

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

**INTERLOCUTORY APPLICATION NO.165 OF 2024**

IN

REVIEW APPLICATION No. 9/2024

IN

EXECUTION APPLICATION NO. 29 OF 2021

**In the matter of: -**

Veterans Forum for Transparency in Public Life

Applicant

Vs.

Chapra Nagar Nigam & Ors.

Respondents

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1.	<b>Reply affidavit</b> for and on behalf of Central Pollution Control Board (CPCB) to the application for condonation of delay.	



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**Place: New Delhi**

**Dated: 19.11.2024**

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**REPLY FOR AND ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD (CPCB) TO THE APPLICATION FOR CONDONATION OF DELAY.**

Sir,

It is submitted as under:-

**PRELIMINARY OBJECTIONS: -**

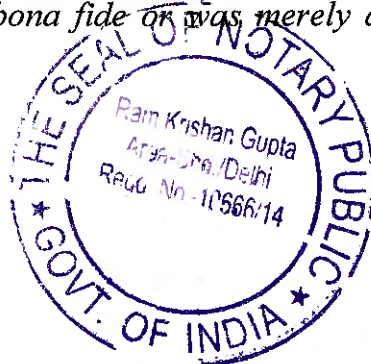
- A. That the instant application is not maintainable and liable to be dismissed as the same has not been filed within period of limitation.
- B. That the application under reply is liable to be dismissed as no sufficient cause for delay (day to day) is explained as it is the settled law that inordinate delay cannot be condoned without sufficient cause.
- C. That it is well settled law that once the limitation starts it cannot be stopped and thereby it stops the remedy to the applicant once the applicant is out of



limitation. Hence, in the present case the present review application is not maintainable and liable to be dismissed.

D. That in order to condone the delay, the revisionist has to satisfy this Hon'ble Tribunal that there was sufficient cause for preferring the review petition after the stipulated period. The term 'sufficient cause' has been explained by the Apex Court in **Basawaraj and Ors. vs. The Spl. Land Acquisition Officer** reported in AIR 2014 SC 746. The relevant paras of the aforesaid judgment are reproduced as follows: -

*“9. Sufficient cause is the cause for which Defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", inasmuch as may be necessary to answer the purpose intended. Therefore, the word "sufficient" embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the view point of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". That the facts and circumstances of each case must afford sufficient ground to enable the Court concerned to exercise discretion for the reason that whenever the Court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the Court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the Court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose.”*

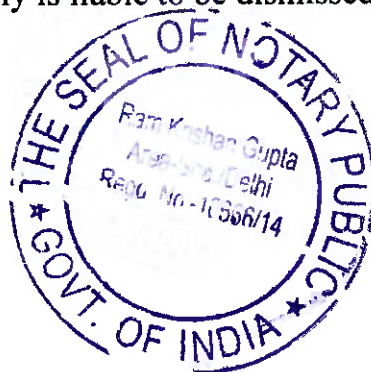


**E. That in Lingeswaran Etc. Versus Thirunagalingam in Special Leave to Appeal (C) Nos.2054-2055/2022 decided on 25.02.2022, wherein the Hon'ble Supreme Court held as under: -**

*"5. We are in complete agreement with the view taken by the High Court. Once it was found even by the learned trial Court that delay has not been properly explained and even there are no merits in the application for condonation of delay, thereafter, the matter should rest there and the condonation of delay application was required to be dismissed. The approach adopted by the learned trial Court that, even after finding that, in absence of any material evidence it cannot be said that the delay has been explained and that there are no merits in the application, still to condone the delay would be giving a premium to a person who fails to explain the delay and who is guilty of delay and laches. **At this stage, the decision of this Court in the case of Popat Bahiru Goverdhane v. Land Acquisition Officer, reported in (2013) 10 SCC 765 is required to be referred to.** In the said decision, it is observed and held that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same.*

