

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
AT PUNE UNE

I.A. No. 193/2024
IN
APPEAL NO. 131/2024 WZ

SAYYED MOHAMMED SABIR USMAN

APPLICANT

V/s

UNION OF INDIA & ORS.

RESPONDENTS

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PUNE

DATE : 22/11/2024



ADVOCATE FOR THE RESPONDENTS NO. 4

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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REPLY ON BEHALF OF RESPONDENT NO.4,
(M/S NEETNAV REAL ESTATE PVT. LTD.)

MOST RESPECTFULLY SHOWETH:

1. The present reply to the application of Applicant seeking condonation of delay filing the captioned appeal wherein it has challenged the issuance of Environment Clearance dated 8th February 2024 to Respondent No. 4 by Respondent No.2 on 8th January 2024.
2. That the Respondent No.4 at the outset denies and disputes all the contentions, claims, allegations and stipulations contained in the present Application for condonation of delay bearing I.A. No. 193 of 2024 which are contrary to and/or inconsistent with

what is stated herein. Save as otherwise admitted herein, the contents of the said Application are false and untrue, and nothing contained in the said Application shall be construed as an admission on the part of Respondent No.1 for want of specific traverse or otherwise and unless expressly admitted herein.

3. Section 16 of the National Green Tribunal (NGT) Act, 2010, stipulates that an appeal must be filed within 30 days from the date on which the order or decision being appealed against was communicated. The section further allows the Tribunal to condone a delay in filing the appeal if it is satisfied that the Applicant was prevented from filing within the prescribed time due to sufficient cause. However, this extension is limited to a further period not exceeding 60 days. In the present case, the Applicant has filed Interlocutory Application (I.A.) No. 193 of 2024, alongside their appeal, seeking condonation of a delay of 59 days. Respondent No. 4 contends that upon a correct calculation, the delay should be recognized as 68 days, counting

from the expiration of the initial 30 days period within which the Appeal No.139 of 2024, should have been filed.

4. Respondent No.4 asserts that the Applicant has deliberately attempted to mislead this Hon'ble Tribunal by inaccurately presenting the delay as 59 days, when in fact it amounts to 68 days. This misrepresentation is clear and unambiguous. It is evident that the Applicant has manipulated the timeline to obscure the true period of delay, thereby attempting to benefit from the Tribunal's discretionary power to condone delays.
5. The I.A. along with the appeal was registered on 15th May 2024, with delay of 68 days, which is clearly much beyond the limitation period and is non-condonable. It is also a fact that no credible evidence has been submitted by the Applicant explaining the reasons for this inordinate delay. Therefore, this I.A. along with the Appeal may be dismissed for not only suppressing the vital fact of deliberately filing in defect but also non-condonable delay of 68 days which has not been explained in the present Application or the Appeal. A copy of the

screenshot of the NGT website showing the case status with the dates of filed and registered is marked and annexed as **ANNEXURE – R-1**.

6. That in the present Application the Applicant has not stated the sufficient cause which had prevented him in filing the Appeal No. 139 of 2024 within the limitation period of 30 days. The Applicant have taken various afterthought stances for seeking condonation of delay.

7. The Applicant, in their Interlocutory Application (I.A.), has incorrectly asserted that the Hon'ble National Green Tribunal (NGT) neither notified them nor provided an opportunity to be heard. However, the fact is that the Applicant was present before the Hon'ble NGT on 29th April 2024, when the matter they had filed was listed for addressing the issue of their failure to rectify the defects within the 30-day period that had been granted.

The Hon'ble NGT, in its order dated 29.04.2024, rightly observed the following:

8. Non-Removal of Defects: The Tribunal noted that the defects communicated to the Applicant were not rectified within the 30-day period, leading to the matter being placed before the NGT for further directions.
9. Limited E-Filing by Applicant: It was observed that the Applicant only e-filed a copy of the Environmental Clearance (EC), which resulted in the generation of a Diary Number. However, the Registry reported that no further steps were taken by the Applicant beyond this point.
10. Bulk Filing of Cases: The NGT highlighted that the Applicant filed a large number of cases—reportedly as many as 105—where Diary Numbers were issued merely upon the e-filing of the ECs.
11. Failure to Address Filing Issues within Time: The Tribunal noted that the Applicant did not approach the NGT to inform them of any difficulties in uploading the appeals or matters. Moreover,

the Applicant made no request to submit the hard copies of the appeal or application to the record.

12. Erroneous Practice by Applicants: The NGT expressed concern that the Applicant seemed to be attempting to manipulate the period of limitation by generating Diary Numbers based solely on the EC uploads, rather than completing the proper e-filing process. The Tribunal found this practice to be incorrect and inconsistent with the provisions of the NGT Rules.
13. It is stated that the above observation of Hon'ble NGT is a ground enough to dismiss this Appeal as the delay is apparently deliberate and non-condonable. Further, Respondent No.4, states that appeal as alleged by the Applicant to be filed on 08.03.2024 was only to avoid the discretionary period of limitation of thirty days in filing of the Appeal as per Section 16 of the National Green Tribunal Act, 2010.
14. In view of the aforesaid facts and submissions, it is apparent that the delay caused in filing the present Appeal is non-condonable.

Respondent No.4 reserves the right to file a detailed reply on merits if required by this Hon'ble Tribunal.

In light of the above, it is prayed that the Application and consequently the Appeal be dismissed in the interest of justice and equity.

Pune

Date : 22/11/2024

A handwritten signature in blue ink, appearing to read 'D. S. Kanani', with a horizontal line underneath.

Advocate for Respondent No.4

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A F F I D A V I T

MAY IT PLEASE THE HON'BLE TRIBUNAL:

I, Rakeshchandra Jagdishprasad Sinha, adult 59 Years, Occu.: Service, having registered office at Acme Plaza, Andheri Kurla Road, Andheri (East), Mumbai – 400 059 do hereby state on solemn affirmation as under:

I am the Director of the Respondent No.4 above named and responsible for day to day administration of my business. As such, I have gone through the Reply to IA for condonation of delay and annexure thereto being filed today. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief. In witness whereof, I have signed hereunder at Mumbai on 22nd day of November 2024

BEFORE ME



DEPONENT

SANJAY KUMAR PANDEY
 Advocate & Notary Govt. of India
 Room No. 7, Swami Krishna Nand Chawl,
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NOTED AT SR NO. 321
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National Green Tribunal



Case Details

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Filing Number	/2024	Filing Date	06-05-2024
Party Name	SAYYED MOHAMMED SABIR USMAN VS UNION OF INDIA THROUGH SECRETARY MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE		
Petitioner Advocate(s)	NITIN LONKAR	Respondent Advocate(s)	
Act			
Case Number	IA No. 193/2024 in Appeal No. 131/2024	Registered On	17-05-2024
Last Listed		Next Hearing Date	
Case Status	PENDING		

Diary Number

Case Number

Party Name

Advocate Name

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