

1317

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

INTERIM APPLICATION NO. 30 OF 2025 (WZ)

IN

APPEAL NO. 12 OF 2025 (WZ)

IN THE MATTER OF:

Samita Rajendra Patil

... Appellant

v.

Union of India & Ors.

... Respondents

INDEX

S.NO.	ANNEXURE NO.	PARTICULARS	PAGE NO.
1.		Affidavit in Rejoinder by Appellant to Affidavit in Reply by Respondent No. 3 dated 25.02.2026.	1317 - 1332
2.	1	Copy of the 234 th SEAC Minutes of the Meeting dated 25.11.2024.	1333 - 1335

Date: 27.04.2026



Advocate for the Appellant

1318

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

INTERIM APPLICATION NO. 30 OF 2025 (WZ)

IN

APPEAL NO. 12 OF 2025 (WZ)

Samita Rajendra Patil

...Appellant

vs.

Union of India & Ors

...Respondents

**AFFIDAVIT IN REJOINDER ON BEHALF OF THE APPELLANT TO
THE AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 3:-**

I, Samita Rajendra Patil do hereby state on solemn affirmation as under:

1. The present affidavit is being preferred against the reply affidavit of Respondent no. 3, SEIAA dated 25.02.2026 in I.A. No. 30 of 2025 (WZ) filed for seeking condonation of delay if any, in Appeal No. 12 of 2025 (WZ).
2. The appeal is seeking quashing of the EC dated 09.10.2024 granted by respondent No.3- SEIAA in favour of respondent No.10- The Director,

S.R.P



M/s. Arihant Aashiyana Pvt. Ltd. for the proposed residential project
“Arihant Adarsh” at Village Ghot, Taluka Panvel, District- Raigad.

**PARA-WISE REPLY TO THE REPLY AFFIDAVIT OF SEIAA,
RESPONDENT NO. 3 DATED 25.02.2026**

3. The contents of Paragraph 1 of the Reply Affidavit are not required to be traversed, as the same merely reproduces allegations made by the Appellant.
4. In reply to Paragraph 2, it is submitted that Respondent No. 3 has failed to deal with the specific contention raised by the Appellant that the impugned Environmental Clearance (EC) was not uploaded on the PARIVESH Portal on the dates as alleged in the Interim Application. Instead, Respondent No. 3 has merely stated that the EC was digitally signed and uploaded on the same date. It is apparent that Respondent No. 3 is equating the date of digital signing, i.e., 09.10.2024 (as reflected at the foot of the EC), with the date of uploading on the PARIVESH Portal. However, no material evidence, including electronic records or server logs, has been produced to substantiate the actual date of uploading of the EC in the public domain. In the absence of such evidence, the mandatory requirement of “complete communication” as laid down by the Hon’ble Tribunal in Save Mon Region Federation v. Union of India remains unfulfilled.
5. In reply to Paragraph 3, it is submitted that Respondent No. 3 has, in effect, admitted non-compliance with the requirements laid down in Save



S.R.P.

Mon Region Federation, by acknowledging that no Public Notice Board is maintained by SEIAA for displaying Environmental Clearances for a period of 30 days.

6. Respondent No. 3 has sought to rely upon the judgment of the Hon'ble Supreme Court in Talli Gram Panchayat v. Union of India & Ors., Civil Appeal No. 731 of 2023, decided on 19.11.2025. However, the reliance is wholly misplaced for the following reasons:

a. The present Appeal was filed on 20.12.2024, i.e., prior to the pronouncement of the said judgment. Therefore, the ratio of the said judgment cannot be retrospectively applied to the present case to the prejudice of the Appellant.

b. In any event, the interpretation sought to be advanced by Respondent No. 3 is misconceived and misleading. The Talli Gram Panchayat judgment does not dilute or override the principles laid down in Save Mon Region Federation. On the contrary, it reiterates that limitation commences from the **earliest date of complete communication.**

7. It is respectfully submitted that the Hon'ble Supreme Court in Talli Gram Panchayat has categorically held that the principle of "first accrual" would apply only when the communication is clear, complete, and effective. Therefore, the foundational requirement remains that there must be complete communication in the public domain. The Talli Gram case does

S. R. P.





not say anything new which the Save Mon case has not already established. The ratio of the Talli Gram case is hereinbelow reproduced:

"10. When obligation to communicate the decision vests in multiple authorities, it is appropriate to infer that the communication is complete when the 'person aggrieved' receives information from the earliest of the communication. Following the principle of first accrual, which postulates that when a suit is based on multiple causes of action, the period of limitation will begin to run from the date when the right to suit first accrues....."

