

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

I.A No. 01 of 2026

IN

Appeal No. 79 of 2025

In the matter of-

Satjeet Singh Gulati

...Applicant

Vs.

SEIAA, Uttarakhand & ors.

...Respondent(s)

INDEX

Sr. No.	Description of Documents	Page Nos.
1.	Reply to IA No 01 of 2026 on behalf of Respondent No. 2 along with the supporting affidavit	1-8

Filed by-


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Supreme Court of India
Reg. No. D/119/98

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Date: 22.07.2026

Place: New Delhi

4

right to file a detailed reply on the merits of the Appeal at the appropriate stage, if so required.

2. It is respectfully submitted that the present Appeal, filed under Section 16 of the National Green Tribunal Act, 2010 ("the NGT Act") challenging the Environmental Clearance dated 22.09.2025 granted by SEIAA, Uttarakhand, is **ex facie barred by limitation** and the accompanying Application for condonation of delay does not disclose any "sufficient cause" whatsoever, much less a day-to-day explanation, as mandated in law.
3. Under Section 16 of the NGT Act, an appeal must be preferred within thirty (30) days from the date on which the order, decision, direction or communication is communicated to the aggrieved person. The proviso to Section 16 empowers this Hon'ble Tribunal to entertain an appeal filed beyond the said period only where it is satisfied that the appellant was prevented by *sufficient cause* from filing within time, and such extension cannot exceed a further period of sixty (60) days. The outer limit of ninety (90) days is thus absolute, and the power of condonation is strictly within the condonable period.
4. It is settled law that an applicant seeking condonation must explain the delay for each day and demonstrate that it acted with due diligence and bona fides. The reasons pleaded by the Applicant, namely, the geographical distance between the Applicant and his counsel, and the alleged "complexity" of the subject matter requiring research and expert



consultation, are vague, general, self-serving and wholly insufficient in law. They are not supported by any contemporaneous material, and no attempt whatsoever has been made to account for the delay day by day.

5. The Hon'ble Supreme Court in *Basawaraj v. Special Land Acquisition Officer*, (2013) 14 SCC 81, explained the content of "sufficient cause" as follows:

"9. Sufficient cause is the cause for which the 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.... 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..."

6. In the same decision, this Hon'ble Court cautioned that the law of limitation cannot be diluted at the will of a litigant, holding at paragraph 15:

"15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for



want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay....”

7. The principles governing condonation of delay were exhaustively culled out by the Hon'ble Supreme Court in *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy*, (2013) 12 SCC 649, wherein it was inter alia held:

“21.6. (vi) ...there is no straitjacket formula for accepting or rejecting explanation furnished for the delay caused in taking steps.

21.7. (vii) The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play.

21.9. (ix) The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration....”

8. Tested on these settled principles, the Applicant's pleas fail to establish that there was “sufficient cause” in filing the appeal beyond the 30-day period. The distance between a litigant and his chosen counsel is not, and has never been recognised as, “sufficient cause”. A litigant is free to engage counsel of his choice and cannot plead the consequences of



that choice as an excuse for delay. Likewise, the asserted “complexity” of environmental litigation is common to all such appeals and cannot serve as a licence to disregard the mandatory limitation period. The Applicant’s vague plea of needing time for “research” and “expert consultation” is neither particularised nor evidenced.

9. Without prejudice to the above, it is respectfully reiterated that the answering Respondent is not the authority that grants Terms of Reference or Environmental Clearance under the Environmental Impact Assessment Notification, 2006, which fall within the exclusive domain of SEIAA/SEAC. The role of the UKPCB is confined to the grant of Consent to Establish and Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, and to post-establishment regulatory compliance. The Applicant’s pleas as to the merits, siting and technical suitability of the facility do not, and cannot, furnish “sufficient cause” for the delay in filing the Appeal.
10. The averments in the Application that are contrary to or inconsistent with the record, and in particular any suggestion that the delay is bona fide or unavoidable, are specifically denied. The delay is the result of the Applicant’s own want of diligence and cannot be condoned consistently with the mandatory scheme of Section 16 of the NGT Act and the binding precedents cited hereinabove.



PRAYER

In view of the facts, circumstances and submissions stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Dismiss the Applicant's Application (I.A. No. ____ of 2026) for condonation of delay as being devoid of merit and unsupported by any sufficient cause;
- b) dismiss Appeal No. 79 of 2025 as being barred by limitation under Section 16 of the National Green Tribunal Act, 2010; and
- c) Pass such other or further order(s) as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case.

Place: New Delhi

Filed by:

Date: 22.07.2026


K. P. Gautam
Advocate
Supreme Court of India
Reg. No. D/119/98

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I.A. No. _____ of 2026

IN

APPEAL NO. 79 OF 2025

IN THE MATTER OF:

Satjeet Singh Gulati

...APPLICANT

VERSUS

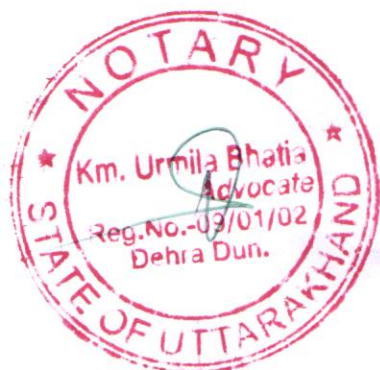
SEIAA, Uttarakhand & Ors.

...RESPONDENTS

AFFIDAVIT

I, Dr. Parag Madhukar Dhakate, aged about 51 years, S/o Shri M. B. Dhakate, presently posted as Member Secretary, Uttarakhand Pollution Control Board, Dehradun, Uttarakhand, do hereby solemnly affirm and state on oath as under:

1. That I am the Member Secretary of the Uttarakhand Pollution Control Board (Respondent No. 2) and am fully conversant with the facts and circumstances of the present case on the basis of the official records, and am duly authorised and competent to swear the present affidavit.
2. That the accompanying Reply to the Applicant's Application for condonation of delay has been drafted by the counsel on the basis of instructions and records made available by the answering Respondent, and the contents thereof have been read over, explained to and understood by me.



8

3. That the contents of the accompanying Reply, the paragraphs whereof are not repeated herein for the sake of brevity and may be read as part and parcel of this affidavit, are true and correct to my knowledge based on the official records of the Board, and nothing material has been concealed therefrom.


DEPONENT

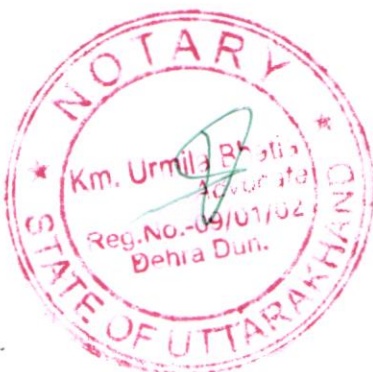
VERIFICATION:

I, the deponent above named, do hereby verify that the contents of the above affidavit are true and correct to my knowledge based on the official records, no part of it is false and nothing material has been concealed therefrom.

Verified at Dehradun on this 21 day of 07, 2026.


DEPONENT

Identified by : Priyanka Jina
Advocate
Reg. no. UK/1475/2022

affidavit is sworn before me by
Dr. Prady Madhukar Dhakate
is identified and Priyanka Jina Adv.
Dehradun on 21/07/2026
KM. URMILA BHATIA
Advocate & NOTARY, Dehradun