BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
(WESTERN ZONE) BENCH AT PUNE

I.A. NO. 206 OF 2025 (WZ)

IN

APPEAL NO. 139 OF 2025 (WZ)

BETWEEN

ALCHEMIST ASSET RECONSTRUCTION CO. LTD.

...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ANR.

...RESPONDENTS

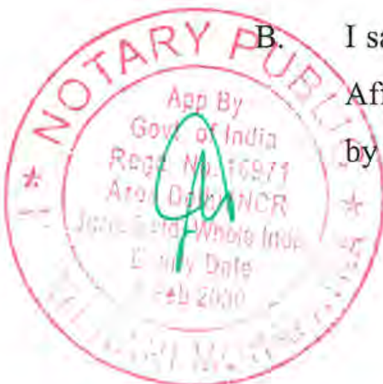
AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT/ APPELLANT TO THE AFFIDAVIT-IN-REPLY FILED BY THE RESPONDENT NO. 1 (GCZMA) TO I.A. NO. 206 OF 2025 SEEKING CONDONATION OF DELAY

MOST RESPECTFULLY SHEWETH:

I, Abhishek Pahal, S/o Shri Virender Pahal, aged about 32 years, working for gain at A-270, 1st and 2nd Floor, Defence Colony, New Delhi – 110 024, the authorised representative of the Applicant hereinabove, do hereby solemnly affirm and state as under: -

A. I say that I am the Authorised Representative of the Applicant / Appellant in the captioned Appeal No. 139 of 2025 (WZ), and as such, I am well conversant with the facts and circumstances of the present case and, in view thereof, am competent to sign, verify and file the present Affidavit-in-Rejoinder.

B. I say that the Appellant / Applicant seeks permission to file the present Affidavit-in-Rejoinder to the Affidavit-in-Reply dated 07.11.2025 filed by the Respondent No. 1 to I.A. No. 206 of 2025 in the captioned appeal



to clarify its position, and leave of this Hon'ble Tribunal is sought for amending and making a detailed rejoinder later, if required.

C. I say that I have gone through the Affidavit-in-Reply filed on behalf of the Respondent No. 1 and have noted the contents thereof. At the outset, I specifically deny, dispute and traverse each and every averment made in the said Affidavit-in-Reply, except those that are expressly admitted herein. The averments, statements and contentions raised by the Respondent No. 1 are incorrect, misleading and contrary to the true and factual position of the instant appeal. The Respondent No. 1 has attempted to distort facts and raise baseless and untenable pleas, all of which are emphatically denied. The contents of the Affidavit-in-Reply are denied *in toto* as they are devoid of merit, vague, ambiguous and are an afterthought, raised only to mislead this Hon'ble Tribunal and to evade the lawful averments, contentions and submissions made by the Appellant in the captioned Appeal.

D. I say that no averment, statement, or contention raised in the Affidavit-in-Reply shall be treated as being admitted by the Appellant merely because the same has not been dealt with specifically herein or has not been denied *in seriatim*.

PRELIMINARY SUBMISSIONS

E. Before proceedings with the para-wise rejoinder to the reply filed by the Respondent No. 1, the Applicant humbly submits the following preliminary submissions for the kind consideration of this Hon'ble Tribunal. These submissions are made to place certain crucial facts, legal aspects, and the nature of the proceedings before this Hon'ble Tribunal, which will aid in the proper understanding of the issues at hand and in the adjudication of the present Appeal.

F. It is respectfully submitted that Respondent No. 1 has sought to justify its opposition to the Appellant's Application for Condonation of Delay by raising false, frivolous, and legally untenable contentions in its Affidavit-in-Reply. The principal plea taken by Respondent No. 1 is that uploading on its official website, the Minutes of its 184th Meeting held on 05.09.2018 in which the relevant alleged decision (Case No. 2.2) was taken, amounted to effective and valid communication of the Impugned Permission to the public at large. The Respondent No. 1 has further submitted that since the said Minutes of its Meeting were uploaded on its official website on 05.09.2018, the limitation period for filing the appeal should be computed from that date, or at the latest from 12.11.2018, the date on which the Impugned Permission was formally issued in favour of the Respondent No. 2, though the said Impugned Permission was admittedly not uploaded on the official website. These contentions are wholly misconceived and contrary to settled legal principles.

