

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

I.A. NO.12/2026/EZ

IN

APPEAL NO. 2/2026/EZ

IN THE MATTER OF:

Lakhyajyoti Gogoi

...Appellant

Vs.

MoEF&CC & Ors.

...Respondents

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Through

Adarsh Tripathi and Ajitesh Garg

Advocates for the Respondent No.6

G-34, Basement, Lajpat Nagar-III, New Delhi

M: 9090416535/9425308454

E: adarsht912003@gmail.com

Place: New Delhi

Dated: 23.03.2026

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
I.A. NO.12/2026/EZ
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...Appellant

Vs.

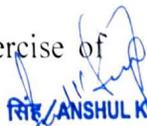
MoEF&CC & Ors.

...Respondents

REPLY ON BEHALF OF THE RESPONDENT NO.6 (M/S SJVN LIMITED)

MOST RESPECTFULLY SHOWETH:

1. That the Respondent No.6, SJVN Limited, is a Government of India enterprise and a Public Sector Undertaking engaged in the development of hydroelectric and renewable energy projects of national importance.
2. The present Reply is being submitted without prejudice to the rights and contentions of the Answering Respondent No.6. It is submitted that save and except what is expressly admitted herein, all averments, allegations, submissions and contentions made in the application for condonation of delay are denied in toto. Nothing contained in the application shall be deemed to have been admitted by Respondent No. 6 merely by reason of non-specific denial, and the Applicant is put to strict proof of each and every statement made therein.
3. At the outset, Respondent No. 6 submits that the present application seeking condonation of delay is wholly misconceived, legally untenable and devoid of any merit. The Applicant has failed to disclose any sufficient cause, much less a bona fide and cogent explanation, which would warrant the exercise of


 अंशुल कुमार सिंह / ANSHUL KR. SINGH
 वरिष्ठ प्रबंधक (सिविल) / Senior Manager (Civil)
 एसजेवीएन लिमिटेड / SJVN Limited
 नई दिल्ली-110023 / New Delhi-110023

discretion by this Hon'ble Tribunal under the proviso to Section 16 of the National Green Tribunal Act, 2010. The application, therefore, deserves to be dismissed in limine.

4. It is submitted that the statutory scheme under Section 16 of the NGT Act is explicit and mandatory. An appeal is required to be filed within a period of 30 days from the date of communication of the impugned order, with a limited and circumscribed discretion vested in this Hon'ble Tribunal to condone delay for a further period not exceeding 60 days, that too only upon showing sufficient cause. The said provision reflects legislative intent to ensure expeditious adjudication in environmental matters and cannot be diluted by permitting casual, vague or unsupported explanations. The Applicant, in the present case, seeks to treat limitation as a mere formality, which is impermissible in law.
5. The entire edifice of the Applicant's case rests upon an unsubstantiated plea that he had no knowledge of the Environmental Clearance dated 23.08.2025 and that the same was not brought into the public domain. This contention is ex facie untenable. The Environmental Clearance itself, as annexed by the Applicant, clearly records statutory conditions mandating its publication and dissemination in the public domain, including publication in newspapers and availability on official portals. In the absence of any material to the contrary, there is a presumption of due compliance with statutory requirements. A bald and self-serving assertion of lack of knowledge, without any supporting evidence, cannot be accepted as a sufficient cause.
6. The Applicant's plea that he came to know about the Environmental Clearance only on 20.09.2025 through an unspecified "contact" is vague, ambiguous and wholly unreliable. The Applicant has neither disclosed the identity of such contact nor placed on record any affidavit or material to substantiate this

assertion. No explanation is forthcoming as to why such information could not have been accessed earlier through publicly available sources or why the Applicant, claiming to be an environmental activist, failed to exercise due diligence. Such an evasive and unparticularized plea is nothing but an afterthought introduced to artificially extend limitation.

7. It is most respectfully submitted that if the kind of vague, unsubstantiated and generalized justifications as put forth by the Applicant are accepted, it would set a wholly untenable and dangerous precedent. It would effectively permit any applicant to approach this Hon'ble Tribunal at any point of time, on the basis of self-serving pleas of alleged lack of knowledge or procedural difficulty, thereby rendering the statutory limitation under Section 16 otiose. Such an approach would seriously undermine the sanctity and finality of duly granted administrative approvals such as Environmental Clearances, which are issued after a rigorous statutory process. If such approvals are left perpetually open to challenge, it would create uncertainty, impede implementation of projects of public importance, and defeat the legislative intent of ensuring finality and expeditious resolution in environmental matters.
8. The explanation offered thereafter is equally inconsistent and self-contradictory. Having claimed knowledge on 20.09.2025, the Applicant attempts to justify the delay by referring to alleged difficulties in identifying the appropriate forum, followed by an assertion that advocates were not available due to Durga Puja vacation. These shifting stands clearly demonstrate that the Applicant is attempting to construct a narrative post facto to justify inordinate delay. There is no continuity, coherence or credibility in the explanation furnished.
9. The plea regarding non-availability of advocates during the Durga Puja vacation is wholly untenable and unsupported by any material. The Applicant

has failed to disclose the names of any advocates allegedly contacted, the dates on which such attempts were made, or any correspondence evidencing such efforts. No affidavit of any advocate has been filed. Mere reference to a vacation period, without any substantiation, cannot be elevated to a sufficient cause. In the present era of digital communication and widespread accessibility of legal services, such a plea is implausible and reflects lack of bona fides.

