

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

I.A. NO. 146 OF 2026

IN

APPEAL NO. 14 OF 2026

IN THE MATTER OF:

Ajay Dubey

...Appellant

VERSUS

Union of India & Ors.

... Respondents

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PLACE: NEW DELHI

DATED: - 18.04.2026

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI

I.A. No. 146 of 2026

In

APPEAL NO. 14 OF 2026

IN THE MATTER OF:

AJAY DUBEY

...Appellant

VERSUS

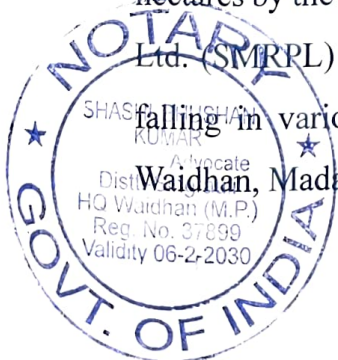
UNION OF INDIA, MINISTRY
OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE & ORS

...Respondents

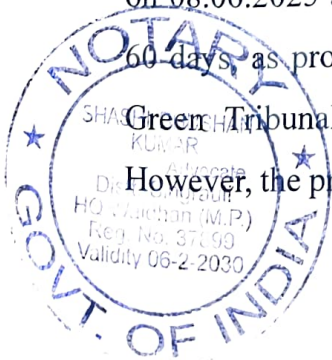
REPLY ON BEHALF OF RESPONDENT NO. 7 I.E., M/S STRATATECH MINERAL RESOURCES PVT. LTD, (SMRPL) CURRENTLY KNOWN AS MAHAN ENERGEN LTD.

MOST RESPECTFULLY SHOWETH:

1. The present Appeal has been belatedly filed challenging the MoEF & CC approval dated 09.05.2025 and subsequent forest diversion order dated 22.05.2025 under Section 16(e) of the National Green Tribunal Act, 2010 ('NGT Act'). That the Appellant has filed the application seeking Condonation of Delay in filing the Appeal No. 146 of 2026 ("Appeal").
2. The present Appeal has been filed challenging the final approval dated 09.05.2025 and subsequent forest diversion order dated 22.05.2025 issued by the Respondent No. 1- Ministry of Environment and Forest & Climate Change ("MoEF & CC") and State of Madhya Pradesh, Department of Forest respectively, in terms whereof final approval/ permission has been granted for diversion of forest area for the purposes of carrying out of mining and excavation of coal through open cast mining over an area of 1397.54 hectares by the Answering Respondent No. 7 i.e. M/s. Stratatech Mineral Resources Pvt. Ltd. (SMRPL) currently known as M/s Mahan Energen Ltd ("**Project Proponent**"), falling in various compartments of reserved and protected forest areas, in villages Waidhan, Mada, East Sarai of District Singrauli, State of Madhya Pradesh.



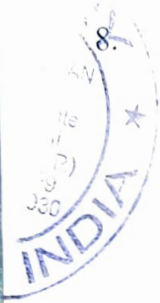
3. The present Reply is being filed by Answering Respondent No.7, in response to the Appellant's captioned Application seeking condonation of delay in filing the present Appeal (**hereinafter referred to as 'the Application'**) before this Hon'ble Tribunal.
4. At the outset, the Answering Respondent No.7 denies the averments and contents of the said Application, and nothing contained therein may be deemed as admitted by the Answering Respondent No.7 merely for the want of specific traverse.
5. The present reply is limited to and is being filed solely in response to the application filed by the Appellant seeking condonation of delay in filing the captioned Appeal since the notice has been issued only on I.A. for condonation of delay. The Answering Respondent reserves its right to file a detailed reply on merits to the captioned appeal filed by the Appellant.
6. It is stated that, Section 16 of the NGT Act prescribes a limitation period of 30 days from the date of communication of the decision/ direction challenged, to prefer an appeal before this Hon'ble Tribunal. Further, the proviso to Section 16 empowers this Hon'ble Tribunal to condone delay for a further period not exceeding 60 days, provided sufficient cause is shown. Thus, the maximum permissible period for instituting an Appeal before this Hon'ble Tribunal is maximum of 90 days from the date of communication i.e. the date from which the impugned order passed by MoEF & CC becomes available in public domain.
7. In the present case, the order under challenge in the present Appeal is of 09.05.2025 passed by the MoEF & CC and 22.05.2025 passed by the State Forest Department, State of Madhya Pradesh. The statutory limit of 30 days for filing the present Appeal expired on 08.06.2025 and 21.06.2025, respectively. Even the extended condonable period of 60 days as provided under the strict statutory proviso to Section 16 of the National Green Tribunal Act, 2010, expired on 07.08.2025 and 20.08.2025, respectively. However, the present Appeal challenging the aforesaid approvals has been filed only on