G. It is a trite and well-settled position of law that Minutes of a Meeting are not appealable orders within the meaning of Section 5 of the Environment (Protection) Act, 1986 and Section 16 of the National Green Tribunal Act, 2010 (the "*NGT Act*"). Reliance in this regard is placed on the decision of the Hon'ble National Green Tribunal (Southern Zone) in ***A.P. Environ Technologies Rep. by Mr. T. Anil Kumar v. Union of India Rep. by its Secretary Ministry of Environment and others,*** 2022 SCC OnLine NGT 801, wherein this Hon'ble Tribunal has categorically observed that minutes of a meeting do not constitute an appealable order under Section 16 of the NGT Act. Relevant findings of the Hon'ble Tribunal are reproduced below for ready reference: -

> *"1. This is an appeal filed by the appellant against the recommendations made by the State Pollution Control Board to the SEIAA — Andhra*

Pradesh to consider the application for Environmental Clearance (EC) filed by the 6th Respondent.

2. There was no representation for the appellant since long time. Though an opportunity was given to the appellant to apprise this Tribunal as to how this appeal is maintainable, they did not appear and apprise the Tribunal as to how this appeal is maintainable.

3. The order under challenge is only minutes of the State Pollution Control Board, deciding to recommend the proposal for issuing the Environmental Clearance (EC) to the 6th Respondent.

4. Since it is not an appealable order under Section 16 of the National Green Tribunal Act, 2010, the appeal is not maintainable and the same is liable to be dismissed in limine.

5. So, the appeal is dismissed as not maintainable under Section 16 of the National Green Tribunal Act, 2010."

(emphasis supplied)

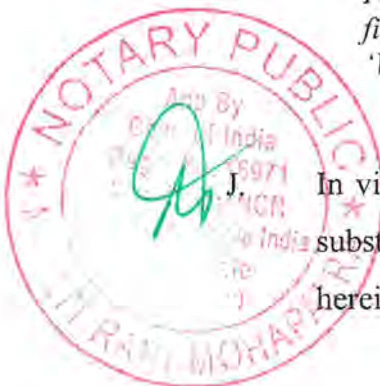
Consequently, merely uploading the Minutes of the said 184th Meeting held on 05.09.2018 on its official website cannot be construed as an effective and valid communication of its yet to be issued Impugned Permission dated 05.09.2018 which was admittedly not uploaded on its official website by the Respondent No. 1 and thus, not brought into public domain. More particularly, the Permission / Approval dated 12.11.2018 was issued only for a period of 5 years, which stood expired on 12.11.2023, after which point, the only Permission open to challenge was the Impugned Permission dated 26.07.2024.

H. In view of the authoritative pronouncement reproduced in Paragraph No. G above, it is impermissible for the Respondent No. 1 to claim that uploading on its official website of the relevant decision contained in the Minutes of the 184th Meeting held on 05.09.2018, which does not constitute an appealable order under Section 16 of the NGT Act, 2010, amounts to valid and effective communication of the operative and appealable order dated 26.07.2024 (the Impugned Permission), as the earlier Permission dated 12.11.2018 expired due to efflux of time.

I. I say that the Applicant further relies on Rule 13 of the NGT (Practice and Procedure) Rules, 2011, which governs the filing of an application or appeal. Rule 13(5)(a) specifically mandates that every appeal must be accompanied by an attested true copy of the "*order*" under challenge. The relevant extract of Rule 13 is reproduced below: -

> "***Rule - 13. Contents of application or appeal.***
>
> *(1) Every application or appeal filed under Rule 8 shall set forth concisely under distinct heads the grounds for such application or appeal and such grounds shall be numbered consecutively.*
>
> *(2) Every application or appeal including any miscellaneous application shall be typed in double space on one side on thick paper of good quality.*
>
> *(3) It shall not be necessary to present a separate application or appeal to seek an interim order or direction if in original application or appeal the same relief is prayed for.*
>
> *(4) An applicant or appellant may, subsequent to the filing of an application or appeal under Section 18 of the Act, apply for an interim order or direction by way of an application in Form I or Form II, as the case may be.*
>
> *(5) Every application or appeal, as the case may be shall be accompanied by the following documents, namely.*
>
> ***(a) attested true copy of the order against which the application or appeal, as the case may be, is filed;***
>
> *(b) copies of the documents relied upon by the applicant or appellant, as the case may be, and referred to in the application or appeal;*
>
> *(c) an index or the documents.*
>
> *(6) The documents referred to in sub-rule (5) may be attested by a legal practitioner or by a Gazetted Officer and each document shall be marked serially as Annexures A-1, A-2, A-3 and so on.*
>
> *(7) Where an applications or appeal, as the case may be, is filed by any agent, the documents authorising him to act as such agent shall also be appended to the application or appeal:*
>
> *Provided that where an application or appeal, as the case may be, is filed by a legal practitioner, it shall be accompanied by a duly executed 'Vakalatnama'."*

