

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH AT NEW DELHI****I.A. NO. 395 OF 2025****IN****APPEAL NO. 38 OF 2025****IN THE MATTER OF:**

RAJESH SHARMA

...APPELLANT

VERSUS

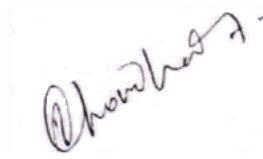
UNION OF INDIA & ORS.

...RESPONDENTS

INDEX

S. NO.	PARTICULARS	PAGE NO.
1	REJOINDER TO REPLY OF RESPONDENT NO. 7 DATED 5.01.2026 IN I.A. NO. 395 OF 2025 ON BEHALF OF THE APPLICANT	365-370
2	<u>Annexure A-1</u> Copy of the order dated 1.12.2025 in Rajesh Sharma v. MoEF&CC with Appeal No. 48 of 2025	371-372
3	Proof of service	373

Through

RITWICK DUTTA

RAHUL CHOUDHARY

**SHREEPURNA
DASGUPTA
ADVOCATES**

Counsel for the Appellants

N-73, Lower Ground Floor, Greater Kailash-1,
New Delhi -110048Email:- Litigation@dclawchambers.com

Place:- Delhi

Date:- 10.02.2026

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH AT NEW DELHI****I.A. NO. 395 OF 2025****IN****APPEAL NO. 38 OF 2025****IN THE MATTER OF:**

RAJESH SHARMA

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UNION OF INDIA & ORS.

...RESPONDENTS

REJOINDER TO REPLY OF RESPONDENT NO. 7 DATED 5.01.2026 IN**I.A. NO. 395 OF 2025 ON BEHALF OF THE APPLICANT****MOST RESPECTFULLY SHOWETH:**

1. That the above-titled I.A. has been filed by the Applicant seeking condonation of delay of total 50 days in filing the above-titled Appeal No. 38 of 2025 challenging the Environmental Clearance granted dated 17.02.2025 to the Respondent No. 7 to 9. The present Rejoinder is being filed in response to the Reply dated 5.01.2026 by Respondent No. 7 in the above-mentioned I.A. for condonation of delay. At the outset it is submitted that all the contentions and averments raised in the said Reply is denied except for what is expressly admitted or is part of matter of record.

**REJOINDER TO REPLY OF RESPONDENT NO. 7 DATED
5.01.2026:****a. Response to the contention that every day's delay to be
explained in condonation of delay application:**

2. That the contents of Para 3 are denied regarding the contention that the Applicant was required to explain every day's delay in the above mentioned I.A. The relevant portion is reproduced below:

"3. It is submitted that in an application for condonation of delay before the Hon'ble Tribunal, the onus is on the Applicant to account for day-to-day events that led to the delay in filing the Appeal, indicating how there was a sufficient cause preventing the Appellant from filing the

Appeal. However, the present Application is vague, unsubstantiated and makes generalised statements and is in no manner indicative of a sufficient cause. The Application is liable to be dismissed on this ground alone."

3. It is submitted that as per the decision of the Hon'ble Supreme Court in ***Collector, Land Acquisition, Anantnag and Ors. vs. Katiji and Ors. [AIR 1987 SC 1353]*** wherein it was observed that it is not necessary to explain every day's delay in filing the appeal; and since sometimes refusal to condone delay may result in throwing out a meritorious matter, it is necessary in the interest of justice that cause of substantial justice should be allowed to prevail upon technical considerations and if the delay is not deliberate, it ought to be condoned. In the present case, the delay has not been a deliberate attempt but because of sickness of the Applicant to pursue the present Appeal. As soon as the Applicant was physically fit to pursue the matter, the Applicant took all means necessary to file this present Appeal.

b. Response to the contention that the Applicant has made a false case of illness to justify delay:

4. That the contentions of Para 7 and 8 are denied except for what is part of matter of record. It is submitted that although there was Civil Suit No. CS/380/2025 pending before the Ld. Civil Judge, Gurugram, it was the counsel of the Applicant who was appearing and not the Applicant himself. Hence, the reason for delay in filing this present Appeal are bona-fide and not with any ill intent. It is submitted that the Applicant is a concerned individual having concern and interest in protecting the environment. He has provided with sufficient proof regarding his ill health as submitted in Annexure A-2 at Page 14-18. There is no false case being made out on account of ill health from the Applicant.
5. That it is further submitted in another Appeal filed by the Applicant herein with a similar timeline, the Applicant had filed for condonation of delay on the same ground considering he fell ill during the same time in that matter as well as in the present case. In that matter titled ***Rajesh Sharma v. MoEF&CC*** with **Appeal No. 48 of 2025**, this Hon'ble

