*41. The implication of jurisdiction is, of course, not at the discretion of the judge but is relatable to the legislative intent and may be expanded within the framework of the statute. Once the legislature has intended to include 'all civil cases' in contradistinction to criminal cases, then it is not desirable for the Tribunal to carve out another class of cases which are to be excluded from the jurisdiction of the Tribunal. This will amount to adding words to a statute which are not provided otherwise. In a civil case which raises a question relating to environment, the Tribunal shall have jurisdiction to decide disputes arising out of such a question. Therefore, there is no need to carve out any exception for exclusion which is not spelt out by the legislature itself.*

*42. Under the scheme of the Act, an anticipated action will also fall within the ambit of the 21 jurisdiction of the Tribunal. Section 20 of the NGT Act provides that, while deciding cases before it, the Tribunal shall take into consideration the three principles -- principle of sustainable development, precautionary principle and the polluter pays principle. The precautionary principle would operate where actual injury has not occurred as on the date of institution of an application. In other words, an anticipated or likely injury to environment can be a sufficient cause of action, partially*

*or wholly, for invoking the jurisdiction of the Tribunal in terms of Sub-sections (1) and (2) of Section 14 of the NGT Act. The language of Section 20 is referable to the jurisdiction of the Tribunal in terms of Sections 14 and 15 of the Act. The precautionary principle is permissible and is opposed to actual injury or damage. On the cogent reading of Section 14 with Section 2(m) and Section 20 of the NGT Act, likely damage to environment would be covered under the precautionary principle, and therefore, provide jurisdiction to the Tribunal to entertain such a question. The applicability of precautionary principle is a statutory command to the Tribunal while deciding or settling disputes arising out of substantial questions relating to environment. Thus, any violation or even an apprehended violation of this principle would be actionable by any person before the Tribunal. Inaction in the facts and circumstances of a given case could itself be a violation of the precautionary principle, and therefore, bring it within the ambit of jurisdiction of the Tribunal, as defined under the NGT Act. By inaction, naturally, there will be violation of the precautionary principle and therefore, the Tribunal will have jurisdiction to entertain all civil cases raising such questions of environment. Such approach is further substantiated by the fact that Section 2(c), while defining environment, covers everything. Section 2(m) brings into play a direct violation of a specific statutory environmental obligation as contemplated under Section 5 of the Environment Act as being substantial question relating to environment. These provisions, read with Section 3(1) and Section 5 of the Environment Act, which place statutory obligation and require the Government to issue appropriate directions to prevent and control pollution, clearly show that the legislature intended to provide wide jurisdiction to the Tribunal to deal with and cover all civil cases relating to environment, as stated by the Supreme Court in the case of S.A.L. Narayan Row &Anr. v. 22 Ishwarlal Bhagwandas&Anr. [AIR 1965 SC 1818]. The character of the proceedings is normally not with reference to the relief that the Tribunal can grant but upon the nature of the right violated and the appropriate relief which can be claimed.”*

- iv. Therefore, while consideration of the above-stated judgment, it is very clear that the present Appeal is very much maintainable and

direct legal injury is not required for the Appellant to maintain the present original application.

- v. In another Judgment passed by this Hon'ble Tribunal titled ***Save Mon Region Federation Vs. Union Of India And Ors. (M.A. No. 104 Of 2012 in Appeal No. 39 Of 2012)*** it has been held that:-

*"18. Law gives a right to 'any person' who is 'aggrieved' by an order to prefer an appeal. The term 'any person' has to be widely construed. It is to include all legal entities so as to enable them to prefer an appeal, even if such an entity does not have any direct or indirect interest in a given project. The expression 'aggrieved', again, has to be construed liberally. The framers of law intended to give the right to any person aggrieved, to prefer an appeal without any limitation as regards his locus or interest."*

- vi. The National Green Tribunal in ***Krishan Kant Singh v. M/s. Triveni Engg. Industries Ltd. (O.A NO.317/2014)*** held that:

*"Under the provisions of the NGT Act, any aggrieved person can approach the Tribunal for redressal of his grievances in relation to environment within the ambit and scope of Sections 14, 16 and 18 of the NGT Act. The legislative object appears to be to catalyse the access to environmental justice, which need not be circumscribed by strict rule of locus standi in legal prescriptions."*

The Appellant submits that the Respondent No. 4 has been unable to prove that the Appellant has personal motives for filing this Appeal or been able to refute any of the issues raised by the Appellant. Hence, they have relied on technical errors, inconsistencies and inadvertent bonafide mistakes.