(emphasis in bold supplied)



J. In view of the above, I say that this procedural mandate reinforces the substantive position that only an "*order*" issued by the Respondent No. 1 herein can be the subject of an appeal, and not the minutes of its meeting

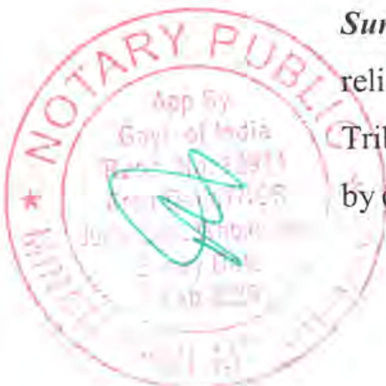
in which the alleged decision to issue the order was taken. Accordingly, it is submitted that an appeal under Section 16 of the NGT Act can lie only against a formal, operative order, and not against mere minutes of a meeting. The Respondent No. 1's contention that mere publication of minutes of its meetings satisfies the legal requirement of publishing an order is therefore baseless, contrary to settled law, and liable to be rejected outright.

K. Further reliance in this regard is placed on Condition No. 28 of the said earlier Permission dated 12.11.2018 itself, a bare perusal of which demonstrates that it was the Permission dated 12.11.2018 which was appealable and not the Minutes of the 184th Meeting of the Respondent No. 1. Condition No. 28 of said earlier Permission dated 12.11.2018 is extracted hereunder for ease of reference: -

> *"28. Any appeal against this provisional permission shall lie with the Hon'ble National Green Tribunal, if preferred within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010."*

Pertinent to add that had the decision taken during the 184th Meeting of the Respondent No. 1 amounted to being an order / direction in terms of Section 16(g) of the NGT Act, there would have been no need at all to issue the expired earlier Permission dated 12.11.2018 or the Impugned Permission dated 26.07.2024.

L. I further say that it has been admitted by the Respondent No. 1 that it has not placed its orders / directions in public domain in another proceeding before this Hon'ble Tribunal which culminated in the Judgment dated 26.07.2023 passed in O.A. No. 70 of 2022 (WZ) titled ***Chandan Suryakant Khorjuvekar v. GCZMA & Ors.***, where, while placing reliance on Regulation 4.2(vi) of CRZ Notification, 2011, this Hon'ble Tribunal had held that the GCZMA was required to maintain transparency by creating a dedicated website for publishing agenda, minutes, decisions,



clearance letters, violations, action taken reports, and court matters. This Hon'ble Tribunal further directed the GCZMA to upload all consents/approvals relating to Shacks/Huts/Tents/Cottages within one month. The relevant findings in the said Judgment dated 26.07.2023 are reproduced hereunder: -

> *"38. **As Issue No. IV***
>
> *As per this issue, we have to decide as to whether GCZMA is required to upload consents/approvals (including conditions) granted by it for Shacks/Huts/Tents/Cottages on its website?. In this regard, our attention is drawn to the CRZ Notification 2011 the regulation 4.2 (vi) of, which says as follows:*
>
> > *"CZMAs it shall be responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the orders of the respective State Government or Union Territory."*
>
> *39. We are of the definite opinion that <u>when there is clear cut direction that for GCZMA for maintaining transparency in its working, it must create dedicated website, whereon it should post agenda, minutes and other decisions, the GCZMA must place on its website all the consents/approvals granted with respect to Shacks/Huts/Tents/Cottages as prayed, within a period of one month from the date of uploading of this order with prospective effect</u>. This issue is decided accordingly."*
>
> (emphasis in underlining supplied)

I say that despite this clear mandate, Respondent No. 1 has been in continuous violation of Regulation 4.2(vi) of the CRZ Notification, 2011 for more than 14 years and, for reasons best known to it, has persistently disregarded the aforesaid directions of this Hon'ble Tribunal for over 28 months after the order dated 26.07.2023 passed by this Hon'ble Tribunal in OA/70/2022 in *Chandan Suryakant Khorjuvekar v. GCZMA & Ors.* whereby this Hon'ble Tribunal directed GCZMA to upload its orders in public domain. Be that as it may, the Respondent No. 1's defence that bringing the non-appealable relevant decision (Case No. 2.2) taken in its 184th Meeting held on 05.09.2018 into public domain is as good as bringing the expired Permission dated 12.11.2018 into public domain is

absurd, illogical and misleading, and therefore liable to be rejected *in limine*.