11. It is of course a condition precedent that the communication must be clear and complete and if this condition is satisfied, it is logical to conclude that the person aggrieved cannot pick and choose later communications from other duty bearers for reckoning the period of limitation. It is the first accrual that would trigger the period of limitation prescribed under Section 16(h) of the Act.

12. In Save Mon Region Federation & Anr. vs. Union of India, decided way back in 2013, the Tribunal recounted the concurrent obligations of MoEF&CC, the project proponent and others to communicate the grant of EC to any person aggrieved and hold that where different stake holders are to communicate the order,

S.R.P.



the earliest date on which the communication is carried out, shall be the date for reckoning limitation;

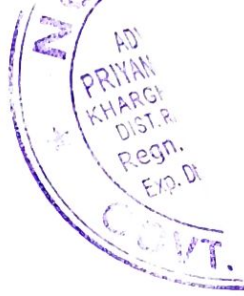
“10. The date on which the order of Environmental Clearance is communicated to the public at large, shall be the date from which the period of limitation shall reckon, as contemplated under Section 16 of the Act. Communicating the order, in other words, shall mean putting the order in the public domain in its complete form and as per the mode required under the provision of the NGT Act of the Regulation 2006. The limitation shall start running and shall be computed as referred to in Para 19 of the judgment. Where different acts by different stakeholders are complied with at different dates, the earliest date on which complete communication is carried out, shall be the date for reckoning of limitation.”

14. In view of the interpretation that we have given in Section 16(h), coupled with the consistent rulings of the Tribunal, we are of the opinion that the period of limitation will commence from the earliest of the date on which the communication is carried out by any of the duty bearers.”

8. It is pertinent to note as per the above Talli Gram case that the prerequisite to the ‘person aggrieved’ receives information from the earliest of the

S.R.P.





communication is that the **communication must be complete and the date of limitation will start from the complete communication is done.** But what is complete communication? To determine what constitutes “complete communication”, reliance must necessarily be placed on Paragraph 19 of Save Mon Region Federation:

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

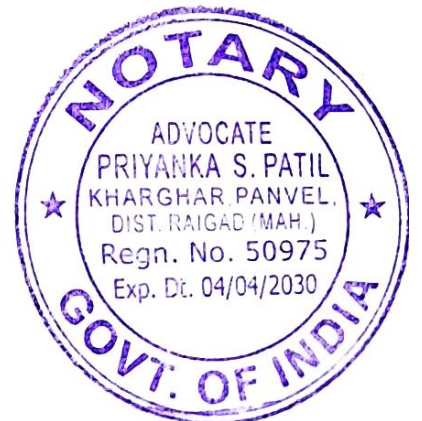


D.R.P

Municipal Bodies along with the concerned departments of the State Government displaying the same in the manner afore- indicated. 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.

9. In the abovementioned Save Mon case para 19, it is stated that there are three points from which the limitation could commence and be computed, the earliest in point of time shall be the relevant date:
- a. **The EC must be uploaded on the website in a manner that it is accessible and downloadable without impediment and also put the order on its public notice board.**
 - b. **The Project Proponent must upload the EC on its website and publish it in newspapers in compliance with Regulation 10 under Regulation 10 of the Environmental Clearance Regulations, 2006.**
 - c. **Local bodies must display the EC in the prescribed manner as mentioned in the Save Mon case.**

S.R.P.