23.02.2026, rendering it grossly time-barred and beyond the jurisdiction of this Hon'ble Tribunal as statutorily prescribed.

8. That the Appellant has filed the Appeal with an extraordinary, inordinate and unexplained delay of 259 days beyond the initial statutory period of 30 days, which is far in excess of the additional condonable period of 60 days prescribed under the proviso to Section 16 of the National Green Tribunal Act, 2010. Consequently, the delay extends well beyond the outer statutory limit of 90 days, rendering the present Appeal legally non-maintainable. This Hon'ble Tribunal lacks the jurisdiction to condone such an inordinate delay, as the power of condonation under Section 16 is expressly limited by the language of the statute.

9. The Appellant has erroneously contended in its application that there is no delay in filing the captioned Appeal. Such an assertion is factually incorrect and legally untenable. In reality, there is a delay of 259 days beyond the prescribed statutory period of 30 days under Section 16 of the NGT Act. It is trite law that ignorance of law is no excuse and thus the principle of *ignorantia juris non excusat* applies in the present case. Accordingly, the present Appeal is hopelessly barred by limitation and is liable to be dismissed on this ground alone.
10. Further, it is a settled principle of law that where a statute prescribes both the limitation period and the maximum condonable delay, the same must be strictly adhered to. Any relaxation beyond the prescribed period would defeat the legislative intent of ensuring expeditious adjudication of environmental disputes. Therefore, the present Application for Condonation of Delay deserves to be rejected at the threshold.
11. This position stands fortified by the judgment of the Hon'ble Supreme Court in *Talli Gram Panchayat v. Union of India*, 2025 SCC OnLine SC 2497, wherein it was held that the limitation period under Section 16 of the NGT Act commences from the date of communication or when the order is placed in the public domain, and that such timelines must be enforced with rigor.



12. A 5 member bench of this Hon'ble Tribunal in M.A. No. 247/2012 in Appeal No. 76/2012 in the case of Nikunj Developers vs. State of Maharashtra & Ors. which was reported in Manu (GT) 0030/283, held as follows:

9. From language of the above provision it is clear that the Tribunal loses jurisdiction to condone the delay if the delay is of more than 90 days. Every appeal has to be filed within 30 days from the date of communication of the order. That is, what an applicant is required to ensure before the appeal is heard on merits. However, the Tribunal has been vested with the jurisdiction to entertain the appeal which is filed after 30 days from the date of communication of an order. This power to condone the delay has a clear inbuilt limitation as it ceases to exist if the appeal is filed in excess of 60 days, beyond the prescribed period of limitation of 30 days from the date of communication of such order. **To put it simply, once the period of 90 days lapses from the date of communication of the order, the Tribunal has no jurisdiction to condone the delay. The language of the provision is clear and explicit. It admits of no ambiguity and the legislative intent that Tribunal should not and cannot condone the delay in excess of 90 days in all, is clear from the plain language of the provision.**

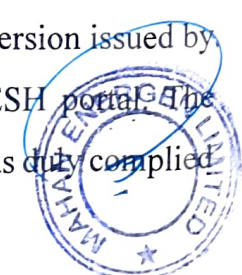
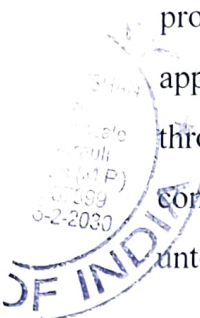
20. As stated in the cases *Hiralal Ratan Lal and India Houses (supra)* the period of limitation statutorily prescribed, has to be strictly adhered to and cannot be relaxed and or departed from, on equitable consideration. Further, in construing a statutory provision, the first and the foremost rule of construction is that of literary construction. **We do not see any reason to expand the scope of the provision and interpret the proviso to Section 16 in the manner that Tribunal can be vested with the power of condoning the delay beyond 90 days. Such interpretation would be contrary to the specific language of the Section and would defeat the very legislative intent and object behind this provision.**

26. The provision of Section 16 of the NGT Act are somewhat similar to Section 34 of Arbitration and Conciliation Act, 1996. Thus, adopting an analogous reasoning, as was adopted in *Chhattisgarh State Electricity Board (supra)*, we would have no hesitation in coming to the conclusion that we have no jurisdiction to condone the delay when the same is in excess of 90 days from the date of communication of the order to any person aggrieved.

