

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

I.A. NO. 760 OF 2025

IN

APPEAL NO. 70 OF 2025

IN THE MATTER OF:

DEBADITYO SINHA

....APPELLANT

VERSUS

**M/S MIRZAPUR THERMAL ENERGY (UP) PRIVATE LIMITED &
ORS.**

....RESPONDENTS

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Filed by:


Respondent No. 2

Through


SUNASINI SEN

Advocate for Respondent No. 2
R-289B, Lower Ground Floor,
Greater Kailash – 1,
New Delhi – 110048.
Email: suhasini.sen@gmail.com

Date: 16.01.2026

Place: New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH AT NEW DELHI****I.A. NO. 760 OF 2025****IN****APPEAL NO. 70 OF 2025****IN THE MATTER OF:****DEBADITYO SINHA****....APPELLANT****VERSUS****M/S MIRZAPUR THERMAL ENERGY (UP) PRIVATE LIMITED &
ORS.RESPONDENTS****REPLY ON BEHALF OF RESPONDENT NO. 2 – MINISTRY OF
ENVIRONMENT, FOREST & CLIMATE CHANGE TO THE
APPLICATION FOR CONDONATION OF DELAY****MOST RESPECTFULLY SHOWETH:**

1. The present reply is being filed on behalf of Respondent No. 2, the Ministry of Environment, Forest and Climate Change (hereinafter referred to as "MoEF&CC"), opposing the Application for Condonation of Delay filed by the Appellant in the captioned Appeal.
2. The Appeal along with I.A. No. 760 of 2025 has been preferred under Section 16(h) of the National Green Tribunal Act, 2010, challenging the Environmental Clearance dated 23.09.2025 granted by this Respondent to M/s Mirzapur Thermal Energy (UP) Private Limited for establishment of a 1600 MW (2×800 MW) Ultra Super Critical Thermal Power Project at Village Dadri Khurd, District Mirzapur, Uttar Pradesh.



3. Without prejudice to the submissions made herein, the answering Respondent reserves its right to place additional submissions on record, if so directed by this Hon'ble Tribunal.

PRELIMINARY OBJECTIONS

4. At the outset, it is most respectfully submitted that the Application for condonation of delay is misconceived, legally untenable, and liable to be dismissed in limine, as the Appellant has failed to establish any "sufficient cause" as contemplated under Section 16 of the NGT Act, 2010.
5. That it is most respectfully submitted that the Appellant seeks condonation of a delay of 29 days in filing the Appeal. The Application is bereft of any cogent explanation or unavoidable circumstance which could justify deviation from the statutory limitation prescribed under the Act.
6. That it is most respectfully submitted that the Section 16 of the NGT Act mandates that an appeal must be filed within 30 days from the date of communication of the impugned order, with a further discretionary extension of up to 60 days only upon satisfaction of sufficient cause. The said provision is strict in nature and does not permit condonation as a matter of routine.
7. That it is most respectfully submitted that in the present case, the Environmental Clearance was granted and uploaded on the PARIVESH portal on 23.09.2025, thereby making it publicly accessible and duly communicated. The statutory period of limitation expired on 23.10.2025, whereas the Appeal came to be filed only on 21.11.2025, rendering it time-barred by 29 days.
8. That it is most respectfully submitted that the reliance placed by the Appellant on pendency of parallel proceedings before the Hon'ble Supreme Court is wholly misplaced. Such proceedings neither operated as a stay on the statutory appellate remedy before this Hon'ble Tribunal nor

P. R. J.

legally precluded the Appellant from approaching the Tribunal within limitation.

REPLY ON MERITS

9. That it is most respectfully submitted that the Environmental Clearance dated 23.09.2025 was granted strictly in accordance with the provisions of the Environment (Protection) Act, 1986, the EIA Notification, 2006, and after due appraisal and recommendation of the Expert Appraisal Committee (Thermal Power Projects). At no point, the grant of EC was restrained by any order of the Hon'ble Supreme Court or this Hon'ble Tribunal.
10. That it is most respectfully submitted that the Appellant was fully aware of the project and was actively participating in proceedings before multiple forums. The plea that knowledge of the EC was acquired only through an affidavit dated 07.10.2025 is incorrect, self-serving, and does not absolve the Appellant of the obligation to act with due diligence.
11. That it is most respectfully submitted that the pendency of Interlocutory Applications before the Hon'ble Supreme Court in *WP (C) No. 202 of 1995* titled *T.N. Godavarman v. Union of India* did not create any legal embargo on the Ministry from discharging its statutory functions, nor did it bar the Appellant from availing the statutory appellate remedy within time.
12. That it is most respectfully submitted that while permitting withdrawal of proceedings before the NGT, the Hon'ble Supreme Court neither restrained the grant of Environmental Clearance nor directed that the proposal be kept in abeyance. In the absence of any express judicial interdiction, the MoEF&CC lawfully proceeded with appraisal and decision-making.
13. That it is most respectfully submitted that the allegation that the Ministry made misleading statements before the Hon'ble Supreme Court is



categorically denied. The affidavit filed before the Hon'ble Supreme Court merely placed factual developments on record and did not touch upon the merits of any pending issue, which continue to remain within the exclusive domain of the Hon'ble Supreme Court.