However, the Respondent has failed to address the substantive issues raised by the Appellant. Thus, Respondent No. 4 has failed to put forth any argument against the Appellant's prayer to quash the impugned Environmental Clearance. The Appellant humbly requests the Hon'ble Tribunal to condone the delay and allow the Appeal to be heard on merits as.

**APPELLANT**

THROUGH

**RITWICK DUTTA**

**RAHUL CHOUDHARY**

**ADVOCATES**

COUNSELS FOR THE APPELLANT

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**VERIFICATION**

I, Jainandan Singh Porte, S/o Lt. Sukul Ram, aged about \_\_ years, R/o Ghatbarra village, Tehsil Udaipur, District Sarguja, Chhattisgarh, do hereby verify that the contents of Para 1 to \_\_ are true to my personal knowledge and that I have not suppressed any material fact.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH AT BHOPAL  
APPEAL NO: 16 OF 2019



IN THE MATTER OF:-

HASDEO ARANYA BACHAO SANGHARSH SAMITI

... APPELLANT

VERSUS

UNION OF INDIA AND ORS.

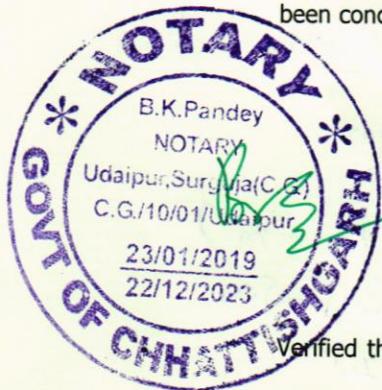
... RESPONDENTS

**AFFIDAVIT IN SUPPORT OF THE REJOINER**

I, Jainandan Singh Porte, S/o Lt. Sukul Ram, aged about 42 years, R/o Ghatbarra village, Tehsil Udaipur, District Sarguja, Chhattisgarh, , do hereby solemnly affirm and state under:-

1. That I am the authorised representative of Appellant organisation in the above titled Appeal and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the Rejoinder are true and correct and nothing material has been concealed therefrom.

*Handwritten signature and name of the notary:*  
Brijendra Kumar Pandey  
NOTARY  
Udaipur, Sarguja (C.G.)



*Handwritten signature of the deponent:*  
DEPONENT

**VERIFICATION**

Verified that the contents of this affidavit mentioned in para 1 to 2 are true to the best of my knowledge and belief and nothing has been concealed there from.

Verified on 15 day of MARCH 2021 at udaipur.

**15 MAR 2021**

*Handwritten signature of the deponent:*  
DEPONENT

Annexure A-1

Environment Clearance x +

energy.rajasthan.gov.in/content/raj/energy-department/rvunl/en/environment-clearance-.html#

Government of Rajasthan  
RAJASTHAN RAJYA VIDYUT  
UTPADAN NIGAM LTD

for the period April 2018 to September 2018

Hindi Screen Reader Access A+ A A- MENU

PEKB - Environment Clearance (10 to 15 MTPA) Compliance of conditions

Six monthly EC compliance report PEBK for the period october 2017 to march 2018

Six monthly environmental clearance conditions compliance report (April 17 to September 17)

Six monthly environmental clearance conditions compliance report (Oct16 - March 17)

Compliance of environment clearance of Parsa east and Kanta Basan coal block.