Tribunal was pleased to condone the delay on ground of medical emergency and no case made out from the prosecution of the civil proceedings could establish that the Applicant was incorrect or not. The relevant portion from order dated 1.12.2025 is reproduced below”

"1. By this Appeal filed under Section 16(h) and 18 of the National Green Tribunal Act, 2010, Appellant has challenged the Environmental Clearance dated 19.02.2025 issued in favour of the Respondents No. 6 and 7. There is a delay of 54 days in filing the Appeal. Hence, IA No. 474/2025 has been filed by the Appellant. The Appellant has disclosed the reason for the delay in the application by stating that the Appellant was unwell and under treatment from 27.02.2025, hence, after recovery he could file the present appeal. The medical documents in support of such a plea have been placed on record.

2. Opposing the prayer, learned Counsel for Respondents No. 6 and 7 has submitted that in Civil Suit No. 380/2025, the Appellant was appearing all through, therefore, he could have filed this appeal also within time.

3. The proceedings of civil suit have been placed on record which indicate that in those proceedings the Appellant was appearing through the Counsel. Ultimately, the civil suit has been withdrawn by the order dated 22.09.2025. Hence, the prosecution of the civil proceedings through the advocate does not establish that the stand of illness taken by the Appellant is incorrect or false.

4. Since sufficient explanation has been furnished by the Appellant preventing him from filing the appeal within time and the delay is of 54 days which is within the condonable period of 60 days in terms of the proviso to section 16 of the NGT Act, therefore, we are of the view that a case is made out for allowing the prayer made in IA No. 474/2025. Even otherwise the law is well settled that a liberal approach is required to be adopted while considering the application for condonation of delay.

5. Hence, in these circumstances, IA No. 474/2025 is allowed and delay in filing the appeal is condoned."

A copy of the order dated 1.12.2025 in *Rajesh Sharma v. MoEF&CC* with Appeal No. 48 of 2025 is annexed herewith as **ANNEXURE A-**

6. That further, in ***Dheeraj Tiwari v. MoEF&CC & Ors. (O.A. No. 42 of 2025) (CZ)*** the Hon'ble Tribunal vide order dated 29.07.2025 had observed that:

*39. From language of the above provisions, it is clear that the Tribunal loses jurisdiction to condone the delay if the delay is of more than 90 days. Every appeal has to be filed within 30 days from the date of communication of the order. That is, what an applicant is required to ensure before the appeal is heard on merits. **However, the Tribunal has been vested with the jurisdiction to entertain the appeal which is filed after 30 days from the date of communication O.A. No. 42/2025(CZ) Dheeraj***

Tiwari & Vs. MoEF & CC & Ors. of an order. This power to condone the delay has a clear inbuilt limitation as it ceases to exist if the appeal is filed in excess of 60 days, beyond the prescribed period of limitation of 30 days from the date of communication of such order. To put it simply, once the period of 90 days lapses from the date of communication of the order, the Tribunal has no jurisdiction to condone the delay. The language of the provision is clear and explicit. It admits of no ambiguity and the legislative intent that Tribunal should not and cannot condone the delay in excess of 90 days in all, is clear from the plain language of the provision.

7. That in the present case, since the delay is within the limitation period prescribed in the National Green Tribunal, this Hon'ble Tribunal has the power to condone the delay

c. Response to the contention that the Respondent No. 7 has properly communicated the grant of EC:

8. That the contentions of Para 12 are denied except for what is part of matter of record. It is submitted that although the Respondent No. 7 has published the grant of EC via public notice, it is not in accordance to the EIA Notification, 2006. As per the EIA Notification, it is stated that:

*"10. Post Environmental Clearance Monitoring:
... (b) In respect of Category 'B' projects, irrespective of its clearance by MoEF / SEIAA/DEIAA, the project proponent shall **prominently** advertise in the newspapers indicating that the project has been accorded environment clearance and the details of MoEF website where it is displayed..."*

9. That as per the EIA Notification, the Project Proponent is required to prominently publish the grant of EC. In the present case, the Respondent No. 7 has not published it prominently, and the resultant publication is on one corner of the newspaper. The public notice published is in extremely small font and quite difficult to locate. Therefore, it cannot be considered that the publication has been done 'prominently' as required under the EIA Notification, 2006.

10. That in light of the above facts and circumstances mentioned, this Hon'ble Tribunal may be pleased to condone the delay in the above-titled I.A. No. 395 of 2025.

- 11) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.



