

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,  
NEW DELHI  
I.A. NO. 367 OF 2025  
IN  
APPEAL NO. 37 OF 2025

IN THE MATTER OF:

ASHOK KUMAR

...APPLICANT

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

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Through  
Counsel for the Respondent No. 6



Rakesh Khanna /Rohan Khanna/Arvind Singh Yadav  
(D/523-A/82) / (D/5532/2020) /(D/10378/2023)

Advocates

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Mobile No. 9811015620, 9718955414

Date: 17.09.2024

Place: New Delhi

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**REPLY ON BEHALF OF RESPONDENT NO. 6 TO THE APPLICATION  
FILED BY THE APPELLANT/APPLICANT UNDER SECTION 16 R/W  
18 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 SEEKING  
CONDONATION OF DELAY**

**MOST RESPECTFULLY SHOWETH:**

At the very outset, the Respondent denies and refutes the contents of the Petition under reply, save and except to the extent herein expressly admitted and no part thereof should be presumed to have been admitted on the account of express or implied non-denial or non-transversal thereof.

**PRELIMINARY SUBMISSION/OBJECTIONS:**

1. The present appeal is hopelessly barred by limitation. Under Section 16 of the National Green Tribunal Act, 2010 (“NGT Act”), an appeal against the grant of environmental clearance must be filed within 30 days, extendable by a further 60 days upon showing sufficient cause. In this case, the impugned environmental clearance was granted on 19.02.2025, and the prescribed 30-day limitation period expired on 21.03.2025, with the outer

limit of 90 days expiring on 20.05.2025. The appeal, however, was filed on 08.05.2025, which is 48 days after the expiry of the initial 30-day period without showing any sufficient cause or the day to day justification to such delay. The Applicant has failed to demonstrate any sufficient cause for the delay, as required under the proviso to Section 16 of the NGT Act read with Section 5 of the Limitation Act, 1963. The Applicant, who claims to be a “responsible and environmentally conscious citizen,” is expected to be aware that such documents are publicly available and was in fact, actively tracking the clearance process. This is evident from complaints filed by the Applicant on 29.12.2024, 03.02.2025, and 04.02.2025, clearly indicating that the Applicant was closely following the ongoing developments of the project before the filing of the present appeal. The explanation for the delay is vague, unsubstantiated, and does not meet the legal threshold of “sufficient cause,” which must be shown for each day of delay. In light of the above, the appeal is liable to be dismissed as being barred by limitation. Furthermore, it is settled law that sufficient cause must be shown for each delay which the appellant has failed to do so.

2. It is also pertinent to mention that the Applicant states to have gained knowledge about the Environmental Clearance dated 19.02.2025 on 14.04.2025, however, the Applicant has failed state in his application as to how the same was discovered and the steps taken to obtain the copy of the Environmental Clearance Dated 19.02.2025. Furthermore, the Applicant has only made vague assertions in its application which does not constitute the parameters of “sufficient cause”.
3. It is pertinent to mention that the Environmental clearance have to be uploaded on the Parivesh Portal and published through circulars. The Appellant claims to be an “environmentally conscious citizen” is deemed

to have constructive notice of the said document once it is on public domain.

4. It is respectfully submitted that the present Appeal is devoid of material particulars inasmuch as the Appellant has not pleaded, much less demonstrated, how the alleged pre-clearance activities are causing any adverse impact on the environment. The entire challenge proceeds on bare allegations of excavation, RCC works and ancillary activities, without any technical data, expert report, or cogent material to establish that such activities have resulted in environmental degradation. Mere assertions cannot displace the detailed appraisal conducted by the statutory expert bodies, namely State Level Expert Appraisal Committee (“SEAC”) and State Level Environment Impact Assessment Authority (“SEIAA”), which, after conducting multi-stage scrutiny including public consultation, site inspection, imposition of penalty for minor enabling works, and consideration of all objections, granted Environmental Clearance dated 19.02.2025. It is a settled principle that an Environmental Clearance, once granted after following the prescribed statutory procedure, cannot be set aside on the basis of conjecture or unsubstantiated complaints. Unless the Appellant establishes a direct nexus between the alleged activities and demonstrable environmental harm, no interference with the EC is warranted. In the absence of such pleading or proof, the Appeal amounts to a speculative challenge intended to obstruct a lawfully sanctioned development, and is therefore liable to be dismissed at the threshold. It is submitted that SEAC and SEIAA are experts bodies and have granted the Environmental Clearance dated 19.02.2025 to the Respondent No. 6 after considering the complaints as well as the documents submitted by the Respondent No.6. The Applicant cannot substitute its own assessment with that of the expert committee.

**PARAWISE REPLY TO THE APPLICATION:**

1. That the contents of paragraph no. 1 needs no reply.
2. That the contents of paragraph no. 2 needs no reply.
3. That the contents of paragraph no. 3 are false, frivolous and hence denied.  
It is specifically denied that the applicant on 14.04.2025 after seeing rampant and large scale illegal construction at the project site inquired whether the project proponent has obtained EC and that the applicant came to know that the project had obtained EC on 19.02.2025.
4. That the contents of paragraph no. 4 are false, frivolous and hence denied.  
It is denied that further enquiries by the applicant revealed that the project suffers from glaring irregularities as mentioned in the parent appeal.
5. That the contents of paragraph no. 5 are false, frivolous and hence denied.  
It is denied that immediately upon acquiring such knowledge, the applicant took diligent steps to consult legal counsel, compile documentation, and prepare the instant appeal.
6. That the contents of paragraph no. 6 are false, frivolous and hence denied.  
It is denied that the delay in filing the appeal is bona fide and is caused solely due to lack of knowledge on part of the applicant that the project has already been granted EC as there was absence of communication of grant of EC to affected person, despite the project being of significant environmental consequence.

