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IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

I.A NO. ⁵⁹³ OF 2025

IN

APPEAL NO. 59 OF 2025

ARVIND SINGH

APPELLANT

VERSUS

MoEF&CC & Ors

RESPONDENT

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Date:07/03/2026

THROUGH

Priyanka...

Place: New Delhi

**Priyanka swami
Advocate
Standing Counsel For State of U.P
F-13, Jangpura, New Delhi
110014**

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
I.A NO. 593 OF 2025
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ARVIND SINGH

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RESPONDENT

Reply on behalf of Respondent – State Environment Impact Assessment Authority, Uttar Pradesh (SEIAA, U.P.) to the Application for Condonation of Delay

Most Respectfully Submitted:

1. At the outset, it is respectfully submitted that the present reply is being filed by the answering Respondent only in response to the Application for Condonation of Delay filed by the Appellant. The answering Respondent craves leave of this Hon'ble Tribunal to submit that a separate and detailed reply on the merits of the Appeal shall be filed at the appropriate stage, if so required. The present

reply is therefore confined strictly to the issue of limitation and the maintainability of the Appeal in light of the delay involved.

- 2.** It is further submitted that the present application seeking condonation of delay in filing the appeal is wholly misconceived, legally untenable and liable to be rejected. Section 16 of the National Green Tribunal Act, 2010, (hereinafter referred to as the "NGT Act") permits the appellant to file an appeal within 30 days of the date of the communication of the Order. The proviso to Section 16 additionally permits the Hon'ble Tribunal to condone a further delay of 60 days i.e., a maximum period of 90 days from the date of communication, only if "sufficient cause" is shown. It is a settled principle of law that the Hon'ble Tribunal cannot condone delay beyond a period of 90 days. The Appellant herein has filed the appeal beyond a period of 90 days from the date of the communication of the EC. The present application is therefore liable to be dismissed at the threshold as the grounds pleaded do not satisfy the strict statutory requirement governing limitation under the Act.
- 3.** It is submitted that the impugned Environmental Clearance dated 28.05.2025 was granted by SEIAA, Uttar Pradesh after due appraisal by the competent authority and in accordance with the procedure

prescribed under the Environmental Impact Assessment Notification, 2006. Immediately upon grant of the Environmental Clearance, the same was duly uploaded and placed in the public domain on the official website of SEIAA as required under the applicable regulatory framework. The uploading of the Environmental Clearance on the official website constitutes due communication of the order for the purposes of limitation under the NGT Act.

4. For the purposes of clarity and convenience of this Hon'ble Tribunal, the relevant chronology of dates and events is set out hereunder:

S. No.	DATE	EVENT
1.	28.05.2025	Environmental Clearance granted by SEIAA, Uttar Pradesh— the impugned order
2.	27.06.2025	Expiry of 30 days limitation period under Section 16 of the NGT Act, 2010
3.	Third week of June 2025 (as claimed)	Appellant's alleged date of first knowledge of the impugned EC via the SEIAA website.
4.	15.07.2025	Date on which, by the Appellant's own admission, copies of the EC and relevant records were provided to him.
5.	25.08.2025	Expiry of the outer limit of 90 days (30 days + 60 days under the proviso) under Section 16 of the NGT Act, 2010.
6.	18.08.2025	Date of execution of the Appellant's Affidavit filed in support of the Condonation Application.
7.	03.09.2025	Date of actual registration of the present Appeal before this Hon'ble Tribunal, as reflected on the NGT's official case status portal — 9 days after the expiry of the absolute outer limit of 90 days.

That a bare perusal of the above chronology makes it manifest that the present Appeal is time-barred. The delay from the date of the impugned EC till the date of registration of the Appeal is 98 days, which exceeds the maximum permissible period of 90 days under Section 16 of the National Green Tribunal Act, 2010 by 9 days. The Appellant's claim that the delay is only "14 days" is, therefore, a material misrepresentation on the face of the record, directly contradicted by the NGT's own portal.

