

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

I.A. NO. 400 OF 2025
IN
APPEAL NO. 39 OF 2025

IN THE MATTER OF:

M/S P.C. Gupta & Company

...Appellant

VERSUS

State Level Environment Impact Assessment Authority,

...Respondent

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THROUGH

Date: /2025

Place: New Delhi

A handwritten signature in blue ink that reads "Priyanka" with a horizontal line underneath it.

PRIYANKA SWAMI

ADVOCATE

Standing Counsel for SEIAA, SEAC, UP
F-13, GF, JANGPURA, NEW DELHI 110014

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**REPLY ON BEHALF OF RESPONDENT TO THE APPLICATION
SEEKING CONDONATION OF DELAY**

- I. At an outset the answering Respondent denies all the averment and contentions taken by the Applicant herein, nothing mentioned herein shall be construed as deemed admission on behalf of the Applicant unless specifically admitted by the Applicant.
- II. The present reply is being filed on behalf of the sole Respondent pursuant to the order dated 29.05.2025 passed by the Hon'ble Tribunal, wherein, the Hon'ble Tribunal while issuing the Notice to the present Application had directed the answering Respondent to file its reply.

PRELIMINARY OBJECTIONS

1. That the present Application is hopelessly misconceived, not maintainable and liable to be dismissed at the threshold. As the Appellant/Applicant has failed to demonstrate any sufficient cause within the meaning of Section 5 of

the Limitation Act, 1963, as applicable to proceedings before this Hon'ble Tribunal.

2. That the Application suffers from gross technical and procedural infirmities. The affidavit filed in support of the Application is antedated, as is apparent from the record itself. The affidavit purports to have been verified in May 2025, whereas the Application is drawn and filed on 23.05.2025. The inconsistent and contradictory dates cast serious doubt on the integrity of the filing process and demonstrate lack of candour on the part of the Appellant. The Hon'ble Tribunal ought not to condone delay in such circumstances where the applicant has approached the Court with unclean hands.
3. That the contention of the Appellant that the cancellation order dated 07.03.2025 was never served upon them is wholly incorrect and misleading. The cancellation letter was dispatched to the registered address of the Appellant as available in the records, which is the same address furnished by the Appellant itself at the time of issuance of Environmental Clearance. The attempt to plead non-service is a mere afterthought intended to create a false ground for condonation.
4. It is settled law that service of communication at the registered address amounts to valid service. The Appellant cannot now be permitted to deny service merely to overcome the bar of limitation.
5. That the Appellant has been actively contesting proceedings in OA No. 528 of 2024 before this Hon'ble Tribunal. Despite such knowledge and active participation, the Appellant chose not to exercise due diligence to inquire into the status of its Environmental Clearance. The plea of alleged late knowledge on 07.05.2025 is, therefore, both factually untenable and legally unsustainable.
6. The Applicant has failed to make out any bona fide ground for condonation of delay. The delay of 47/48 days is not a mere technicality but reflects gross negligence and deliberate inaction on part of the Appellant.

PRAYER

In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- A. Dismiss the Application for condonation of delay filed by the Appellant as misconceived, defective, and lacking sufficient cause.
- B. Pass such other and further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

**Filed on behalf of the Respondent,
THROUGH**

Date: _____/2025

Place: New Delhi



PRIYANKA SWAMI

ADVOCATE

Standing Counsel for SEIAA, SEAC, UP
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AFFIDAVIT

I, **Vidhyotma Bharti**, aged about 49 years W/o Dr. G.L. Nigam is presently posted as **Assistant Director, Regional Office, Noida, Directorate of Environment, U.P.** having an office at E-12/1, Noida, U.P, presently at New Delhi.

1. That I am posted as stated 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 reply to the Application for seeking Condonation of delay to the above-mentioned I.A. has been drafted by our counsel upon the official records.

04 SEP 2025



3. That the contents of the accompanying reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.

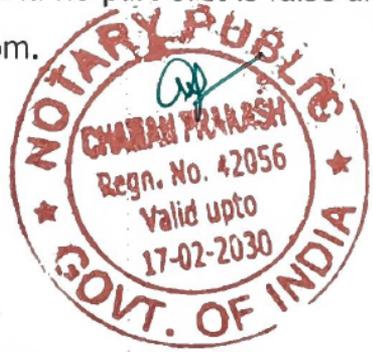
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DEPONENT

VERIFICATION

04 SEP 2025

Verified on solemn affirmation at New Delhi on this 04 day of September 2025, 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.



Identified by
D.J. Priyanka Swami
Advocate
D/4476/10.
I identified the documents executed who has signed by the deponent.

[Handwritten signature]

DEPONENT

ATTESTED

[Signature]
CHAMAN PRAKASH
NOTARY DELHI-42056
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER

NOTARIAL REGISTER

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Sl. No. 1056 Date 4/9/25