10. The Applicant's own pleadings demonstrate that he engaged counsel only on 06.11.2025. This clearly establishes that the delay is entirely attributable to his own inaction and lack of diligence. Even assuming, without admitting, that the Applicant gained knowledge on 20.09.2025, there is absolutely no explanation for the substantial period of inaction thereafter. The law is well settled that a litigant who is negligent and does not act with promptitude is not entitled to indulgence in the matter of condonation of delay.
11. The attempt of the Applicant to justify delay on the ground of confusion regarding jurisdiction is equally misconceived. Ignorance of law, or lack of clarity regarding the appropriate forum, cannot constitute sufficient cause. A litigant is expected to act with reasonable diligence and seek appropriate legal advice within time. The Applicant cannot take advantage of his own lack of awareness or indecision to defeat the statutory limitation prescribed under law.
12. The reliance placed by the Applicant on judicial precedent is wholly misplaced. The principle that delay may be condoned in appropriate cases applies only where the explanation is genuine, substantiated and supported by material on record. In the present case, the Applicant has not produced a single document to corroborate his assertions regarding delay in obtaining legal advice, non-availability of counsel, or difficulty in accessing information. The judgment

relied upon is therefore clearly distinguishable and does not advance the case of the Applicant.

13. It is further submitted that the Applicant has failed to demonstrate any element of due diligence. There is no material to show that he made any effort to verify the status of the project, access publicly available information, or promptly seek legal recourse. The entire explanation is based on general and unverified statements, which fall far short of the threshold required to invoke the discretionary jurisdiction of this Hon'ble Tribunal.
14. The plea that there was no "wilful delay" is a mere bald assertion without any supporting foundation. The law does not require proof of wilful negligence alone; it requires the Applicant to establish sufficient cause preventing him from acting within the prescribed time. The Applicant has failed to discharge this burden. On the contrary, the facts clearly indicate that the delay is a result of indifference, inaction and lack of bona fides.
15. It is further submitted that the Hon'ble Supreme Court has consistently held that the law of limitation must be applied with rigor and that delay cannot be condoned in a casual or mechanical manner. In *Basawaraj & Anr. v. Special Land Acquisition Officer*, (2013) 14 SCC 81, the Hon'ble Supreme Court categorically held that the expression "sufficient cause" must receive a strict construction and that the party seeking condonation must satisfactorily explain the delay for each day. It was further held that where there is negligence, inaction or lack of bona fides, delay cannot be condoned merely on equitable grounds, and that the courts cannot extend limitation on sympathetic considerations. The said principle squarely applies to the present case, where the Applicant has failed to provide any cogent, day-to-day explanation for the delay and has relied only on vague and unsupported assertions.

16. The statutory period of limitation under Section 16 of the NGT Act is not an empty formality but a substantive requirement enacted after due legislative consideration. Entertaining such vague and unsupported applications would defeat the very object of the statute and render the limitation provision otiose. It would also set a dangerous precedent, enabling litigants to bypass statutory timelines on the basis of unverified and self-serving averments.
17. It is also pertinent to note that the Environmental Clearance dated 23.08.2025 has been granted following due process and the project has proceeded on the basis of the said clearance. Entertaining a belated challenge at this stage would cause serious prejudice to Respondent No. 6 and disrupt settled rights. The balance of convenience also does not lie in favour of the Applicant.
18. In view of the above, it is evident that the Applicant has failed to make out any case for condonation of delay. The explanation furnished is vague, contradictory, unsupported by evidence and devoid of bona fides. The application is nothing but an attempt to overcome the bar of limitation by putting forth afterthought justifications.
19. That accordingly, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the Application with costs and consequentially dismiss the Appeal.
20. The Answering Respondent No.6 is not filing any para-wise Reply to the Application filed by the Applicant as many contentions raised in the paras are not in relevance to the present context of the matter, and is highly extraneous and it is specifically stated that the contents therein are denied in toto. Further, the Petitioner reserves its right to file a more detailed submission/information as and when required depending upon the circumstances of the present case subject to the leave of this Hon'ble Tribunal.

