

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

IA NO. 774 OF 2023
IN
APPEAL NO. 31 OF 2023

IN THE MATTER OF:

M/s Contel Bella Vista

...Applicant

Versus

Haryana State Pollution Control Board & Anr.

...Respondent

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Place: Panchkula

Date: 11/03/2024


(Sudhir Mohan)
Regional Officer,
HSPCB, Panchkula

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V/s

Haryana State Pollution Control Board and Others

...Respondents

REPLY ON BEHALF OF THE RESPONDENTS TO THE
APPLICATION SEEKING CONDONATION OF DELAY

MOST RESPECTFULLY SHOWETH:

1. That the present appeal has been filed seeking quashing/setting aside of order dated 29.07.2023 passed by the Haryana State Pollution Control Board whereby the appellant has been directed to deposit Rs. 30,97,500/- as Environment Compensation. The appellant has filed the said appeal after delay of more than 40 days and is seeking condonation of delay for filing the same.
2. That at the outset Respondents are objecting to the said condonation of the delay as the said application is filed upon untrue and untenable grounds.
3. That the reason attributed to the delay as stated in paragraph 2 of the IA is that the appellant made request to Respondent Board for review/reconsideration of the order dated 29/07/2023. In this regard, it is humbly submitted that remedy available against the impugned order is statutory appeal before this Hon'ble Tribunal, therefore, submitting any representation cannot be an excuse for non-filing of appeal in time

and same is not valid ground to condone the delay. It is also noteworthy that date of so called representation is 01.09.2023, much after statutory period of 30 days. The appeal ought to have been filed by the applicant within 30 days i.e. by 28/08/2023. Such representation is just time gain tactics to delay the execution of order under challenge. The appeal was filed on 09/10/2023 i.e. after huge delay of more than 40 days.

4. That it is denied that the Applicant has shown sufficient cause to condone the delay in filing the captioned appeal.
5. That in sum and substance, all the above facts shows that the Appellant is before this Hon'ble Court with unclean hands and does not deserve any liberal approach.
6. That reasons stated in the Application and overall conduct of party does not meet the criteria of "sufficient course" enumerated in Section 16 of the National Green Tribunal 2010. It is a settled principle of law that delay cannot be condoned if applicant doesn't approaches the concerned forum with clean hands and also on equitable grounds the applicant is required to explain the day to day delay with sufficient reason to support his contention.

In light of the submissions made herein above, it is humbly prayed that present application seeking condonation of delay may kindly be dismissed.

Place: Panchkula

Date: 11/03/24



Regional Officer, HS PCB, Panchkula
on behalf of Respondents no. 1 & 2

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AFFIDAVIT

I, Sudhir Mohan, Regional Officer, Haryana State Pollution Control Board, Panchkula, do hereby solemnly affirm and declare as under:

1. I, am well conversant with the facts and circumstances of the case and authorized to file the accompanying reply in the aforesaid official capacity.
2. I have read the contents of accompanying reply and state that the facts stated herein are true to my knowledge and based on the records of the case.


DEPONENT

VERIFICATION:

Verified at Panchkula on this 11 day of March 2024 that contents the present affidavit are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.


DEPONENT




ATTESTED
Jitender Singh Pannu
Notary, Panchkula

11 1 MAR 2024