APPLICANT

THROUGH



RITWICK DUTTA



RAHUL CHOUDHARY



SHREEPURNA DASGUPTA

ADVOCATES

COUNSELS FOR THE APPLICANT

N-73, LOWER GROUND FLOOR,

GREATER KAILASH-I,

NEW DELHI-110048

MOBILE NO: 9312407881

Email: litigation@dclawchambers.com

Place: New Delhi

Date: 10.02.2026

VERIFICATION:

Verified by Rajesh Sharma, aged about 51 years, S/o Late Shri B.M. Sharma, R/o House No. 1368 A, Housing Board, Sector-9, Gurugram, Haryana-122001 that the contents of Paragraphs 1 to 11 are true to my personal knowledge and nothing material has been concealed therefrom.



APPLICANT

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

I.A. NO. 395 OF 2025

IN

APPEAL NO. 38 OF 2025

IN THE MATTER OF:

RAJESH
SHARMA

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Rajesh Sharma, aged about 51 years, S/o Late Shri Brij Mohan Sharma, R/o House No. 1368 A, Housing Board Colony, Sector-9, Gurugram, Haryana-122001 do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above titled Application and I am conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and

This document has been registered at Sr. No. 76 Book No. 79 Page No. On Dated 09/02/2026 nothing material has been concealed therefrom.

DEPONENT

VERIFICATION

Verified on this 09 day of Feb 2026 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

DEPONENT



ATTESTED
RAM NIWAS MALIK, ADVOCATE
NOTARY, GURUGRAM (HR.) INDIA

09 FEB 2026

Item No. 13

Court No. 1

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

Appeal No. 48/2025
(IA No 474/2025, IA No 475/2025)

Rajesh Sharma

Appellant

Versus

Ministry of Environment Forest
and Climate Change & Ors.

Respondent(s)

Date of hearing: 01.12.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Ravi Agarwal, Advocate for Appellant (Through VC)

Respondents: Ms. Suhasini Sen & Ms. Supraja V., Advs. for R - 1
Mr. Rahul Khurana, Adv. for R - 2 to 5
Mr. Pallav Mongia & Ms. Kashish Lalwani, Advs. for R - 6 & 7

ORDER

1. By this Appeal filed under Section 16(h) and 18 of the National Green Tribunal Act, 2010, Appellant has challenged the Environmental Clearance dated 19.02.2025 issued in favour of the Respondents No. 6 and 7. There is a delay of 54 days in filing the Appeal. Hence, IA No. 474/2025 has been filed by the Appellant. The Appellant has disclosed the reason for the delay in the application by stating that the Appellant was unwell and under treatment from 27.02.2025, hence, after recovery he could file the present appeal. The medical documents in support of such a plea have been placed on record.

2. Opposing the prayer, learned Counsel for Respondents No. 6 and 7 has submitted that in Civil Suit No. 380/2025, the Appellant was appearing all through, therefore, he could have filed this appeal also within time.

3. The proceedings of civil suit have been placed on record which indicate that in those proceedings the Appellant was appearing through the Counsel. Ultimately, the civil suit has been withdrawn by the order dated 22.09.2025. Hence, the prosecution of the civil proceedings through the advocate does not establish that the stand of illness taken by the Appellant is incorrect or false.

4. Since sufficient explanation has been furnished by the Appellant preventing him from filing the appeal within time and the delay is of 54 days which is within the condonable period of 60 days in terms of the *proviso* to section 16 of the NGT Act, therefore, we are of the view that a case is made out for allowing the prayer made in IA No. 474/2025. Even otherwise the law is well settled that a liberal approach is required to be adopted while considering the application for condonation of delay.

5. Hence, in these circumstances, IA No. 474/2025 is allowed and delay in filing the appeal is condoned.

6. Learned Counsel appearing for the Respondents No. 6 and 7 seeks four weeks' time to file reply in the appeal.

7. It will be open to all other respondents to file their reply in the appeal within the same period.

8. List on 26.02.2026.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

December 01, 2025
Appeal No. 48/2025
(IA No 474/2025, IA No 475/2025)
dv



373

Litigation . <litigation@dclawchambers.com>

Rejoinder on behalf of the Appellant in Appeal No. 38 of 2025 Rajesh Sharma Vs. Union of India & Ors.

1 message

Litigation . <litigation@dclawchambers.com>

Tue, Feb 10, 2026 at 11:05 AM

To: Suhasini Sen <Suhasini.Sen@gmail.com>, rkhuranalegal@gmail.com

Cc: Shreepurna Dasgupta <shreepurnadasgupta@proton.me>

Dear Sir/madam,

Please find attached- Rejoinder on behalf of the Appellant in Appeal No. 38 of 2025 Rajesh Sharma Vs. Union of India & Ors.

Thanks & Regards
Counsel for the Appellant

**Rejoinder on behalf of Appellant.pdf**

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