M. I say that the Hon'ble Bombay High Court at Goa, in PIL W.P. No. 36 of 2025, in the course of its hearings, dealt with the proceedings emanating from the Show Cause Notices issued by the Respondent No. 1 based on a complaint filed by the Appellant herein. That, during the course of the said hearings, parties therein had raised an objection that Minutes of the Meetings of Respondent No. 1 only made a vague reference to the SCNs but the final orders had not yet been perused by anyone, whereupon the Hon'ble Bombay High Court had observed that the cases covered by various SCNs must culminate in passing of final orders by the Respondent No. 1. The relevant extract of Order dated 17.09.2025 passed by the Hon'ble Bombay High Court at Goa in PIL W.P. No. 36 of 2025 is as under: -

> *"2. The present civil application is yet another application which seek further extension and Ms Maria Correia, learned Additional Government Advocate would submit that as on date 57 show cause notices are adjudicated and disposed of and as far as the balance 6 notices are concerned, the GCZMA has scheduled the proceedings on 23.09.2025 and therefore if the time is extended, the compliance of the orders passed by the Court can be ensured.*
>
> *3. Learned counsel Mr Rodrigues appearing for the petitioner and Mr P. Rao appearing for respondent no.7 however raise a pertinent issue before us being that the minutes of meeting of the GCZMA only make a vague reference to the disposal of the show cause notices but no-one has seen the actual order that is passed in each of the cases covered by the individual show cause notice.*
>
> *We also deem it appropriate that the statement made by the GCZMA that 63 show cause notices have been issued must result in the final order being passed by the GCZMA to be followed by the subsequent action to be taken pursuant to the said report.*
>
> *** *** ***
>
> *4. We have no hesitancy in extending the timeline for ensuring compliance of our directions for disposal of the 63 show cause notices but pursuant to 23.09.2025 when the balance 6 show cause notices are to be adjudicated, we direct the GCZMA to place before us an affidavit specifically disclosing the following:*

(i) The details of the show cause notice issued to the offending structures;

(ii) A decision taken on the said show cause notice, specifically focussing upon final conclusion of the authority including an order/direction passed under Section 5 of the Act;

(iii) The follow up of the direction issued by the GCZMA by identifying the authority which is to comply with the said directions. It is open for the GCZMA either to place the orders before us for the purpose of ensuring compliance of the aforesaid direction or put the necessary information before us in a tabular form but be ready with the individual orders as regards the show cause notices are concerned."

(emphasis supplied)

N. In view of the above, I say that the Hon'ble High Court had noted that merely resolving or taking a decision during the course of its Meeting and uploading the Minutes thereof was insufficient, and the Respondent No. 1 - Authority was bound to pass final orders after taking a decision during their Meetings. Furthermore, Paragraph No. 4(ii) of the above order also clearly distinguishes between a decision taken in the meeting from an order / direction under Section 5 of the Environment Protection Act. Therefore, the Respondent No. 1 is attempting to erroneously conflate, equate and confuse between the factum of a decision having being arrived at during its Meetings, as reflected in the Minutes of the said Meeting, and the consequent final orders which the Respondent No. 1 Authority is bound to pass. The Hon'ble High Court has also insisted upon placing the individual orders / directions before them, thus putting the orders / directions on an altogether different pedestal.

O. Before proceeding to submit para-wise reply to the Affidavit-in-Reply on behalf of Respondent No. 1, it may be necessary to recall that the period of limitation for filing an appeal under Section 16 of NGT Act is 30 days from the date of communication of the relevant order or direction, extendable by a further 60 days for sufficient cause. The said statutory provision has been reproduced below: -

> "***16. Tribunal to have appellate jurisdiction.***—*Any person aggrieved by,—*
>
> ***(g)*** *any direction issued, on or after the commencement of the National Green Tribunal Act, 2010, under section 5 of the Environment (Protection) Act, 1986 (29 of 1986);*
>
> *may, within a* ***period of thirty days from the date on which the order or decision or direction or determination is communicated to him****, prefer an appeal to the Tribunal:*
>
> *Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section* ***within a further period not exceeding sixty days****.*"
>
> (emphasis supplied)