**Respondent No.6**

अंशुल कुमार सिंह/ANSHUL KR. SINGH
वरिष्ठ प्रबंधक (सिविल)/Senior Manager (Civil)
एसजेवीएन लिमिटेड/SJVN Limited
नई दिल्ली-110023/New Delhi-110023

Through

Adarsh Tripathi and Ajitesh Garg
Advocates for the Respondent No.6
G-34, Basement, Lajpat Nagar-III, New Delhi
M: 9090416535/9425308454
E: adarsht912003@gmail.com

Place: New Delhi
Dated: 23.03.2026

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AFFIDAVIT

I, Shri Anshul Kumar Singh, S/o Shri Abhay Kumar Singh, aged about 37 years, working as Senior Manager (Civil) with the Respondent No.6 company, having its office at Shakti Sadan, Corporate Office Complex, Shanan, Shimla-171006, do hereby solemnly affirm and state as under: *presently at New Delhi*

1. I say that I am the authorized signatory of the Answering Respondent No.6 Company and as such am competent to swear the present affidavit.
2. I say that I have read the contents of the above Reply to the Application seeking condonation of delay and I have understood the contents of the same.
3. I say that the contents of the above Reply being filed by the Answering Respondent No.6 are based on the information available with the Answering Respondent in the normal course of business and believed by me to be true.

Divyesh
I identified the deponent/executant who has signed in my presence.

Anshul
अंशुल कुमार सिंह/ANSHUL KR. SINGH
वरिष्ठ प्रबंधक (सिविल)/Senior Manager (Civil)
एसजेवीएन लिमिटेड/SJVN Limited
नई दिल्ली-110023/New Delhi-110023
DEPONENT

VERIFICATION

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at 23 MAR 2026 on this 23 day of March, 2026.

CERTIFIED THAT THE DEPONENT
Shri Anshul Kumar Singh
S/o, Mr. Dr. Shri Abhay Kumar Singh
Presently at New Delhi
Identified by Shri Braj Veer Singh
has solemnly affirmed before me at Delhi on 23 MAR 2026 at Sl No. 197
that the contents of the r... which have been
read over and explained to him/her are true and
correct to his/his knowledge.

Anshul

DEPONENT
अंशुल कुमार सिंह/ANSHUL KR. SINGH
वरिष्ठ प्रबंधक (सिविल)/Senior Manager (Civil)
एसजेवीएन लिमिटेड/SJVN Limited
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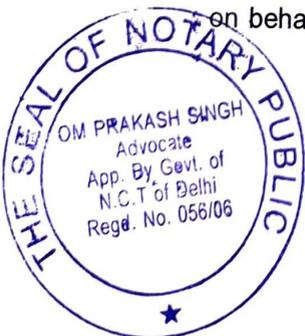
Notary Public, Delhi

23 MAR 2026

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS that SJVN Limited formerly known as Satluj Jal Vidyut Nigam Limited (A Joint Venture of Govt. of India and Govt. of Himachal Pradesh) a company incorporated under the Companies Act, 1956 and having its registered office at SJVN Corporate Office Complex, Shakti Sadan, Shanan, Shimla-6 (hereinafter referred to as the company) appoint Shri Anshul Kumar Singh, S/o Shri Abhay Kumar Singh, Employee No 10605, Sr. Manager (Civil-LO), SJVN Ltd, Delhi, the attorney in the name of the company and on behalf of the company to do all or any of the acts execute all or any of the deeds and things herein after mentioned, that is to say :

1. To sign verify plaints, petitions, applications, written statement, replies etc. and to appear and act in all the Courts, Civil, Industrial/Administrative Tribunal, Revenue and Criminal, whether original or appellate, in the registration offices and any other offices of Government or District Board, L&DO, Municipal Corporation of Delhi or any other local authority at Delhi or elsewhere in India for any purpose whatsoever and signing Vakalatnama wherever necessary in all court cases.
2. To file and receive back documents in connection with the above.
3. To apply for inspection and to inspect judicial records.
4. To accept service of any summons or other legal process and to appear on behalf of the company and to represent in any court and before all



Anshul Kumar Singh

Director (Personnel)
SJVN Limited
 (A Joint Venture of Govt. of India & Govt. of H.P.)
 Office Block, Tower-1
 6th Floor, NCTO Office Complex,
 E-10, Connaught Place, New Delhi-110023

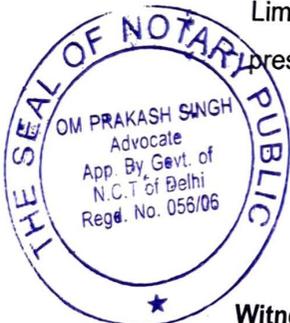


Magistrates or judicial or other officers whatsoever as by the attorney shall be thought advisable in the name of the company to proceed with them as the occasion may require in the name of the company.

