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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

**IA No. 220 of 2025 (Condonation of Delay)**

**In Original Application No. 148/2025**

M/s Shakti Plastic Industries ..... Appellant

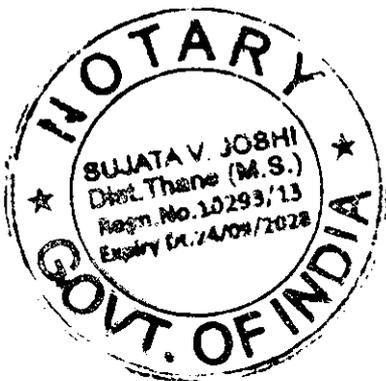
Vs

Maharashtra Pollution Control Board & Ors ..... Respondents

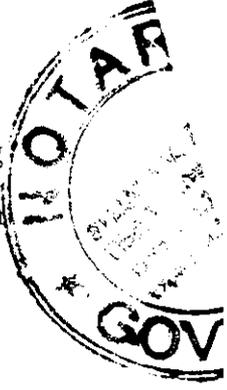
**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1,  
MAHARASHTRA POLLUTION CONTROL BOARD :-**

I, Kiran Hasabnis, Aged-Adult, Occupation-Service, the Regional Officer of the Maharashtra Pollution Control Board at Thane i.e. Respondent No.5, having office at Plot No. P 30, 5th Floor, Office Complex Building, Wagle Industrial Estate, Mulund Check Naka, Thane (West) 400604, do hereby solemnly affirm and state as under :

1. I say that I am the Regional Officer Of Respondent No.1-MPCB and am authorised to affirm the present reply affidavit on its behalf. I have examined the relevant records available in my office in respect of the above matter and am affirming the present Reply Affidavit based on the same. Nothing in the present Reply Affidavit may be deemed to be an admission of



any of the contents of the above-captioned Application. Nothing in the above-captioned Application may be deemed to have been admitted for mere want of specific denial.



2. At the outset, it is submitted that the present Application has been filed seeking condonation of delay in filing an Appeal challenging the order dated 21/09/2024 issued by the present Respondent against the Appellant, imposing an EDC of Rs.137,00,42,000/- on the Appellant/ Applicant. I say that as reflected in the order dated 18/07/2025, the appellant is seeking amendment in the pleadings of Appeal No.148 of 2025, omitting the challenge to the earlier order dated 18.06.2024 by which closure order was passed and is pressing only for order dated 21.09.2024 to be assailed, and in the light of the order dated 01/04/2025 passed by the Hon'ble High Court, this Hon'ble Tribunal directed the applicant/appellant to incorporate the amendment in the memo of appeal vide order dated 18/07/2025.
3. I say that the Applicant/ Appellant has mentioned a delay of 273 days, they have not made it clear from which date they have calculated the delay. In case they are restricting the challenge to the order dated 21/09/2024, the limitation has to start from 21/09/2024. This respondent received an email from the Appellant having filed the Amended Appeal on 13/08/2025. Thus the delay works out to 326 days and not 273 days as





mentioned by the Appellant. At the outset this Respondent states that this Respondent is opposing the delay as the said Application is filed upon untrue and fabricated grounds.

4. I say that the Appellant has played a fraud while filing this Appeal. The cause title of the Appeal says “ Amended Copy Of The Appeal **In Terms Of The Order Dated 18/07/2025**”, however, this Application as well as the Appeal appears to have been signed as well as affirmed before the Notary on 15/04/2025. The Notary Stamp also mentions the date as 15/04/2025 i.e. almost 3 months before the order for amendment was passed. Moreover, apart from the number of days, no other amendment appears to have been carried out by the Appellant since it has been specifically recorded in the order dated 18/07/2025 that the Appellants have omitted the challenge to the order dated 18/06/2024. I further say that in case the Appellant is seeking to amend the Appeal, the Application for Delay Condonation also needs to be amended accordingly, however no such amended application has been filed by the Appellant. This shows the casual approach of the Appellants towards the order passed by this Hon’ble Tribunal.
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5. I say that the present Appeal is completely time barred as the Appellants, under the garb of challenging the direction dated 21/09/2024 imposing the environmental compensation plus

penalty i.e. total Rs. 137,00,42000/- filed the present Appeal. I say that the fact that the Appellant has challenged only the subsequent order i.e. 21/09/2024 (imposing of the EDC) and let go of the challenge to the order dated 18/06/2024 (closure order), shows his unkind and casual approach towards the workers and the plea raised by the Appellant before the Hon'ble High Court in WP No. 4407/2025 (Exhibit C at page 14 of the Delay Condonation Application) that it is a question of livelihood of 600 workers is all fake and bogus and purely afterthought and only an excuse to avoid payment of EDC.