14. That it is most respectfully submitted that the delay pleaded by the Appellant is clearly attributable to conscious litigation strategy, pursuit of parallel remedies, and forum shopping. It is well settled that self-created delay and tactical indecision cannot constitute "*sufficient cause*" under limitation law.
15. That it is most respectfully submitted that the Hon'ble Supreme Court as well as this Hon'ble Tribunal have consistently held that the limitation prescribed under Section 16 of the NGT Act is mandatory and cannot be relaxed in the absence of bona fide, cogent, and unavoidable reasons.
16. That it is most respectfully submitted that entertaining such belated challenges would undermine the principles of certainty and finality and adversely impact timely implementation of environmental decisions.

PRAYER

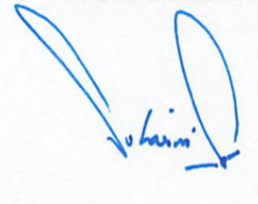
In view of the foregoing, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- i. Dismiss the Application for Condonation of Delay as being devoid of merit;
- ii. Hold that the Appeal is barred by limitation under Section 16 of the NGT Act, 2010; and
- iii. Pass such other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.


Filed by:

Respondent No. 2

Through



Suhasini Sen

Advocate for Respondent No. 2

R-289B, Lower Ground Floor,

Greater Kailash – 1,

New Delhi – 110048.

Email: suhasini.sen@gmail.com.

Date: 16.01.2026

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**M/S MIRZAPUR THERMAL ENERGY (UP) PRIVATE LIMITED &
ORS.RESPONDENTS**

AFFIDAVIT

I, Sundar Ramanathan, son of Shri Late Shri Ramanathan, aged 43 years, presently employed as Scientist 'F' at the Ministry of Environment, Forest, and Climate Change (MoEF&CC), Indira Paryavaran Bhawan Jorbagh Road, New Delhi – 110 003 India, solemnly affirm and declare the following:

1. That I am working as Scientist 'F' with the Respondent No. 1 and in my official capacity am fully conversant with the facts and proceedings of the present case based on knowledge derived from official record and I am authorised and competent to swear and depose this affidavit.
2. That I have read and understood the accompanying reply filed on behalf of the MoEF&CC in response to I.A. No. 760 of 2025 in Appeal No. 70 of 2025 for condonation of delay and affirm that the facts stated herein are true and correct to the best of my knowledge, based on official records.
3. That the facts stated in the above affidavit are true to my knowledge. No part of the same is false and nothing material has been concealed there from.



(सुन्दर रामनाथन)
SUNDAR RAMANATHAN
वैज्ञानिक 'एफ'/Scientist 'F'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min.of Environment Forest and Climate Change
भारत, सरकार, नई दिल्ली
Govt. of India, New Delhi


DEPONENT

VERIFICATION:

Verified at New Delhi on this 16th day of January 2026 that the contents of this affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

DEPONENT

(सुनील रामनाथन)
(SUNIL RAMANATHAN)
भारतीय प्रशासक, सोलानिस्ट 'F'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Minist. Environment, Forest and Climate Change
भारत, राजधानी, नई दिल्ली
Govt. of India, New Delhi

I Identified the deponent/executant
who has signed in my presence



solemnly affirmed before me, read
over & explained to the deponent.

Notary Public, DELHI

16 JAN 2026

(no subject)

1 message

Chambers of Rahul Kripalani and Suhasini Sen <office@rschambers.net>

Fri, Jan 16, 2026 at 1:21 PM

To: parul.lawyer@gmail.com

Cc: Suhasini Sen <suhasini@rschambers.net>, Sista Srinivas <srinivas@rschambers.net>, sahil.ahmed24@govcontractor.in

Dear Ma'am

SUB : IA NO.760 of 2025 in Appeal No.70 of 2025.; Debadityo Sinha v. M/s Mirzapur Thermal Energy (U.P) Private Limited & Ors

1. I represent the Respondent No.2 MOEF&CC in the subject matter proceeding.
2. Please find attached the scanned copy of the reply to the IA No.760 of 2025 in Appeal No.70 of 2025 on behalf of MOEF&CC.
3. Kindly consider this email as proof of service in the instant matter.

Thanking you,

Sincerely,

Suhasini Sen

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 **Reply to IA on behalf of MOEFF&CC.pdf**
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