- 5. Generally to do all such acts and things as company's attorney shall think expedient for the purposes aforesaid as fully and effectually in all respects as the company could do itself.

AND SJVN LIMITED hereby undertakes to ratify and confirm all and whatever the company's said attorney shall lawfully do or cause to be done by virtue of this deed.

In witness whereof I, Sushil Sharma CMD/Director(Personnel), SJVN Limited have set my hand at ~~Delhi~~ this 21 day of May, 2024 in the presence of the witnesses. Delhi 21 MAY 2024



For & on behalf of SJVN Limited

Sushil Sharma
(Sushil Sharma)
Director(Personnel)

Witnesses:

- 1. *Bijay*
Bijayanku Shukla, Dy (Manager)
L0, Delhi, SJVN [30050]
- 2. *Satish*
SATISH, Manager (Civil)
SJVN Limited, New Delhi

Director (Personnel)
SJVN Limited
(A Joint Venture of Govt. of India & Govt. of H.P.)
Office Block, Tower-1
6th Floor, NBCC Office Complex,
East Kirti Nagar, New Delhi-110023

The above Power of Attorney is hereby accepted by me

Signature of the POA holder : *Anshul Singh*
Name of POA holder : ANSHUL KUMAR SINGH
Designation : SENIOR Manager (Civil)

ATTESTED
[Signature]
NOTARY PUBLIC, DELHI (INDIA)

21 MAY 2024

VAKALATNAMA
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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...Appellant

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Know all to whom these presents shall come that I/We SJVN Ltd , the above named Respondent No.6 do hereby appoint:

1. **Adarsh Tripathi, Advocate**
2. **Ajitesh Garg, Advocate**

G-34, Basement, Lajpat Nagar-3, New Delhi-110024 9090416535/9425308454 adarsh912003@gmail.com
--

Advocate(s), to be my/ our true and lawful attorney (s), in the matter noted above, to do all the following acts, deeds and things, or any of them, (jointly and severally) and also ratify anything already done on our behalf that is to say: -

1. To sign, verify and present and send notices, replies rejoinders, pleadings, appeals, cross-objections or petitions for execution, review, revision, other petitions or affidavit or other documents as shall be deemed necessary or advisable for the prosecution of the case or in relation thereto in all its stages.
2. To appear, act, and plead in the above-mentioned case in any court or tribunal etc, in which the same be heard or tried in the 1st instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise to or in any manner relating to the said case.
4. To receive documents, papers, records, orders etc. and to do all other acts all things, which may be necessary or proper to be done for the progress and in all course of the prosecution of the said case.
5. To employ any other legal practitioner, advocate or consultant authorizing him to exercise the power and authority hereby conferred on the Advocate (s) whenever he/they may think fit to do so.

And I/We hereby agree that whatever the Advocate (s) or his/ there substitute shall do in the premises shall be binding on me in all intents and purposes just as if it would have been done by me.

And I/We hereby agree not to hold the Advocate (s) or his/their substitute responsible for the said case in consequence of his absence from the court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/ us to be paid to the Advocate (s) remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case, or not to appear until the same is paid.

In witness whereof I/We hereunto set my/our hand to these presents the contents of which have been explained to and understood by me/us.

Date: 23.03.2026
Advocate (s)

521

Adarsh

Ajitesh

Adarsh Tripathi, Ajitesh Garg,
Adv. Adv.
MP/1256/2014 D/5097/2021

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Anshul
Client

अंशुल कुमार सिंह/ANSHUL KR. SINGH
वरिष्ठ प्रबंधक (सिविल)/Senior Manager (Civil)
एसजेवीएन लिमिटेड/SJVN Limited
नई दिल्ली-110023/New Delhi-110023





Adarsh Tripathi <adarsh912003@gmail.com>

I.A No. 12/2026/EZ in Appeal No. 02/2026/EZ before NGT (EZB), Kolkata

1 message

Adarsh Tripathi <adarsh912003@gmail.com>

Mon, Mar 23, 2026 at 4:12 PM

To: Vikram Rajkhowa <vikram.rajkhowa@gmail.com>, Secretary MoEFCC <secy-moef@nic.in>, secy-power@nic.in, cs-arunachal@nic.in, dc-dvalley-arn@nic.in, cs-assam@nic.in

Cc: Ashish Kumar <ashishkumar1772@gmail.com>

Sir(s),

We represent Respondent No.6 (SJVN Ltd.) in the subject matter. Please find attached herewith the Reply to the Application seeking condonation of delay filed on behalf of Appellant. Please be in receipt of the same.

--

Adarsh Tripathi

Advocate on Record, Supreme Court of India

G-34, Basement, Lajpat Nagar-3, New Delhi-110024

9090416535 / 9425308454

 **Reply R6.pdf**
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