- 5.** In the present case, the impugned Environmental Clearance was granted on 28.05.2025 and was duly uploaded on the official website of SEIAA, Uttar Pradesh on the same date, thereby constituting communication of the order for the purposes of Section 16 of the National Green Tribunal Act, 2010. The statutory limitation of thirty days for filing an appeal therefore expired on 27.06.2025, and even the maximum extended period of sixty days permissible under the proviso to Section 16 expired on 25.08.2025. The Appellant however claims a delay of "14 days" however this calculation is incorrect and no basis has been provided for it. As is evident from the chronology set out above, the present Appeal was registered on 03.09.2025, which is 9 days beyond the absolute outer limit of 90 days. It is respectfully submitted that once the outer limit

of ninety days prescribed under Section 16 has expired, this Hon'ble Tribunal lacks jurisdiction to condone such delay, and therefore the present Appeal is liable to be rejected as barred by limitation.

6. The Appellant has attempted to justify the delay by alleging that knowledge of the impugned Environmental Clearance was obtained only in the third week of June 2025 through the SEIAA website and that certain documents were received subsequently. Such a plea is wholly untenable and cannot constitute "sufficient cause" under the statute. It is well settled that once an Environmental Clearance is placed in the public domain through the official website of the regulatory authority, the same is deemed to have been communicated to all concerned persons and the period of limitation begins to run from that date. A party cannot seek to indefinitely extend the statutory limitation period merely by asserting delayed knowledge. The Supreme Court in **Talli Gram Panchayat v. Union of India & Ors, Civil Appeal No. 731 of 2023 (2025 INSC 1331)** relying on consisted rulings of the National Green Tribunal has also affirmed that the period of limitation commences from the earliest of the date on which the communication is carried out by any of the duty bearers.

7. At this stage, it is pertinent to refer to Section 16 of the National Green Tribunal Act, 2010, which provides that any person aggrieved by an order granting Environmental Clearance may prefer an appeal within thirty days from the date on which the order is communicated, and the Tribunal may allow it to be filed within a further period not exceeding sixty days if sufficient cause is shown. The statutory scheme therefore prescribes a maximum outer limit of ninety days, beyond which this Hon'ble Tribunal has no jurisdiction to entertain an appeal. The provision is couched in mandatory language and reflects the legislative intent that environmental approvals should attain finality within a fixed timeframe.
8. The Hon'ble Supreme Court has consistently held that where a special statute prescribes a specific limitation period along with a limited power of condonation, the same must be strictly adhered to. In ***Bhopal Gas Peedith Mahila Udyog Sangathan v. Union of India, (2012) 8 SCC 326***, the Hon'ble Supreme Court held that when a special law provides a specific limitation period and restricts the extent of condonation, courts cannot extend the limitation beyond the period expressly provided by the statute. The principle

laid down therein squarely applies to proceedings under the National Green Tribunal Act.

9. The Hon'ble Supreme Court has further reiterated in ***Chhattisgarh State Electricity Board v. Central Electricity Regulatory Commission, (2010) 5 SCC 23***, that where the statute prescribes a specific limitation period along with a limited condonable period, the adjudicatory forum has no jurisdiction to entertain proceedings beyond the maximum period permitted by the statute, even on equitable consideration.
10. The Hon'ble National Green Tribunal has also consistently emphasized strict adherence to limitation in environmental matters. In ***Save Mon Region Federation v. Union of India***, the Hon'ble Tribunal held that the limitation prescribed under Section 16 of the NGT Act is mandatory in nature and cannot be circumvented by vague pleas of delayed knowledge once the impugned order has been placed in the public domain. The Tribunal observed that permitting such pleas would defeat the legislative intent of ensuring certainty and finality in environmental clearances.
11. The issue has been reiterated by the Hon'ble National Green Tribunal, Principal Bench, New Delhi, ***Appeal No. 18 of 2023 in Hafed Sugar Mill v. Haryana State Pollution Control Board &***

Anr. In the said matter, the Tribunal examined the scope of Section 16 of the National Green Tribunal Act, 2010 and categorically held that an appeal challenging environmental clearance or related orders must be filed within 30 days from the date of communication, extendable by a further period of 60 days upon sufficient cause being shown. The Tribunal clearly held that the maximum permissible limitation period is 90 days, and once the said period expires, the Tribunal loses jurisdiction to condone the delay or entertain the appeal.