10. In the present case, none of the requirements of the Save Mon case are made out as elaborated below:

a. Failure on part of SEIAA:

Respondent No. 3 has failed to produce any documentary or electronic evidence to demonstrate that the EC was uploaded on 09.10.2024. The mere presence of a digital signature date cannot be construed as proof of uploading. Further, the admitted position that SEIAA does not maintain a Public Notice Board is in direct contravention of the requirements laid down in the Save Mon Region Federation case.

b. Failure on part of the Project Proponent:

The Project Proponent has failed to produce any evidence to establish that the EC was uploaded on its website. Although a Public Notice dated 15.10.2024 has been published in the newspapers Free Press Journal and Navshakti, the same is fundamentally defective and misleading for the following reasons:

- i. The EC has been granted to M/s Arihant Aashiyana Pvt. Ltd., whereas the Public Notice has been issued in the name of Arihant Superstructures, which is a distinct legal entity, thereby creating confusion and misleading the public at large. **Project Proponent shall display the information in the name of the company, unit or industry which is the**



S.R.P



Project Proponent and not in the name of its parent or subsidiary company or sister concern, as expressly held in Save Mon Region Federation case.

- ii. The Public Notice directs the public to access the EC on the PARIVESH 2.0 Portal (www.parivesh.in), despite the fact that the application for EC was processed on PARIVESH 1.0. This constitutes a deliberate misdirection, as any uploaded EC would logically be available only on PARIVESH 1.0.

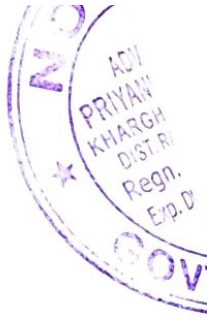
Therefore it can safely be said that the respondent has purposefully tried to deceive the public and has failed to comply with the condition no. XI of the EC as well as the regulation 10 of the EC Regulation 2006.

- c. Also, there is no material on record to show that the EC was displayed by local bodies, Panchayats, or Municipal Authorities in the manner mandated under law.

11. The Appellant, in order to ascertain the correct position, filed an application dated 15.12.2025 under the Right to Information Act, 2005 before the Environment Department, Government of Maharashtra, seeking the exact date of uploading of the impugned EC. In response, it was stated that the EC was uploaded on "PARIVESH Portal 1", whereas the Appellant had been searching on "PARIVESH Portal 2". It is pertinent to note that:

S.R.P





- a. The PARIVESH website does not clearly distinguish between “PARIVESH 1.0” and “PARIVESH 2.0” for an ordinary user,
 - b. The EC was not available on PARIVESH 2.0 portal,
 - c. The distinction between the portals is not apparent to a layperson and is **information primarily within the knowledge of the authorities and the Project Proponent.**
 - d. Further, the misleading Public Notice dated 15.10.2024 compounded this confusion by directing the public to the incorrect portal.
12. It is submitted that the Appellant is an ordinary citizen, who by way of common knowledge gathered the information available in public domain. There is no distinction of PARIVESH portal as PARIVESH 1 or PARIVESH 2 in the portal itself, or if there is any distinction then the same is not readily available to an ordinary citizen. **The information that the PP applied the EC on PARIVESH 1.0 is privy to the authorities and the PP.**
13. It is further submitted that the Reply Affidavit filed by Respondent No. 3 SEIAA is conspicuously silent and unclear on the crucial aspect of the exact portal on which the impugned Environmental Clearance was uploaded. The affidavit fails to specify whether the EC was uploaded on PARIVESH 1.0 or PARIVESH 2.0. Such omission is material, as it demonstrates a lack of clarity even on the part of the

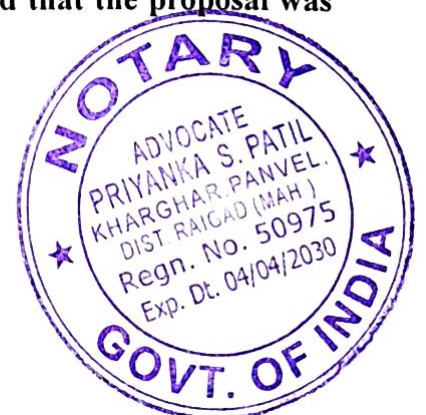


S.R.P

Respondent authority regarding the mode and manner of communication of the EC in the public domain.

