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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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**DATE: 10.03.2026**  
**PLACE: NOIDA**



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**REPLY ON BEHALF OF RESPONDENT NO. 5, UTTAR PRADESH**

**POLLUTION CONTROL BOARD TO I.A. 760/2025 APPLICATION**

**FOR CONDONATION OF DELAY**

**MOST RESPECTFULLY SHOWETH:**

1. That the present objections are being submitted on behalf of Respondent No. 5, by the Regional Officer, Uttar Pradesh Pollution Control Board, Sonbhadra, in response to the Application filed by the Appellant seeking condonation of delay in instituting the accompanying Appeal against the Environmental Clearance dated 23.09.2025.

2. At the very outset, it is respectfully submitted that the Application for condonation of delay is devoid of merit, misconceived in law, and deserves to be rejected at the threshold as the Appellant has failed to establish any legally sustainable “sufficient cause” as contemplated under Section 16 of the NGT Act, 2010.
  
3. It is further submitted that the limitation framework prescribed under Section 16 of the NGT Act is strict and mandatory in character. The statute requires that an appeal against an Environmental Clearance must be preferred within 30 days from the date of communication of the impugned order, with a discretionary extension of not more than 60 additional days only upon demonstration of sufficient cause.
  
4. The Appellant themselves acknowledge that the Environmental Clearance was issued on 23.09.2025. It is also admitted that knowledge of the said clearance was acquired on 07.10.2025 through an affidavit filed by the MoEF&CC before the Hon’ble Supreme Court. Even if the said date of 07.10.2025 is taken as the date of communication, the statutory limitation period expired on

05.11.2025. The present Appeal has admittedly been filed well beyond the prescribed period.

5. The grounds advanced in support of the delay are vague, generalized, and legally insufficient. The Appellant has attempted to justify the delay primarily on the grounds such as pendency of proceedings before the Hon'ble Supreme Court; alleged bona fide belief that the Ministry would refrain from granting the Environmental Clearance; proceedings relating to mentioning and delisting before the Hon'ble Supreme Court. Consequently, it is respectfully submitted that none of the aforementioned grounds satisfy the "sufficient cause".
6. The Appellant had consciously chosen to pursue remedies before the Hon'ble Supreme Court. It is well settled that the pendency of independent or parallel proceedings before another forum does not operate to suspend or enlarge the statutory limitation period unless expressly provided under the statute.
7. The Appellant admittedly became aware of the grant of Environmental Clearance on 07.10.2025. There existed no legal

impediment preventing the Appellant from approaching this Hon'ble Tribunal by filing an appeal within the statutory time limit. The plea that the Appellant awaited listing or clarification before the Hon'ble Supreme Court is therefore wholly self-serving and cannot be treated as a valid ground for condonation of delay.

**BONAFIDE ASSUMPTION CANNOT OVERRIDE  
STATUTORY LIMITATION**

8. The contention that the Appellant was under a “bonafide impression” that the Ministry would not grant the Environmental Clearance is speculative in nature and carries no legal weight.
9. Personal expectations or assumptions regarding the actions of an administrative authority cannot displace the clear statutory mandate governing limitation.
10. Equally untenable is the contention that additional time was required to review the technical documents forming part of the EIA record. Environmental adjudication necessarily involves technical assessments and voluminous documentation. Acceptance of such a

ground would effectively defeat the limitation framework envisaged under Section 16 of the Act.

**ABSENCE OF CONTINUOUS DILIGENCE**

11. It is a settled principle of law that a party seeking condonation of delay must satisfactorily explain the entire period of delay and demonstrate continuous diligence.
  
12. In the present case, the explanation offered by the Appellant does not disclose any bona fide effort to pursue the statutory remedy within the prescribed time. Rather, the conduct of the Appellant suggests a deliberate and strategic delay, apparently occasioned after the proceedings before the Hon'ble Supreme Court did not proceed in the manner anticipated.
  
13. In view of the foregoing submissions, it is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to:
  - i. Dismiss the Application seeking condonation of delay as the Appellant has failed to establish sufficient cause within the meaning of the statutory limitation prescribed under law; and

- ii. Pass such other or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

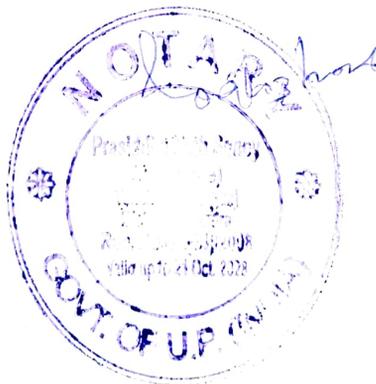
**THROUGH COUNSEL**



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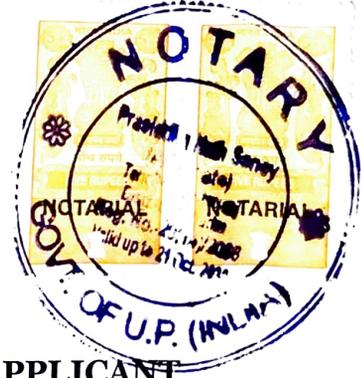
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**IN THE MATTER OF:**

**DEBADITYO SINHA**

2 Tickets Rs. 10/-  
Prasidha Nath Soney  
(P.M. SONEY)  
Adv. NOTARY  
Sonebhadra...APPLICANT



**VERSUS**

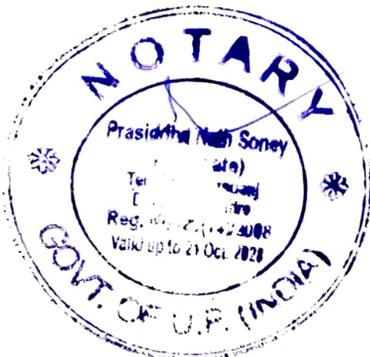
**M/S MIRZAPUR THERMAL ENERGY (UP) PRIVATE LIMITED & ORS.**

**...RESPONDENT(s)**

**AFFIDAVIT**

I, Ramesh Kumar Singh, aged about 44 years, S/o Shri Bal Ram Singh, posted as Regional Officer, Uttar Pradesh Pollution Control Board (hereinafter UPPCB), Sonebhadra, 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 competent and authorised 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.
- 3. That the contents of the accompanying reply may also be read as part and parcel of this affidavit which are not repealed herein for the sake of brevity.

R  
9/3/26

DEPONENT

VERIFICATION

Verified at Robatskey on this 09<sup>th</sup> day of March, 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.

2346



*(Signature)*  
09/03/2026

R  
9/3/26  
DEPONENT

Ramesh Kumar Singh  
Ro...  
has been identified by Shri...  
Appeared before me on ... at ... a.m./p.m.  
'certified that he/she understands and admits the truthness  
of facts mentioned in the affidavit/Declaration and  
administered oath to him

PR. SONNEY  
ADV. NOTARY  
NOTARY COURSE...