27. Thus, the application must fail on this ground alone. We are of the considered view that the Tribunal has no jurisdiction to condone the delay of 19 days in filing the present appeal, the same being in excess of 90 days computed from the admitted date of communication of order, that is 2nd June, 2012."

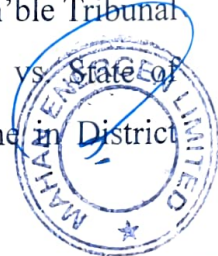


13. The Appellant has averred that the orders under challenge came into the public domain only in December 2025, when alleged deforestation activities commenced and public protests ensued. The said contention is wholly incorrect and misleading. The relevant approvals and orders were duly uploaded and made accessible in the public domain through official Parivesh Portal of MoEF & CC i.e. much prior thereto. Such publication constitutes deemed express and constructive knowledge, and the plea of ignorance is untenable and cannot be relied upon to justify the delay.
14. It is submitted that the complete timeline pertaining to the grant of Forest Clearance for the Dhirauli Coal Block has been available on the official PARIVESH (Forest Clearance) Portal of the Government of India. The said portal provides comprehensive and real-time information regarding statutory approvals and is accessible at https://forestsclearance.nic.in/Online_Status.aspx. The availability of such information in the public domain demonstrates transparency and ensures public awareness. A copy of the "FC Timeline – Dhirauli" is annexed herewith and marked as **ANNEXURE R-1**
15. It is submitted that the impugned Forest Clearance was granted in two stages and duly published online: Stage-I (In-Principle Approval) on 24.09.2024 and Stage-II (Final Approval) on 09.05.2025. These approvals were uploaded on the PARIVESH portal and were accessible to all stakeholders, including the Appellant herein. Therefore, the contention that the approvals became known only in December 2025 is factually incorrect and legally untenable.
16. The PARIVESH portal enables any member of the public to access the details by simply entering the search term "Dhirauli Coal Block." The electronic availability of such information obviates the requirement of separate physical communication and constitutes valid and effective disclosure in the eyes of law.
17. Furthermore, all orders relating to Forest Clearance and forest land diversion issued by the competent authorities are mandatorily uploaded on the PARIVESH portal. The statutory requirement of placing such approvals in the public domain was duly complied



with, thereby providing express and constructive notice to all concerned, including the Appellant herein.

18. In view of the foregoing, the Appellant now cannot claim ignorance of the impugned approvals. The orders were widely accessible and verifiable electronically well within the limitation period. Consequently, the assertion that the cause of action arose only in December 2025 is an afterthought and has been raised solely to circumvent the statutory bar of limitation.
19. Further, the Appellant herein at Paragraph-1, Page-10 of the Appeal claims to be a *“renowned RTI expert and a citizen fighting for various environment related, wildlife related and forest flora fauna related issues in the country. The Appellant had also filed more than 50 petitions in the last 2 decades..”*. This clearly means that the Appellant is not a downtrodden or unaware layman of the Society. The Petitioner ought to have been aware of the strict statutory law requirement under Section-16 of the NGT Act.
20. The Answering Respondent submits that the Appellant has made false averments in the subject application and the said application is liable to be dismissed solely on the said ground.
21. Accordingly, in view of the absolute and express bar of limitation prescribed under Section 16 of the National Green Tribunal Act, 2010, the present Appeal, along with the accompanying Application for Condonation of Delay, is ex facie not maintainable and is liable to be dismissed as being clearly barred by limitation.
22. Without Prejudice to the preliminary objections on limitation and maintainability, it is respectfully submitted that the issue pertaining to alleged elephant movement and the purported existence of an elephant corridor in the concerned region is not res integra. The very same issue was earlier raised and examined in detail by this Hon'ble Tribunal in Original Application No. 315 of 2022 (C.Z.), Saurabh Dev Pandey vs. State of Madhya Pradesh & Ors., relating to the Suliyari Open Cast Coal Mine in District



