

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONE BENCH, PUNE, AT PUNE**

**INTERIM APPLICATION NO. 815 OF 2025**  
**(APPLICATION FOR CONDONATION OF DELAY)**

**IN**

**APPEAL NO. 431 OF 2025**

M/s S. S. Services

...Applicant

Versus

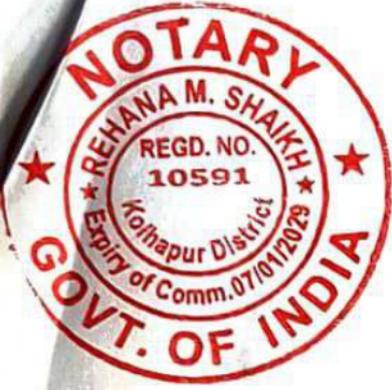
Central Pollution Control Board & Ors

..Respondents

**REJOINDER ON BEHALF OF APPLICANT TO THE**  
**REPLY FILED BY THE RESPONDENT NO. 4**

I, Ashish Vilasrao Ghatge, Aged 56 years, O/a. R S No 206 CS. 92/29/A, E Ward Kasaba Bawada, Tal: Karveer, Kolhapur - 416006, do hereby solemnly affirm and state on oath as follows:-

1. I submit that I am the authorized and as such I am well acquainted with the facts and circumstances of the same and competent to swear the present Rejoinder.
2. That I have read the contents of the Reply to the delay application filed by the Respondent No. 4 herein and understood the same.
3. At the outset, I deny all the averments made in the Reply affidavit filed by the Respondent No. 4, to the extent they are contrary or inconsistent with the contents of delay application and appeal or the present rejoinder. Nothing in the Reply affidavit may be deemed to be admitted only for want of specific non-traverse. I crave leave to file following parawise



rejoinder to the counter affidavit filed by the Respondent No. 4.

4. In reply to para No. 1, 2, 3, I have no comment as of now
5. I deny the para No. 4 and I say that, Section 14 of the Limitation Act is a statutory remedy which mandates exclusion of time spent bona fide before a wrong forum. The applicant diligently prosecuted petitions / complaints before the Authority as well as before the Hon'ble High Court on the same cause of action. Hence, the petitioner is fully entitled to the benefit of Section 14, and the delay stands justified.
6. In reply to para 5 and 6 no comments as of now.
7. In reply to paragraph 7 to 11, I submit that the contents of this paragraph are incorrect. We filed a complaint before the Competent Authority on 19.07.2025/25.07.2023. However, the said authority, vide its letter dated 17.08.2023, directed the Member Secretary of the MPCB to decide my complaint as per law. After the order of the Hon'ble High Court, the Competent Authority again called for a hearing on 12.02.2024. We appeared for the hearing on 12.02.2024, and the Competent Authority once again directed the MPCB to conduct the hearing and passed a non-speaking order on 27.02.2024. This was the same Ld. Authority who was the head of the impugned 30th Consent meeting.
8. In reply to para 12 and 13, I say that Respondent No. 4 has misinterpreted and misconstrued the correct position of the Orders passed by the Hon'ble High Court, Law, and facts.



9. In reply to para 14, I say that the date of the presentation of the appeal is on 17.07.2025
10. In reply to para 15, I deny in toto, as the delay is only technical in nature and considering the illegality challenged in the appeal it needs to be condoned in the interest of justice.
11. In reply to para 16 and 17, I say that considering my reply in aforesaid para 7, 8 and 10 no separate comment is required to this para.
12. In reply to para 18, I say that the Hon'ble High court already passed an order dt . 18.06.2025. Therefore no comments as of now.
13. In reply to para 19, I say that Respondent No. 4's allegation that there is "no justification for delay" is incorrect. The timeline in the Reply itself admits that the matter was continuously pending before the Hon'ble High Court in W.P. 10808/2023 and W.P. 5283/2024. The Hon'ble High Court directed the Appellant to approach NGT and specifically granted protection under Section 14 of the Limitation Act Therefore, time spent bona fide before a court of competent jurisdiction must be excluded. Thus, the delay is purely technical, bona fide and requires condonation. I say that Section 14 does not require the earlier forum to lack jurisdiction; it requires that the matter was unable to be decided on merits and the applicant prosecuted the matter in good faith
14. In reply to paragraph 20, I state that Respondent No. 4 has participated in all the proceedings related to this matter and has himself made a statement before the Hon'ble High Court that he



will not claim equity over his investments. Therefore, I deny the averments made in paragraph 20. Respondent's claim of "vested rights" is untenable. Respondent No. 4 claims that since it has obtained Consent to Operate dated 26.08.2025, delay cannot be condoned. This is legally impermissible, Vested rights cannot arise from an illegal consent, especially when the underlying CTE itself is challenged. The law is settled that actions taken during the pendency of litigation are at the litigant's own risk. Environmental matters admit no equity in illegality.



15. In reply to para 21, I say that it's a false statement hence I deny it. I say that the Respondent No. 4's Reply does not dispute the core fact the challenge is bona fide.
16. In reply to para 22, the contents are already covered in para 14 of this rejoinder. Claims of prejudice are speculative. Respondent No. 4 claims financial loss if delay is condoned. This argument is irrelevant to limitation law. Environmental compliance and statutory mandates override commercial interests. Moreover, condonation of delay does not imply final relief; Respondent No. 4 will be fully heard on merits.
17. In reply to para 23, I oppose the prayers of the Respondent No. 4.
18. I say that the Respondent suppresses the fact that MPCB acted only upon High Court intervention. Respondent No. 4 alleges that the Appellant deliberately avoided statutory forums. The record demonstrates the opposite: MPCB acted only after the High Court passed an order dated 12.01.2024. MPCB took multiple hearings (23.01.2024, 12.02.2024, 13.02.2024) before

passing the order on 27.02.2024. The Appellant then approached HC again through W.P. 5283/2024. Thus, substantial time was consumed due to statutory authorities not the Appellant.

19. I say that the Appellant has demonstrated continuous bona fide prosecution therefore this application needs to be allowed.

20. I say that, whatever stated above is true and correct to the best of my knowledge and belief. This Rejoinder is explained to me in my language and I understand it fully.



Place: Kolhapur

Date: 01.12.2025

Advocate for the Petitioner

VERIFICATION

I, Ashish Vilasrao Ghatge, Aged 56 years, O/a. R S No 206 CS. 92/29/A, E Ward Kasaba Bawada, Tal: Karveer, Kolhapur - 416006, the Applicants Authorised Representative, do hereby solemnly declare that what is stated in paragraphs 1 to 21 is true to my own knowledge and I believe the same to be true.

Contents of the affidavit are interpreted to the Declarant in a language known to him and that the declarant has fully understood them.

Solemnly affirmed at \_\_\_\_\_ )  
on this \_\_\_th day of December, 2025 )

S. S. Services  
CBMWTF Kolhapur

DEPONENT

NOTARY REGI. SR. No. <sup>2191</sup>

2025

SOLEMNLY affirmed before me  
by Ashish Vilasrao Ghatge  
Who is identified before me

by Self  
Whom I personally know  
This 02 day of 12 2025

BEFORE ME

Adv. Rehana M. Shaikh  
NOTARY GOVT. OF INDIA  
1171, 'C' Ward, Bholi Galli, Raviwar Peth  
KOLHAPUR, Dist. Kolhapur