14. In contrast, the information obtained by the Appellant under the Right to Information Act, 2005 clearly indicates that there exist two distinct portals, namely PARIVESH 1.0 and PARIVESH 2.0, and that the impugned EC was uploaded on PARIVESH 1.0. In such circumstances, it was incumbent upon Respondent No. 3 to expressly state in its affidavit the specific portal on which the EC was uploaded, along with supporting material.
15. The failure to provide such a clear and categorical disclosure further establishes non-compliance with the requirement of “complete and effective communication” as mandated in law. In the absence of precise identification of the platform where the EC was made available, neither the Appellant nor the general public can reasonably be expected to access the same. This defeats the very purpose of public disclosure and renders the alleged communication legally insufficient.
16. In reply to Paragraph 4, in the absence of clear, complete, and accessible communication of the EC, the Appellant cannot be prejudiced. Mere deemed knowledge or partial disclosure cannot trigger the limitation period, as expressly held in Save Mon Region Federation case. This Hon’ble Tribunal may condone the alleged delay of 42 days.
17. It is further submitted that, during the course of SEAC deliberations, the Project Proponent (PP) has itself admitted that the proposal was

J. R. P





originally appraised and recommended in the name of M/s. Arihant Aashiyana Pvt. Ltd., and that the Environmental Clearance was also granted in the said name. The PP has further stated that the use of the credentials of M/s. Arihant Aashiyana Pvt. Ltd. on the PARIVESH Portal was a mistake and that, in order to rectify the same, an application for corrigendum seeking change of name to M/s. Arihant Superstructures Ltd. was made on 11.10.2024. Copy of the 234th SEAC Minutes of the Meeting dated 25.11.2024 is annexed as ANNEXURE-1.

18. However, despite this admitted error and the pendency of the corrigendum application, the PP proceeded to publish the Public Notice on 15.10.2024 in the name of M/s. Arihant Superstructures Ltd., i.e., an entity in whose favour no Environmental Clearance stood at the relevant time. This conduct is not only inconsistent but also misleading, as the public was informed of an Environmental Clearance in the name of an entity which had not been granted such clearance as on that date. Such a discrepancy strikes at the root of the requirement of "complete and correct communication" as mandated under the Save Mon Region Federation judgment and Regulation 10 of the EIA Notification, 2006, and vitiates the very purpose of public disclosure.

19. It is submitted that the Appellant has demonstrated "sufficient cause" within the meaning of Section 16 of the National Green Tribunal Act,

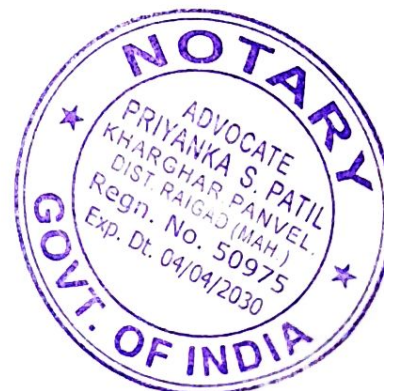


S.R.P

2010 for seeking condonation of delay. The expression “sufficient cause” is to be construed liberally so as to advance substantial justice, particularly where the delay is neither deliberate nor attributable to negligence. In the present case, the delay has occurred solely on account of the failure of the Respondents to ensure complete, clear, and effective communication of the impugned Environmental Clearance in the public domain, as mandated by law. **The ambiguity regarding the portal of uploading, the absence of cogent evidence of timely upload, the admitted non-maintenance of a Public Notice Board by SEIAA, and the misleading public notice issued by the Project Proponent directing the public to an incorrect portal and falsely portraying the impugned EC in some other entity’s name, collectively prevented the Appellant from acquiring knowledge of the impugned EC within the prescribed period of limitation.** The Appellant, acting bonafide and with due diligence, took steps including seeking information under the Right to Information Act, 2005 to ascertain the correct position. The delay of 42 days is thus neither intentional nor avoidable, but occasioned due to circumstances beyond the control of the Appellant. In such facts and circumstances, it is respectfully submitted that a sufficient and just cause has been made out, warranting condonation of delay in the interest of justice.

