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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. NO. 760/2025

IN

APPEAL NO. 70/2025

IN THE MATTER OF:

DEBADITYO SINHA

...APPLICANT

VERSUS

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

...RESPONDENT(s)

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THROUGH COUNSEL



BHANWAR PAL SINGH JADON
STANDING COUNSEL FOR THE STATE OF U.P.

bhanwar09jadon@gmail.com | 6375115224

DATE:10.03.2026

PLACE: NOIDA

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REPLY ON BEHALF OF RESPONDENT NO. 4, STATE OF U.P. TO
I.A. 760/2025 APPLICATION FOR CONDONATION OF DELAY

MOST RESPECTFULLY SHOWETH:

1. That the present reply is being filed on behalf of Respondent No. 4 by the Divisional Forest Officer, Mirzapur in opposition to the Application seeking condonation of delay in filing the accompanying Appeal against the Environmental Clearance dated 23.09.2025.
2. At the outset, it is submitted that the present Application is misconceived, legally untenable, and liable to be dismissed in limine

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as the Appellant has failed to demonstrate any “sufficient cause” within the meaning of Section 16 of the NGT Act, 2010.

3. It is submitted that the limitation prescribed under Section 16 of the Act is mandatory and strict in nature. An appeal is required to be filed within 30 days from the date of communication of the impugned order, extendable by a further period of 60 days **only if sufficient cause is shown**. The statutory scheme reflects legislative intent for expeditious environmental adjudication.

4. The Appellant admits that the Environmental Clearance is dated 23.09.2025. The Appellant further admits knowledge of the grant of EC on 07.10.2025 through an affidavit filed by the MOEF&CC before the Hon’ble Supreme Court. Even assuming 07.10.2025 as the date of communication, the statutory period expired on 05.11.2025. The present Appeal has admittedly been filed beyond the prescribed limitation period.



5. It is respectfully submitted that the grounds urged for condonation are vague, generalized, and legally insufficient. The Appellant seeks to justify delay on the following grounds:

- i. Pendency of proceedings before the Hon'ble Supreme Court;
- ii. Bonafide impression that the Ministry would not grant EC;
- iii. Time consumed in perusal of EIA documents;
- iv. Mentioning and delisting before the Hon'ble Supreme Court.

Hence, it is pertinent to note that none of the above grounds constitute "sufficient cause" as per law.

6. The Appellant consciously chose to pursue proceedings before the Hon'ble Supreme Court of India. It is settled law that pendency of parallel proceedings does not extend limitation unless specifically provided by statute.

7. The Appellant was fully aware of the grant of EC as of 07.10.2025. There was no legal embargo preventing the Appellant from filing a statutory appeal before this Hon'ble Tribunal while proceedings were pending before the



Hon'ble Supreme Court. The plea of awaiting listing or clarification is self-serving and legally irrelevant for computing limitation.

BONAFIDE INTENTION IS NOT A LEGALLY RECOGNIZED GROUND

8. The plea that the Appellant was under a "bonafide impression" that the Ministry would not proceed with the EC is speculative and legally unsustainable.
9. A party's assumption or expectation about administrative conduct cannot override statutory limitation.
10. The ground that time was required to peruse technical documents is equally untenable. Environmental litigations inherently involve technical documents. If such reasoning is accepted, limitation under Section 16 would become redundant.
11. The Hon'ble National Green Tribunal has consistently held that generalized assertions of complexity do not constitute sufficient cause



unless supported by specific dates, steps taken, and documentary proof demonstrating due diligence.

NO DUE DILIGENCE SHOWN

12. The law is settled that the applicant must demonstrate continuous diligence and bona fide effort. The explanation must cover the entire period of delay.

13. The Appellant's conduct reveals strategic delay rather than unavoidable circumstances. The filing appears to be an afterthought once proceedings before the Hon'ble Supreme Court did not progress as anticipated.

14. Hence, it is most respectfully prayed:

- i. The Application for Condonation of Delay may be dismissed, as it lacks sufficient cause and fails to meet the statutory timeline established under law;
- ii. 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.



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THROUGH COUNSEL

A handwritten signature in black ink, appearing to read 'Bpsjadon', written over a horizontal line.

BHANWAR PAL SINGH JADON
STANDING COUNSEL FOR THE STATE OF U.P.
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AFFIDAVIT

I, Rakesh Kumar, aged about 43 years, S/o Dr. Ram Lal,
posted as Divisional forest Officer, Mirzapur do hereby solemnly affirm
and state as under:

1. That I, in the abovementioned capacity, am fully and well conversant with the facts and circumstances of the case and authorized to swear the present Affidavit.
2. That I have gone through the contents of the accompanying reply to the I.A. and the contents of the same are true and correct as per my knowledge based on record and legal knowledge obtained.

आयुक्त, मीरजापुर

28/7/26

3. That the contents of the accompanying reply may also be read as part and parcel of this affidavit which are not repeated herein for the sake of brevity.


DEPONENT

VERIFICATION

Verified at MIRZAPUR on this 28 day of February, 2026,
that the contents of the above affidavit are believed to be true and correct to
the best of my knowledge and belief. No part of it is false and nothing
material has been concealed therefrom.


DEPONENT

आयुक्त, मीरजापुर


28/2/26.