P. I say that a plain reading of the aforementioned provision indicates that the period of limitation is to be calculated from the date of communication of the order under challenge to the Appellant, and not from the date of the order itself. Furthermore, in the interest of safeguarding the environment, the said provision allows *'any person aggrieved'* of a direction, decision or order issued under Section 5 of the Environment Protection Act, 1986 to file an appeal. The use of the phrase "is communicated to him," alongside the reference to "any person aggrieved," underscores the legislative intent to enable anyone with a personal or public interest to challenge decisions that affect the environment. This interpretation was articulated by a five-member bench of this Hon'ble Tribunal in the case of ***Save Mon Region Federation v. Union of India***, Order dated 14.03.2013 in M.A. No. 104 of 2012 in Appeal No. 39 of 2012, at paragraphs 17 to 19. The relevant paragraphs are produced below: -

> "***17. The expression 'is communicated to him', thus, would invite strict construction. It is expected that the order which a person intends to challenge is communicated to him, if not in personam than in rem by placing it in the public domain.*** *'Communication' would, thus, contemplate complete knowledge of the ingredients and grounds required under law for enabling that person to challenge the order. 'Intimation' must not be understood to be communication.* ***'Communication' is an expression of definite connotation and meaning and it requires the authority passing the order to put the***

same in the public domain by using proper means of communication. *Such Communication will be complete when the order is received by him in one form or the other to enable him to appropriately challenge the correctness of the order passed.*

18. *Law gives a right to 'any person' who is 'aggrieved' by an order to prefer an appeal. The term 'any person' has to be widely construed. It is to include all legal entities so as to enable them to prefer an appeal, even if such an entity does not have any direct or indirect interest in a given project. The expression 'aggrieved', again, has to be construed liberally.* ***The framers of law intended to give the right to any person aggrieved, to prefer an appeal without any limitation as regards his locus or interest. The grievance of a person against the Environmental Clearance may be general and not necessarily person specific. This provision of Section 16 requires communication of the order to such person(s). The expression 'him' takes within its ambit 'any person' who is aggrieved by an order. Therefore, the expression 'communication' accordingly has to receive a more generic and at the same time, definite meaning.*** *The nature of the communication has to be such that it reaches the public at large, as that appears to be the legislative intent.* ***A person is expected to, and can, only act when the order is put in public domain. He is expected to download the same from the website of the concerned Ministry/Department, and if he so requires thereafter, make an application for receiving specific information****. However, the content of the order is required to be communicated by the MoEF as well as by the Project Proponent.*

19. The limitation as prescribed under Section 16 of the NGT Act, shall commence from the date the order is communicated. As already noticed, communication of the order has to be by putting it in the public domain for the benefit of the public at large*. The day the MoEF shall put the complete order of Environmental Clearance on its website and when the same can be downloaded without any hindrance or impediments and also put the order on its public notice board, the limitation be reckoned from that date. The limitation may also trigger from the date when the Project Proponent uploads the Environmental Clearance order with its environmental conditions and safeguards upon its website as well as publishes the same in the newspapers as prescribed under Regulation 10 of the Environmental Clearance Regulations, 2006.* ***It is made clear that such obligation of uploading the order on the website by the Project Proponent shall be complete only when it can simultaneously be downloaded without delay and impediments.*** *The limitation could also commence when the Environmental Clearance order is displayed by the local bodies, Panchayats and Municipal Bodies along with the concerned departments of the State Government displaying the same in the manner aforeindicated. Out of the three points, from which the limitation could commence and be computed, the earliest in point of time shall be the relevant date and it will have to be determined with reference to the*

facts of each case. ***The applicant must be able to download or know from the public notice the factum of the order as well as its content in regard to environmental conditions and safeguards imposed in the order of Environmental Clearance. Mere knowledge or deemed knowledge of order cannot form the basis for reckoning the period of limitation.*** *......"*

(emphasis supplied)

Q. It is respectfully submitted that a full bench of this Hon'ble Tribunal, while interpreting Section 16 of NGT Act, has categorically held (as quoted above) that, the limitation period commences only upon effective communication of the order. It was clarified that such communication of the order must be affected by placing the order in public domain in a manner accessible to the public at large. The full bench of this Hon'ble Tribunal further emphasized that mere knowledge or deemed knowledge is insufficient for triggering limitation; the affected party must have access to the order and its contents, particularly the environmental safeguards and conditions imposed therein.