20. Therefore it is humbly prayed that the delay of 42 days that has occurred in the filing of the appeal be condoned and that the present appeal be allowed.

S.R.P



PRIYANKA
KHARGHAR
DIST. RAIGAD
Regn. No. 50975
Exp. Dt. 04/04/2030
GOVT. OF INDIA

21. In light of the above averments, the Appellant craves leave to file any additional reply as and when required. It is respectfully prayed that the Appellant shall abide by any orders and directions issued by the Hon'ble Tribunal.

Whatever is stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.

Mumbai

Date



Advocate for the Appellant



Appellant



S.R.P.

1332

VERIFICATION

I, Samita Rajendra Patil do hereby verify and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

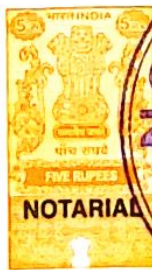
Solemnly affirmed on this _____ day of _____, 2026 at Mumbai.

Appellant

Identified by me,

Advocate for the Appellant

Before me



Priyank
(Verified by Aadhar -
48056624 8923)

BEFORE ME

Priyank
27/04/2026

PRIYANKA S. PATIL
ADVOCATE & NOTARY GOVT. OF INDIA
Regn. No. 50975
Kharghar, Tal. Panvel,
Dist. Raigad, Maharashtra.
Mob. No. 9766069759

NOTED & REGISTERED

Sr. No. 598 Page No. 105

Date 27/4/26 Book No. 02



27 APR 2026

1333 ANNEXURE-1



सत्यमेव जयते

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Level Expert Appraisal
Committee(SEAC),
MAHARASHTRA)



Minutes of Agenda of 234th Meeting of State Level Expert Appraisal Committee-2 (SEAC-2)(Day 1) State Level Expert Appraisal Committee meeting held from 25/11/2024 to 25/11/2024 Date: 24/12/2024

MoM ID: EC/MOM/SEAC/214541/11/2024
Agenda ID: EC/AGENDA/SEAC/214541/11/2024
Meeting Venue: 1st floor,dalamal house,nariman point,Mumbai
Meeting Mode: Hybrid
Date & Time:

25/11/2024	10:00 AM	06:00 PM
------------	----------	----------

1. Opening remarks

SEIAA, Maharashtra has directed SEAC-2 to appraise the proposals by using information technology facilities. Accordingly, SEAC-2 initiated to appraise the proposals received from SEIAA through hybrid mode.

The following members were present.

Shri. Sudhir Khanapure	Chairman	On line
Mr. Ramesh Bambale	Member	In person
Dr. Ganesh Rasal	Member	On line
Dr. Nitin Labhane	Member	In person
Shri. Abhay Pimparkar	Member Secretary	In person

As per directions received from SEIAA, the meeting was arranged through online platform. All Project Proponents were present through video conference. Hon. Chairman welcomed the members to the 234th meeting of SEAC- II.

1. Chairman welcomed all expert members for the meeting.
2. The minutes of earlier meeting were confirmed.

2. Confirmation of the minutes of previous meeting

N/A

3. Details of proposals considered by the committee

Day 1 -25/11/2024

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Residential project by M/s Arihant Aashiyana Pvt Ltd located at RAIGAD, MAHARASHTRA			
Proposal For		Application for Corrigendum	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/MH/INFRA2/500676/2024	SIA/MH/INFRA2/500676/2024	11/10/2024	Building / Construction (8(a))

3.1.2. Project Salient Features

Introduction: -

PP submitted application for Corrigendum in their earlier Environmental Clearance (EC) No. SIA/MH/INFRA2/453999/2023 dated 09.10.2024. PP submitted their proposal under category 8(a) B2 as per EIA Notification, 2006 as amended from time to time.