Singrauli, Madhya Pradesh. Pursuant to the order dated 09.05.2022 passed by this Hon'ble Tribunal, a Joint Committee was constituted, which undertook field inspections, examined records of the Forest Department, and interacted with local residents. During the site inspection conducted on 05.07.2022, the Committee categorically recorded that no elephant movement or tracks have been observed in the area for the past 12–15 years. The Committee further concluded that there is no existing or functional elephant corridor affected by mining activities in the region and that the allegation regarding the shelving of an elephant corridor was misconceived and factually incorrect.

23. In view of the aforesaid detailed inquiry and specific findings already rendered by this Hon'ble Tribunal for the same geographical area and on the same core factual issues, the present attempt to raise identical allegations is wholly unwarranted. Permitting the same issue, once thoroughly examined through a duly constituted Joint Committee and decided on the basis of site inspection and official records, to be reagitated again would undermine the certainty and finality of adjudicatory proceedings. The Appellant is, in effect, seeking a re-consideration of issues already dealt with and concluded by this Hon'ble Tribunal, which is impermissible in law. Accordingly, the present allegations deserve to be rejected at the threshold as being devoid of merit and contrary to the settled factual findings already on record.
24. In any event, and without prejudice to the foregoing submissions on merits, the present Appeal is not maintainable as it is barred by limitation and suffers from the defects elaborated hereinabove. Accordingly, even otherwise, the Appeal deserves to be dismissed in limine.
25. In light of the aforesaid submissions, the Answering Respondent states and submits that the said I.A. may not be entertained and that the main appeal is required to be dismissed as barred by the limitation prescribed under Section 16 of the NGT Act with costs.



26. In view of the above facts and circumstances and the principles summarised as above, it is submitted that the Appellant is not entitled to any reliefs, much less the relief sought either in the said I.A. and/or the said appeal. The Answering Respondent reserves its right to file a detailed reply to the Appeal.

Respondent no. 7

Col. Kehar Singh (Retd)

On the behalf of M/S Strategic Mineral Resources Pvt. Ltd, (SMRPL) currently known as MAHAN ENERGEN LTD.

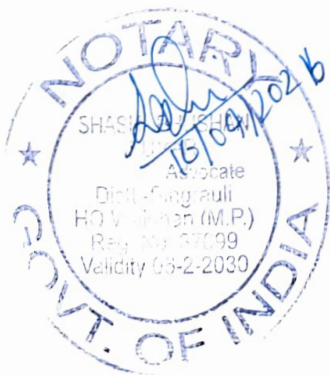


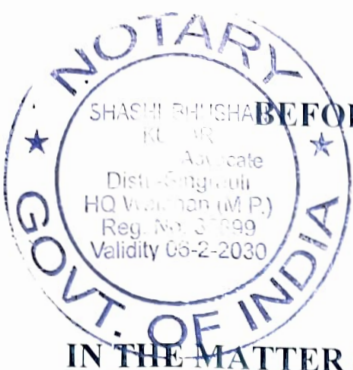
FILED BY :

MAHESH AGARWAL
M/S. AGARWAL LAW ASSOCIATES,
MERCANTILE HOUSE, GROUND FLOOR,
15 K.G. MARG, NEW DELHI-110001

PLACE: NEW DELHI

DATED: 16.04.2026





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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

I.A. No. 146 of 2026

Sr. No. 962 /2026

In

Place Waidhan, Singrauli (M.P.)

APPEAL NO. 14 OF 2026

Date 16/04/2026

IN THE MATTER OF:

Ajay Dubey

...Appellant

VERSUS

Union of India, Ministry of Environment
Forest and Climate Change & Ors.