Coal Data

Six monthly environmental clearance conditions compliance report

Environmental Clearance(EC) of Parsa East & Kanta Basan Coal mine

EC Letter

Environment Statement

Six monthly environmental clearance conditions compliance report

"MONTHLY ENVIRONMENT REPORT OF SURATGARH TPS, SURATGARH "

"Environment Clearance SSTPS"

Environment Complance report SSTPS Apr-14 to Sept-14

https://energy.rajasthan.gov.in/content/raj/energy-department/rvunl/en/home.html

Type here to search

5:06 PM 2/18/2021

## Resource at '/content/raj/energy-department/rvunl/en/news/environmental-clearance-ec--of-parsa-east--kanta-basan-coal-min.html' not found: No resource found

Cannot serve request to /content/raj/energy-department/rvunl/en/news/environmental-clearance-ec--of-parsa-east---kanta-basan-coal-min.html on this server

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Annexure A-2

<b>DTDC Express Limited</b> Regd. Office: No-3, Victoria Road Bengaluru - 560047		<b>dtcd lite</b> <small>Courier and Cargo Services by air/road</small>	Pouch Num:	ORIGIN:	DEST:
Non Negotiable Consignment Note / Subject to Bengaluru Jurisdiction. Please refer to all the terms & conditions printed overleaf of this consignment note before tendering a consignment to DTDC					
Date: <u>2018</u>	Sender's Code:	Pick-up Ref. No:	2		
1 Sender's (Consignor) Name: <u>Bipasha Paul</u> Ph: _____ Company Name & Address: <u>Raipur</u>		Recipient's (Consignee) Name: _____ Ph: _____ Company Name & Address: <u>Mr. Sharan Balakrishna</u> <u>LIFE</u>			
City: _____ State: _____ PIN Code: _____	City: <u>N-Delhi</u> State: _____ PIN Code: <u>11004</u>		Recipient's GSTIN*: _____ *Where Applicable		
Sender's GSTIN*: _____ *Where Applicable		4 Description of Content		Value of Goods	
3 Nature of consignment Dox <input checked="" type="checkbox"/> Non-Dox <input type="checkbox"/> DIM 1: L cm X B cm X H cm X Pcs Actual Wt.: kg DIM 2: L cm X B cm X H cm X Pcs Volumetric Wt.: kg DIM 3: L cm X B cm X H cm X Pcs Chargeable Wt.: kg		7 Type of consignment (Please <input checked="" type="checkbox"/> ) Commercial <input type="checkbox"/> Non-Commercial <input type="checkbox"/>		8 Value Added Services <input type="checkbox"/> - Not Available CN Expiry Dt: _____	
5 Risk Coverage: Owner <input type="checkbox"/> Carrier <input type="checkbox"/> Condition no. 16 overleaf for detailed risk surcharge chart applicable.		6 Paper Work Enclosures		The Total Value of consignment for carriage / E-Way bill ₹ _____ Consignment Number: <b>M76744217</b>	
9 Mode: Surface <input type="checkbox"/> Air cargo <input type="checkbox"/> Express <input type="checkbox"/>		10 Charges Amount (₹) a) Tariff (incl. OF FSC + Taxes) b) Value Added Service Charges <u>125</u> c) Risk Surcharge d) Total amount (a+b+c)		13 Receiver's Name: _____ Relationship: _____ Ph. No.: _____ DD MM YY TIME AM/PM Company Stamp & Signature: _____	
11 I/We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate. Sender's Signature: _____		12 Booking Branch / Franchisee Code <u>RF13</u> Courier Signature: _____		dtcd plus <small>Premium express product by air/road</small> <b>Use DTDC Premium Express Product for Time Assured Delivery</b> dtcd blue <small>Premium express product by air/road</small> For more info log on to: <a href="http://www.dtcd.in/subpages/products/DTDCblue.html">http://www.dtcd.in/subpages/products/DTDCblue.html</a>	
Date: _____ Time: AM/PM The consignment note is not a tax invoice. A tax invoice will be made available by DTDC or its channel partner as the case may be, upon request.					
Track Consignments - Send "TRACK CONSIGNMENT No" to 92300 92300   Email: customersupport@dtcd.com   www.dtcd.in   SENDER COPY   Dec 2018 Release					

T.C.  
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CANCELLED



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

CENTRAL ZONE BENCH AT BHOPAL

APPEAL NO: 16 OF 2019

Annexure A-3

IN THE MATTER OF:-

HASDEO ARANYA BACHAO SANGHARSH SAMITI

... APPELLANT

VERSUS

UNION OF INDIA AND ORS.