The project proposal was discussed on the basis of presentation made, documents submitted by the project proponent along with their environmental consultant M/s. Pollution and Ecological Control Services. All issues related to proposed corrigendum were discussed and Form- 13, presentation submitted are taken on the record.

3.1.3. Deliberations by the committee in previous meetings

N/A

3.1.4. Deliberations by the SEAC in current meetings

Deliberation: -

During deliberations, PP informed that, the proposal was appraised by SEAC-2 in their 223rd meeting. The proposal was recommended for prior EC in the name of M/s. Arihant Aashiyana Pvt. Ltd. to the SEIAA. Thereafter, the SEIAA considered the proposal in its 278th meeting and decided to grant Environmental Clearance for total Built up area of 48,698.95 sq.mt. PP further informed that, they have obtained previous EC in the name of M/s. Arihant Aashiyana Pvt. Ltd. PP further submitted that, they had obtained Building Permission, Fire NOC from MPCB in the name of M/s. Arihant Superstructures Ltd. which is their parent company. PP now has applied for corrigendum in the earlier EC for change of the name from M/s. Arihant Aashiyana Pvt. Ltd to M/s. Arihant Superstructures Ltd. PP submitted that the proposal was wrongly submitted on PARIVESH Portal from the credentials of M/s. Arihant Aashiyana Pvt. Ltd.

PP also informed that there are no other changes in plot area, built up area, building configuration and environmental Parameters.

PP further confirmed that the site falls within 5 KM of severely/ critically polluted area of Taloja MIDC as per Hon'ble National Green Tribunal order dated 09.08.2024 with respect to applicability of general conditions.

PP also submitted an Indemnity Bond for no violation of EIA Notification 2006, amended from time to time.

Decision: -

In view of above discussion, SEAC-2 decided to refer the proposal for change in name from M/s. Arihant Aashiyana Pvt. Ltd to M/s. Arihant Superstructures Ltd. to the SEIAA for corrigendum in their earlier Environmental Clearance subject to other conditions mentioned in earlier EC dated 09.10.2024

will remain unchanged.

3.1.5. Recommendation of SEAC

Recommended

3.1.6. Details of Environment Conditions

3.1.6.1. Specific

specific condition

- | | |
|----|--|
| 1. | <p><u>Decision:</u> -</p> <p>In view of above discussion, SEAC-2 decided to refer the proposal for change in name from M/s. Arihant Aashiyana Pvt. Ltd to M/s. Arihant Superstructures Ltd. to the SEIAA for corrigendum in their earlier Environmental Clearance subject to other conditions mentioned in earlier EC dated 09.10.2024 will remain unchanged.</p> |
|----|--|

3.2. Agenda Item No 2:

3.2.1. Details of the proposal

Sai Shrushti Shiv Sarovar: Proposed Residential Cum Commercial Complex on Plot Bearing 134/2, 124/5 125/1 v illage: Khidkali Taluka Kalyan, Dist. Thane Maharashtra By M/s. Sai Shrushti Enterprises. by SAI SHRUSHTI ENTERPRISES located at THANE,MAHARASHTRA

Proposal For

Application for Corrigendum

Proposal No

File No

Submission Date

Activity (Schedule Item)

[SIA/MH/INFRA2/501296/2024](#)

SIA/MH/INFRA2/501296/2024

17/10/2024

Building / Construction (8(a))

3.2.2. Project Salient Features

Introduction: -

PP submitted the application for Corrigendum in their earlier Environmental Clearance No. EC24B038MH162225 dated 09.10.2024. PP submitted their proposal under category 8(a) B2 as per EIA Notification, 2006 as amended from time to time.

The project proposal was discussed on the basis of presentation made, documents submitted by the project proponent along with their environmental consultant M/s. Manusrushti. All issues related to proposed corrigendum were discussed and Form- 13, presentation submitted are taken on the record.

3.2.3. Deliberations by the committee in previous meetings

N/A

3.2.4. Deliberations by the SEAC in current meetings