...Respondents

AFFIDAVIT

I, Col. Kehar Singh (Retd), S/o Jameet Singh aged about 52 years, being the authorized signatory of the Respondent No. 7 Company- M/s Stratatech Mineral Resources Pvt. Ltd. (SMRPL) currently known as M/s Mahan Energen Ltd., in the above mentioned Appeal, having its office at Bandhaura, Karsua lal, Teh: Mada, Singrauli Madhya Pradesh, do hereby solemnly affirm and state as under:

1. That I am the authorised signatory of the Respondent No. 7 Company in the aforesaid matter and I am well acquainted with all the facts and circumstances of the case and as such I am duly authorized to swear this affidavit.
2. I say that I have read and understood the facts and contents as stated in the reply to the application for condonation of delay and say that the facts stated therein are true and correct to my knowledge and belief and no part of it is false.
3. I state that the documents annexed with the present reply are true copies of their respective originals.

DEPONENT

VERIFICATION:

I, Col. Kehar Singh (Retd), the above named deponent do hereby verify that the averments of the facts stated herein above are true to my knowledge and belief and no part of it is false and no material fact has been concealed therefrom.

Verified on this 16th day of April, 2026 at 06:00 PM

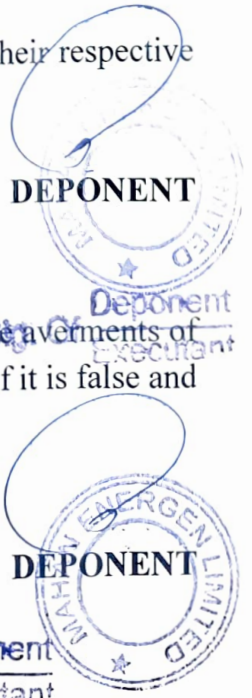
Identified By

SHASHI BHUSHAN KUMAR
Advocate & Notary

Govt. of India (भारत सरकार)
District Singrauli Hq. Waidhan M.P.

DEPONENT

Sig. Of Deponent
Executant



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Shashi
16/09/2026
SHASHI BHUSHAN SINGH
Advocate & Notary
Govt. of India (भारत सरकार)
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List of Proposals Submitted Online by User Agencies

Help
Using this report, you can view details of proposals . Click on Proposal no to view detail of FORM-A part I. Click on to print (Home)

Allocation of fresh forest land (Form-A) Application Under Section 2(iii) Renewal of lease (Form-B) Prospecting of Minerals (Form-C)

Proposal Year : 2021

Region : Bhopal

Category : Mining

State : Madhya Pradesh

Status of the Proposal : Approved

Enter value for Search : Dhirauli

SEARCH

Note :-All areas are in Hectares (ha.)



Sno.	State Name	Proposal No.	RO/Ministry File Number	Proposal Name	Category	User Agency Name	Area (ha.)	Proposal Status	Proposal received electronically on	View Report of Part-I	View Report of PartII	View TimeLine Details	Related Documents
1	Madhya Pradesh	FP/MP/MIN/142344/2021	8-01/2024-FC	Dhirauli Coal Block	Mining	STRATATECH MINERAL RESOURCES PRIVATE LIMITED	1397.54	APPROVED	08 Jun 2021	(viewreport.aspx?pid=FP/MP/MIN/142344/2021)	(PartIIReport_A.aspx?pid=FP/MP/MIN/142344/2021)	(timeline.aspx?pid=FP/MP/MIN/142344/2021)	<p>EDS Sought(State Government): 26/08/2024 (writereaddata/eds_UA/2014_27_26_Aug_2024_164658717_edsletter_dhirauli_CB.pdf)</p> <p>Compliance Report: 05/05/2025 (writereaddata/ComplianceReport/UaComplianceFull_FPMPMIN1423442021_05052518104351)</p> <p>Stage-I : 24/09/2024 (writereaddata/RO_App_Inprinciple/240920241documentletter.pdf)</p> <p>Stage-II: 09/05/2025 (writereaddata/RO_Approved/050920251FNo8-012024-FC.pdf)</p> <p>EDS(Addl. Info) : 02 Feb 2024 (writereaddata/AdditionalInformation/AddInfoSought/0_0_2115125512101SG8-012024.pdf)</p> <p>SIR requested : 02 Feb 2024 (writereaddata/AdditionalInformation/AddInfoSought/0_0_2115125612101SIR8-02024.pdf)</p> <p>EDS(Addl. Info) : 15 May 2024 (writereaddata/AdditionalInformation/AddInfoSought/0_0_51115125712151FileNo012024-FC.pdf)</p> <p>Copy of SIR uploaded : 18 Apr 2024 (writereaddata/AdditionalInformation/AddInfoSought/0_0_511171220121410_0_51115125712151012024-FC.pdf)</p> <p>EDS(Addl. Info) : 25 Jul 2024 (writereaddata/AdditionalInformation/AddInfoSought/0_0_71125125912111FN8-01:FC.pdf)</p> <p>Committee letter : 25 Jul 2024 (writereaddata/AdditionalInformation/AddInfoSought/0_0_71125124912121FileNo012024-FC.pdf)</p>

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 14 OF 2026 (P.B.)**

Ajay Dubey

APPELLANT

VERSUS

Union of India, Ministry of Environment Forest
& Climate Change & Ors.