R. It is most respectfully submitted that minutes of a meeting cannot, in law or in practice, be equated with an order, particularly where an order is required to be a reasoned determination so as to enable an aggrieved person to effectively challenge it. Minutes merely record the broad deliberations, observations, or consensus arrived at during a meeting; they do not embody a final, operative decision with reasons and enforceability. If minutes were to be treated as an order, the established procedure of passing a formal, reasoned order would be rendered wholly redundant. The very fact that, in the present case, Respondent No. 1 proceeded to pass a formal Order dated 12.11.2018, expressly in terms of the minutes of the meeting held on 05.09.2018, conclusively demonstrates that the said minutes did not themselves constitute an order. The minutes merely culminated in, and stood crystallised by, the final Order dated 12.11.2018, which alone is the operative and appealable decision. It is further

submitted that the said Order dated 12.11.2018 has admittedly not been placed in the public domain. Consequently, no legal consequences, including commencement of limitation or accrual of cause of action for third parties, could have arisen on the basis of the minutes dated 05.09.2018.

PARA-WISE REPLY

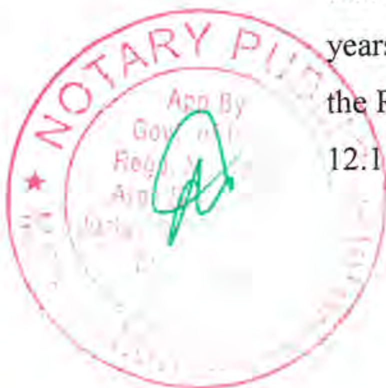
1. I say that save as expressly admitted herein, the contents of Paragraph No. 1 are denied for want of knowledge and the Respondent No. 1 be put to strict and cogent proof thereof.

2-3. I state that the averments contained in Paragraph Nos. 2 and 3 do not require any response.

4. I say that the contents of Paragraph No. 4 pertain to matters of record, to which no specific reply is required or warranted.

5. I say that the contents of Paragraph No. 5 of the Affidavit-in-Reply are denied as being incorrect, misleading and reflecting a careless and casual approach on the part of Respondent No. 1 towards the whole matter. A perusal of Case No. 2.2 in the Minutes of the 184th Meeting of the Respondent No. 1 shows that Application dated 11.10.2017 was made for Permission for shack and huts in Survey No. 102/1-A of Agonda Village, Canacona Taluk, and not for *'permission to undertake certain works in the subject property'*.

6. I say that the contents of Paragraph No. 6 are denied as being incorrect and misleading except for what is borne out of the record. It is submitted that the Original Permission dated 12.11.2018 was only for a period of 5 years (as evident from Case No. 2.2 of Minutes of the 184th Meeting of the Respondent No. 1), which came to be expired upon efflux of time on 12.11.2023. The Respondent No. 2 sought an extension of the said earlier



Permission dated 12.11.2023 *vide* the Application / Letter dated 28.02.2023. Subsequently, the Respondent No. 1 came to issue the Impugned Permission dated 26.07.2024 for a period of 2 years, till 12.11.2025 on the same terms and conditions as provided in the Minutes of the 184th Meeting held on 05.09.2018. The said Impugned Permission dated 26.07.2024 also stands expired now due to efflux of time.

7-8. I say that the contents of Paragraph Nos. 7 and 8 are denied as being misleading, erroneous and premised on baseless presumptions. The Respondent No. 1 has falsely claimed that the cause of action to challenge the Impugned Permission arose on 05.09.2018, being the date on which the decision to grant the earlier Permission was uploaded on the official website. The decision contained in the 184th Meeting and the Impugned Permission are distinct in that the Impugned Permission constitutes an "order" in terms of Rule 13 of the NGT (Practice and Procedure) Rules, 2011, which the decision contained in the 184th Meeting does not. Thus, the cause of action to challenge the Impugned Permission dated 26.07.2024 could not have arisen before the date of its issuance. Pertinent to note that in its Affidavit-in-Reply dated 07.11.2025, the Respondent No. 1 has categorically stated "*……that the cause of action, if any, for any person aggrieved to challenge the impugned permission arose on 05.09.2018, being the date on which the decision to grant the said permission was uploaded on the official website of the GCZMA,* ***or at the latest, on 12.11.2018, when the impugned permission was formally issued in favour of Respondent No 2,***" while conveniently overlooking the fact that the said Permission dated 12.11.2018 stood expired due to efflux of time. Thereafter, the only Permission open to challenge by the Appellant was the Impugned Permission dated 26.07.2024, and not the earlier Permission dated 12.11.2018.