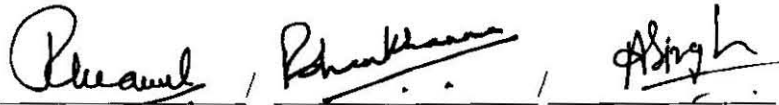
7. That the content of paragraph no. 7 are false, frivolous and hence denied. It is denied that the aforesaid environmental clearance raises significant issues concerning the environmental clearance process.
8. That the contents of paragraph no. 8 are false, frivolous and hence denied. It is denied that the present application is being made bonafide in the interest of justice.
9. That the contents of paragraph no. 9 are denied for want of knowledge.
10. That the contents of paragraph no. 10 need no reply.
11. That the contents of paragraph no. 11 & 12 is false as the said judgment is not applicable to the present case.
12. That the contents of paragraph no. 13 are false, frivolous and hence denied. It is denied that denying the condonation of delay would cause irreparable harm to the environment, as the EC in question pertain to a project that has a history of commencing construction illegally without prior EC in utter disregard of violation of environmental norms, the EIA notification, 2006 and the precautionary principle enshrined in Indian Environmental Jurisprudence.
13. That the contents of paragraph no. 14 need no reply.
14. That the contents of paragraph no. 15 are false, frivolous and hence denied. It is denied that the present application for condonation is made bonafide, in good faith and in the interest of justice and effective adjudication of environmental violations.

15. That the contents of paragraph no. 16 are false, frivolous and hence denied.

It is denied that the denial of the condonation would cause grave injustice and irreparable environmental harm and defeat the statutory objective of the National Green Tribunal Act.

16. The contents of the prayer paragraph are denied.

Through  
Counsel for the Respondent No. 6



Rakesh Khanna /Rohan Khanna/Arvind Singh Yadav  
(D/523-A/82) / (D/5532/2020) / (D/10378/2023)

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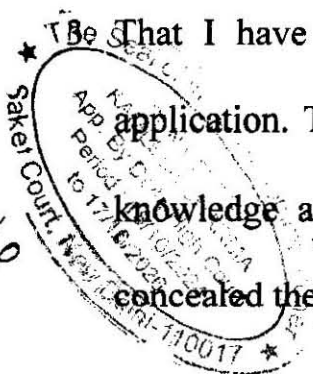
**STATE OF HARYANA AND ORS.**

**...RESPONDENTS**

**AFFIDAVIT**

1. I, Ravi Prakash, aged about 44 years, S/o Sh. Mohan Lal, authorized representative of Hero Realty Private Limited, having its registered office at 264, Okhla Industrial Estate, Phase – III, New Delhi authorised vide Board Resolution dated 24.03.2025, do hereby solemnly affirm and state as under:-
2. That I am the authorized representative of the Respondent No. 6 duly authorized vide Board Resolution dated 24.03.2025 and am aware of the facts and circumstances of the present case and am competent to affirm the present affidavit.

That I have read and understood the contents of the accompanying application. The contents thereof are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.



*[Signature]*  
Deponent

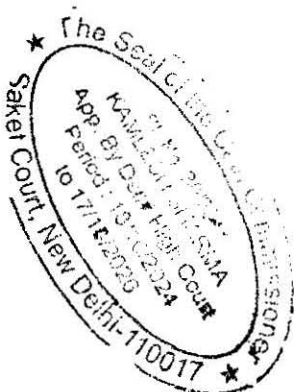
**VERIFICATION**

16 SEP 2025

Verified at Delhi on this \_\_\_\_\_ day of September, 2025 at \_\_\_\_\_ that the contents of the affidavit are true and correct to my knowledge and no part of it is false.

*[Signature]*  
Deponent

*[Signature]*  
I certify the Execution/Depon  
has signed/Put T.I in my Presence



CERTIFIED THAT THE DEPONENT  
Shri/Smt./M...  
S/o. W/o. ...  
Identified ...  
has s...  
Delhi...  
that the...  
have been to...  
true and and ... knowledge

*[Signature]*  
Anand Yadav

Oath Commissioner, Delhi  
Kamlesh Sharma  
New Delhi

16 SEP 2025

**Arvind****PROOF OF SERVICE**

**From:** Arvind <arvind@rklawoffices.co.in>  
**Sent:** Wednesday, September 17, 2025 12:23 PM  
**To:** 'chambersofshashankrai@gmail.com'  
**Subject:** Reply in IA 367 of 2025 Condonation of delay  
**Attachments:** Reply in Application.pdf

Respected Sir,

Kindly find attached the Reply on behalf of respondent no. 6 to the application filed seeking condonation of delay bearing IA 367 of 2025 in Appeal No. 37 OF 2025 titled "Ashok Kumar Versus State of Haryana & Ors."

Kindly consider this as a service.

**Regards,**

**Arvind Singh Yadav**

**Associate**



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