RESPONDENT(S)



VAKALATNAMA

KNOW ALL to whom these presents shall come that I Mr. Col. Kehar Singh (Retd), authorised representative of the Respondent No. 7 Company, i.e. M/s Stratatech Mineral Resources Pvt. Ltd. (SMRPL) currently known as M/s Mahan Energen Ltd, do hereby appoint "MR. MAHESH AGARWAL, AGARWAL LAW ASSOCIATES, NEW DELHI having its address at Ground Floor, Mercantile House, 15, Kasturba Gandhi Marg, New Delhi-110001" hereinafter called the Advocate to be My/our Advocate's in the above noted case and authorise him :

To act, appear and plead in the above noted case in this court in any other court in which the same may be tried or heard and also in the appellate courts.

To sign, file, verify and present pleading, applications, appeals, cross-objections or petitions for execution, review, revision, withdrawal, compromise or other petition, replies, objections affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take out execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts therefor and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on my/our behalf.

And I/we the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter my/our own acts as if done by me/us to all intents and purposes.

And I/we undertake that I/we or my/our authorised agent would appear in the court on all hearings and will inform the Advocate for appearance when the case is called.

And I/we the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearing, or for any negligence of the said Advocate or his substitute.

And I/we the undersigned do 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 remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate would be entitled to the same.

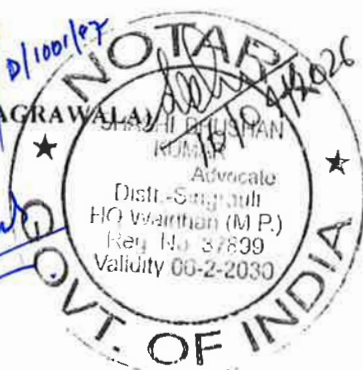
IN WITNESS WHERE OF I/we do hereunto set my/our hand to these presents of which have been understood by me/us this 16th day of April, 2026

ACCEPTED:

D/15/2026

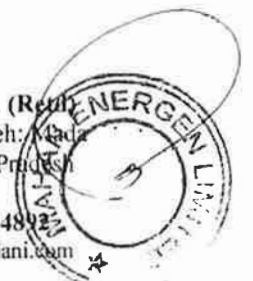
(MAHESH AGARWAL) (RISHI AGRAWAL)
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Service: NGT I.A. No. 146 of 2026 In APPEAL NO. 14 OF 2026 AJAY DUBEY Vs UNION OF INDIA, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE & ORS

From Geetika Sharma <geetika.sharma@aglaw.in>

Date Sat 4/18/2026 2:40 PM

To srg@svsattorneys.com <srg@svsattorneys.com>; chambers@svsattorneys.com <chambers@svsattorneys.com>; mprabhakar@officeofmp.com <mprabhakar@officeofmp.com>; amanagarwalo609@gmail.com <amanagarwalo609@gmail.com>; shantanusharmaoffice@gmail.com <shantanusharmaoffice@gmail.com>; Amanagarwalo6o9@gmail.com <Amanagarwalo6o9@gmail.com>; upalyajhs@gmail.com <upalyajhs@gmail.com>

Cc Arshit Anand <arshit@aglaw.in>; Rajesh Chauhan <raju@aglaw.in>; Mahesh Agarwal <mahesh@aglaw.in>; mail aglaw <mail@aglaw.in>

 1 attachment (4 MB)

Ajay Dubey Vs UOI Reply of Delay Condonation.pdf;

Dear Sir,

Please find attached the Reply as an advance service upon you.

Geetika Sharma

Email: geetika.sharma@aglaw.in

Mobile: | **Phone:** | **Website:** www.aglaw.in



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