**F. That petition under reply has been filed just to avoid its statutory duties.**

**G. That the application under reply is vague and general in nature. The order under review had been passed on 18-10-2021 and the period of limitation for review of the said order has already completed on 17-11-2021. Therefore, the calculation of limitation shall start from 18-11-2021 and not from the date of order passed by the Hon'ble Supreme Court in Civil Appeal Diary No. 51573 of 2023. Hence, the application under reply is liable to be dismissed with cost.**



H. That the seriousness of the applicant may be seen from the content of the application whereby the petitioner department failed to file review application before the Hon'ble Tribunal within a period of limitation for the review of order dated 10-10-2021, and the petitioner department further failed to file the present petition for review in limitation from the order of the Hon'ble Supreme Court. Hence, the conduct of the applicant shows that the petitioner department is running away from its statutory duties towards the environment. Hence, the present petition is liable to be dismissed at this very stage itself.

**REPLY ON MERIT: -**

1. That no comments are offered over the contents of para no.1 of the application being matter of record.
2. That the contents of para no.2 of the application under reply are denied for want of knowledge, except the review was to be filed within a period of 30 days. However, the present application is liable to be dismissed in view of the Judgments referred herein above.
3. That the contents of para no.3 of the application are denied for want of knowledge. However, it is submitted that there is no explanation rendered by the applicant for causing delay or no sufficient cause has been provided which were impediment in engaging counsel and filing the review petition within the period of limitation. Moreover, in the para under reply, no not a single averment has been stated as to when the counsel was engaged, when the petition was prepared, etc. Hence, the present application is nothing but a measure for wastage of precious time of the Hon'ble Tribunal The petitioner department intends to avoid its statutory responsibility by filing such application/petition.



4. That no comments are offered over the contents of para no.4 being matter of record.
5. That the contents of para no.5 of the application under reply are not admitted and denied in toto. It is specifically denied that the Applicant took immediate measures towards procuring relevant documents for filing the present Review Application. It is submitted that in these days e-mails are accessible round the clock, therefore, any document can be procured by mail from Hon'ble Courts. Hence, the grounds taken by the applicant in the para's under reply seems fabricated
6. That the contents of para no.6 of the application under reply are not admitted and denied in to. It is specifically denied that the delay by petitioner department was neither deliberate nor intentional. The judgments as referred herein above negate the grounds taken by the applicant herein. Hence, the present application under reply is liable to be dismissed.

### PRAYER

In view of the above submissions and humbly prayed to the Hon'ble Tribunal that the application under reply is needed to be dismissed with cost.

Or pass any other further order as this Hon'ble Tribunal may deems fit and proper in the interest of justice.



**(Dinabandhu Gouda)**  
**Scientist "F"**  
**Central Pollution Control Board**



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**AFFIDAVIT**

I, Dinabandhu Gouda, working as Scientist 'F' in Central Pollution Control Board, office at Parivesh Bhawan, East Arjun Nagar, Vishwas Nagar, near Karkardooma, Delhi- 110032, do hereby solemnly affirm and declare as under:

- A. That I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present affidavit in my official capacity.
- B. That the contents of the accompanying reply have been drafted by my counsel under my instructions and read over to me in vernacular language and the contents of the same be read as part and parcel of this affidavit as the same are not being repeated herein for the sake of brevity.



**DEPONENT**

दीनबन्धु गौड़ा / Dinabandhu Gouda  
प्रभागीय प्रमुख, भवन प्रभाग / Divisional Head, Building  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
(M/o Env't. Forest & Climate Change, Govt. of India)  
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

## VERIFICATION

Verified at New Delhi on this day of 19 NOV 2024, 2024 that the contents of the above reply affidavit are correct and true on the basis of the record of the case as maintained in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.



**DEPONENT**

दीनबन्धु गौड़ा / Dinabandhu Gouda  
 प्रभागीय प्रमुख, भवन प्रमाण / Divisional Head, Building  
 केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
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 Parivesh Bhawan, East Arjun Nagar, Delhi-110032



**ATTESTED**

  
 NOTARY  
 DELHI (INDIA)

19 NOV 2024