Hence, while admitting that the cause of action to challenge the Impugned Permission did arise on 26.07.2024 in respect of persons to whom it was addressed / served, for other aggrieved persons, such cause of action could arise only on the date on which the Impugned Permission was brought into public domain. The Applicant / Appellant would beg to point out that the Impugned Permission was never uploaded on the website of the Respondent No. 1 and was admittedly never brought into public domain on or anytime after 26.07.2024. Hence, the Applicant / Appellant had no means of acquiring knowledge about the Impugned Permission before 20.03.2025, the date on which it received a copy of the Impugned Permission. As such, the period of limitation for preferring an appeal by the Applicant / Appellant could not have commenced on any date prior to 20.03.2025.

9. I say that the contents of Paragraph No. 9 are denied *in toto* as being incorrect, erroneous and obtaining from a specious reading of the law. It is specifically denied that merely uploading the Minutes of Meeting would constitute valid and effective communication of the Impugned Permission. It is reiterated that the act of uploading the Minutes of its 184th Meeting held on 05.09.2018 by the Respondent No. 1 would not constitute valid publication of the Permission, as the Impugned Permission would not come to be issued till 26.07.2024. It is also reiterated that for the purposes of Section 5 of the Environment Protection Act, Minutes of Meetings do not constitute valid orders which are open to challenge under Section 16(g) of the NGT Act. The contents of the Preliminary Submissions are reiterated herein for the sake of brevity.

10. I say that the contents of Paragraph No. 10 are denied *in toto* as being based on an incorrect and misleading understanding of the law. It is submitted that the period of limitation could not start from 05.09.2018 (the date of holding the 184th meeting) since the decision taken in respect

of Case No. 2.2 did not constitute an "order" or "direction" in terms of Section 16(g) of the NGT Act, 2010. The appealable order / direction corresponding to the aforesaid decision was issued on 26.07.2024 (Impugned Permission).

I say that, in the case of aggrieved persons other than those upon whom the Impugned Permission was served, the period of limitation under Section 16(g) *ibid* would commence only from the date on which the order dated 26.07.2024 was uploaded on the official website of Respondent No. 1/ put in public domain. Admittedly, and as per the explicit admission of Respondent No. 1 itself, the said order was never uploaded. The period of limitation for the Appellant to file an appeal, therefore, commenced from 20.03.2025, the date on which the Appellant successfully received a copy of the Impugned Permission.

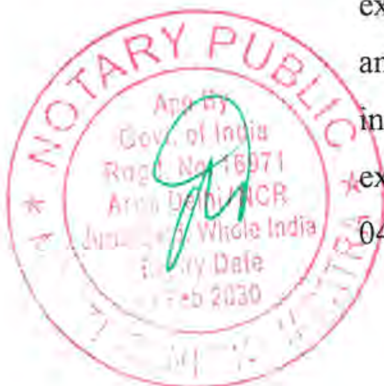
11. The contents of Paragraph No. 11 are strenuously denied as being wholly incorrect and misleading. It is reiterated that the period of limitation is to be calculated from the date of *communication* of the order under challenge to the Appellant, and not from the date of the order itself. Furthermore, in the interest of safeguarding the environment, the said provision allows '*any person aggrieved*' of a direction, decision or order issued under Section 5 of the Environment Protection Act, 1986 to file an appeal. The use of the phrase "*is communicated to him*," alongside the reference to "*any person aggrieved*," underscores the legislative intent to enable anyone with a personal or public interest to challenge decisions that affect the environment. This interpretation was articulated by a five-member bench of this Hon'ble Tribunal in the case of ***Save Mon Region Federation v. Union of India***, Order dated 14.03.2013 in M.A. No. 104 of 2012 in Appeal No. 39 of 2012, at paragraphs 17 to 19, a full bench of this Hon'ble Tribunal, while interpreting Section 16 of NGT Act, has

categorically held that the limitation period commences only upon effective communication of the order. It was clarified that: -

> *"17. The expression 'is communicated to him', thus, would invite strict construction. It is expected that the order which a person intends to challenge is communicated to him, if not in personam than in rem by placing it in the public domain..."*

With that position obtaining from the facts of the instant case, the period of limitation would only begin from the date of *"effective communication"*, being 20.03.2025 in the present case, in which view of the matter, the instant Appeal by the Applicant / Appellant is well within the condonable period of limitation, having only a minuscule delay of 04 days. Thus, the assertion of Respondent No. 1 that the present Appeal is barred by limitation could only be construed as an attempt to take advantage of its own shortcomings.