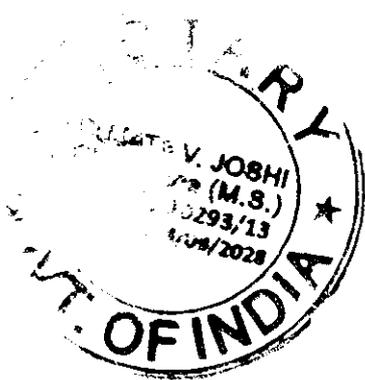
6. I say that during personal hearing granted to the Appellants on 14/05/2024, it was decided to issue closure direction and to levy EDC as per provisions of Plastic Waste Management Rules 2016 and amendments thereto on excess EPR credits generated than estimated plastic waste quantity processed. I say and submit that direction dated 21/09/2024 to levy EDC is the outcome of the personal hearing which was granted on 14/05/2024 and the direction dated 21/09/2024 cannot be seen in isolation. Therefore this Respondent stands by its contention that, the limitation to challenge the direction dated 21/09/2024 also would commence from 18/06/2024. I say that the same has been rightly observed by this Hon'ble Tribunal in it's order dated





27/08/2025 passed in Appeal No. 209/2024 which is annexed and marked as Annexure A to this Reply.

7. I say that the Appellant is seeking exclusion of the period consumed in the previous Appeal and Writ Petition filed before the Hon'ble High Court, however, they have not mentioned the date when the Appeal/ Writ was filed before the Hon'ble High Court. Thus the calculation of the period of 273 days delay as mentioned in the Application, is very vague and baseless.
  
8. In the case of Maniben Devraj Shah v/s Municipal Corporation of Brihanmumbai reported in 2012 5 SCC 157, the Hon'ble Supreme Court has observed as follows: What needs to be emphasised is that even though a liberal and justice oriented approach is required to be adopted in the exercise of power under Section 5 of the Limitation Act and other similar statutes, the Courts can neither become oblivious of the fact that the successful litigant has acquired certain rights on the basis of the judgment under challenge and a lot of time is consumed at various stages of litigation apart from the cost. What colour the expression sufficient cause would get in the factual matrix of a given case would largely depend on bonafide nature of the explanation. If the Court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on



the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay.

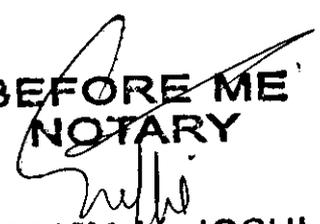
- 9. In light of the above facts and Law, this Hon'ble Tribunal should not condone the delay in the present case. I say that even if this Hon'ble Tribunal is empowered to allow Appeals to be filed within a further period of not exceeding 60 days, the present Appeal itself is beyond the statutory period of 90 (30 + 60) days.

Solemnly affirmed on this ... 06<sup>th</sup> ... Day of November, 2025 at Thane.

For and on behalf of  
Maharashtra Pollution  
Control Board,

  
( Kiran Hasabnis )  
Regional Officer-Thane

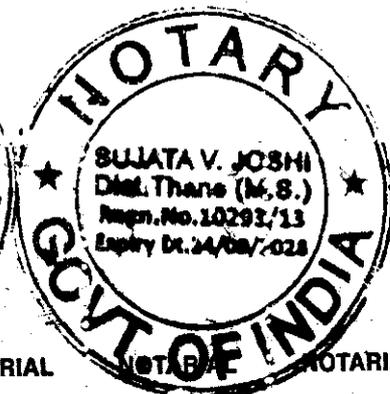
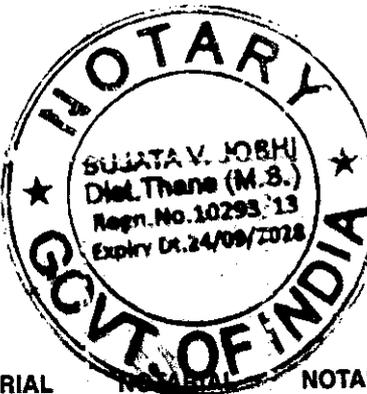
BEFORE ME  
NOTARY

  
SUJATA V. JOSHI  
ADVOCATE & NOTARY  
101/102, Vishal Bldg., Station Road,  
Kalwa (w), Thane-400 605.



NOTED & REGISTERED  
Sr. No. 10670/2025

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