... RESPONDENTS

AFFIDAVIT OF.....

I, पवन पीठिया S/o श्री. सुभाष चन्द्र <sup>पिता</sup> aged about 42 R/o अमरावती <sup>अमरावती (छ.ग.)</sup> do

solemnly affirm and declare as under:-

- 1) I am a lawyer (enrollment no. 687/02 <sup>छ.ग.</sup>) practicing at the Surguja District Court, Chhattisgarh.
- 2) I met Shri Jainandan Porte on 04.08.2019 and he told me that he on behalf of his organization HasdeoAranyaBachaoSangharshSamiti wanted to challenge the Environmental Clearance dated 12.07.2019 granted by the Ministry of Environment, Forest and Climate Change to Rajasthan RajyaVidyut Nigam Ltd for Parsa Opencast Coal Mining project of capacity 5MTPA and Pit Head Coal Washery of 5 MTPA in the Hasdeo-Arand Coalfields in the districts of Surguja and Surajpur. He told me that the Environmental Clearance was uploaded on the Ministry of Environment, Forest and Climate Change website on 03.08.2019.



15 MAR 2021

- 3) Shri Jainandan Porte informed me that his organization was in the process of passing a resolution but suggested that I start preparing a draft as soon as possible.
- 4) I finished drafting the Appeal on 10.08.2019 and Shri Jainandan Porte went through the Appeal on 11.08.2019. He suggested some changes to the draft which I made on 11.08.2019 itself and were approved by Shri Jainandan Porte on 12.08.2019.
- 5) Shri Jainandan Porte signed the affidavit on 12.08.2019 but asked me not get it notarized until a resolution to file the case was passed by HasdeoAranyaBachaoSangharshSamiti.
- 6) On 19.08.2019, Shri Jainandan Porte informed me that his organization had passed the resolution on 18.08.2019 and would be filing the Appeal soon. He told me that they are discussing the draft among themselves and also he was talking to a few more organization working in the field of environment and was waiting for their inputs before filing the Appeal.
- 7) On 30.08.2019, , I got the affidavit notarized as requested by Shri Jainandan Porte and handed over to him.

  
Deponent

#### VERIFICATION

I, पवन सिद्ध, do hereby solemnly affirm and declare that the contents of the present affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Verified at Surguja on this 15 day of 3 2021.



SOLEMNLY AFFIRMED OF  
SWORN BEFORE ME BY  
THE WITHIN NAMED

Arvind Ku. Kanoujiya  
Central Notary/Advocate  
Ambikapur Surguja (C.G.)

15 MAR 2021

15 MAR 2021

Annexure A-4

**प्रमाण - पत्र**

प्रमाणित किया जाता है कि मेरे द्वारा दिनांक 30 अगस्त 2019 को श्री जयनन्दन सिंह पोर्ते आ. स्व. सुकुल राम निवासी ग्राम - घाटबर्दा थाना व तह. - उदयपुर, जिला - सरगुजा (छ.ग.) को माननीय नेशनल ग्रीन ट्रिब्यूनल सेन्ट्रल जोन बेन्च भोपाल में प्रस्तुत करने हेतु शपथ पत्र में शपथ दिलाया गया था। जो मेरे पंजी वर्ष 2019 के क्र.190 दिनांक 30 / 08 / 2019 पर दर्ज है। जो कि माननीय नेशनल ग्रीन ट्रिब्यूनल सेन्ट्रल जोन बेन्च भोपाल के समक्ष प्रस्तुत करने के संबंध में है।

स्थान :- उदयपुर [16 MAR 2021

दिनांक :- 16 / 03 / 2021

  
Brijendra Kumar Pandey  
बृजेंद्र कुमार पाण्डेय  
Udaipur, Surguja (C.G.)  
नोटरी

तहसील - उदयपुर, सरगुजा (छ.ग.)



T.C.

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