- 12.** In the aforesaid judgment, the Hon'ble Tribunal dismissed the appeal as barred by limitation, reiterating that the statutory limitation prescribed under Section 16 is mandatory in nature and cannot be diluted on equitable considerations. The Tribunal emphasized that once the outer limit of ninety days lapses, the appeal becomes legally non-maintainable and the Tribunal lacks jurisdiction to condone such delay.
- 13.** In the present case, the Appellant has not provided any cogent explanation demonstrating circumstances beyond his control which prevented him from approaching this Hon'ble Tribunal within the statutory period. The explanation offered is vague, unsupported by any material, and appears to be an afterthought devised solely to

overcome the bar of limitation. Mere assertions regarding receipt of documents or belated examination of records cannot be treated as sufficient cause under the proviso to Section 16.

- 14.** It is further submitted that the Environmental Clearance in question relates to mining leases which involve administrative and commercial actions undertaken pursuant to the grant of clearance. Entertaining a belated challenge after the expiry of the prescribed limitation period would cause serious prejudice to the project proponents and would undermine the certainty and stability required in regulatory approvals granted under the environmental law regime.
- 15.** In view of the foregoing submissions, it is most respectfully submitted that the present application for condonation of delay is devoid of merit and does not disclose any legally sustainable ground for invoking the limited discretion vested in this Hon'ble Tribunal under Section 16 of the National Green Tribunal Act, 2010. The Appellant has failed to establish "sufficient cause" and the plea of delayed knowledge cannot be accepted once the impugned Environmental Clearance had already been placed in the public domain.

- 16.** It is therefore respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the Application for Condonation of Delay and consequently reject the Appeal as being barred by limitation, in the interest of justice.



Filed on behalf of:

State Environment Impact Assessment Authority, Uttar Pradesh
(Respondent)

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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

I.A No. /2025

IN

Appeal No. 59/2025

Arvind Singh

... Appellant

VERSUS

MoEF&CC & Ors

...Respondent

AFFIDAVIT

I ANURAG YADAV aged about 49 year s/o P.N Singh presently posted as Deputy Director, Directorate of Environment Lucknow, Uttar Pradesh, having its office at Vineet Khand-1, Gomti Nagar Lucknow, presently at New Delhi do hereby solemnly affirm and State on oath as under

1. That I am posted as State above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of Member Secretary, SEIAA before this tribunal
2. That the accompany additional affidavit has been drafted by our counsel upon my instructions
3. That the contents of the accompanying reply affidavit are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.
4. That the Deponent will continue to extra his full cooperation and shall abide by any further direction that the Hon'ble Tribunal may issue



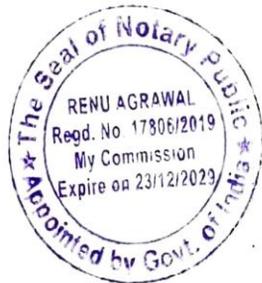
[Handwritten Signature]

DEPONENT

VERIFICATION

Verified on solemn affirmatin at New Delhi on this **07 MAR 2026** 2026,
that the contents of the foregoing affidavit are true and correct to the best of
my knowledge and no part of it is false and nothing material has been concealed
therefrom

D14436/10
I identified the deponent who
has signed in my presance



[Handwritten Signature]

DEPONENT

ATTESTED

**NOTARY PUBLIC
(INDIA)**

07 MAR 2026