12-14. The contents of Paragraph Nos. 12 to 14 are denied as being inaccurate and not applicable to the facts of the instant case, being misleading and founded upon an erroneous interpretation of well-settled legal principles. The contents of the preceding paragraphs are reiterated for the sake of brevity and it is expressly pointed out that the present application has been filed seeking condonation of only 04 days of delay in preferring the instant Appeal, which is within the power of this Hon'ble Tribunal to condone in the interests of justice. It is emphatically denied that the present Appeal is barred by limitation or that the Applicant has failed to furnish justification for seeking condonation of a delay of merely four days in filing the instant Appeal. On the contrary, the Applicant has adequately and satisfactorily explained the marginal delay of 04 days, which is *bonafide*, unintentional, and sufficiently accounted for on record. In the circumstances, and in the interests of justice, it is submitted that this Hon'ble Tribunal ought to exercise its discretionary powers to condone the said minuscule delay of 04 days, particularly when Respondent No. 1's own admitted lapse in



publishing or communicating the Impugned Permission and putting it in the public domain contributed to the Applicant's inability to file the Appeal within the prescribed period. I say that the Appellant has been consistently vigilant in pursuing environmental violations before multiple *fora* including the GCZMA, and this Hon'ble Tribunal, thereby demonstrating its *bonafides*. The Impugned Permission, granted in clear violation of CRZ and NDZ norms, is both procedurally irregular and substantively illegal. In addition, from the aforementioned binding *dicta* laid down in *Save Mon Region Federation* (*supra*), it is evident that for the limitation period under Section 16 of NGT Act to commence, there must be effective and accessible communication of the order sought to be challenged, which is noticeable by its absence in the present case. The contents of the preceding paragraphs are reiterated for the sake of brevity.

15. The contents of Paragraph No. 15 are strenuously denied as being wholly incorrect and contrary to settled legal principles. It is most humbly submitted that the Applicant / Appellant has satisfactorily and suitably established its case that it had no prior knowledge of the Impugned Permission before 20.03.2025 as it was not put in the public domain for the benefit of those aggrieved people to whom it was not addressed and served upon. The *bonafide* and genuine reason for the minuscule delay of 04 days has been sufficiently and cogently explained by the Applicant. Rather, it is the Respondent No. 1 which is raising false and frivolous pleas before this Hon'ble Tribunal in an effort to defeat the legitimate rights of the Applicant without directly addressing the issues raised in the Application under Reply, and the instant Application, therefore, ought to be allowed on this ground alone.

16. The contents of Paragraph No. 16 require no reply.

S. I say that the present Affidavit-in-Rejoinder is *bona fide* and is being filed in the interest of justice.

T. I say that the contents of Paragraph Nos. A, B, C(P), D(P), E, F(P), K(P), M(P), 1 to 6, 7(P), 8(P), 12(P) to 15(P), 16 and S are true to my knowledge, and the contents of Paragraph Nos. C(P), D(P), F(P), G to J, K(P), L, M(P), N to R, 7(P), 8(P), 9 to 11 and 12(P) to 15(P) are based on legal submissions which I believe to be true.

In view of the submissions made in the captioned Applicant as also the Affidavit-in-Rejoinder, it is most humbly prayed that the captioned Application may kindly be allowed in terms of the prayers sought by the Appellant.

PLACE: NEW DELHI
DATE: 29-12-2025

29 DEC 2025

DEPONENT

Advocate for the Appellant

IDENTIFIED

ATTESTED
MINATI RANI MOHAPATRA
NOTARY DELHI-R-16971
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No.

29 DEC 2025

MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob. No.: 8130128457

Advance Service of Rejoinders to Application(s) for Condonation of Delay in Appeal No. 119/2025 and Appeal Nos. 134 to 143 of 2025

From: Karan Batura (karanbatura@yahoo.in)

To: advocatedangare@gmail.com

Date: Tuesday, December 30, 2025 at 12:26 PM GMT+5:30

Dear Ms. Dangare,

Please find a link below to access soft copy of seperate Rejoinders to Application(s) for Condonation of Delay being filed in Appeal No. 119/2025 and Appeal Nos. 134 to 143 of 2025:

https://drive.google.com/drive/folders/1FnsS6YhjShWP8_2SQ5A0Wr5Vn9m3Qre2?usp=sharing

Regards,

Karan Batura
Advocate