

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**WESTERN ZONE BENCH, PUNE**

**(I A NO 205/2024 WZ)**

**IN**

**APPEAL NO 138/2024 WZ**

TANAJI B GAMBHIRE

Appellant

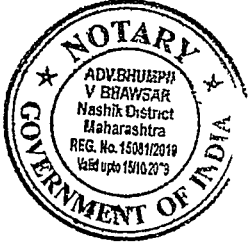
VERSUS

UNION OF INDIA & ORS

Respondents

**REPLY ON BEHALF OF RESPONDENT NO 9 TO THE**  
**INTERLOCUTORY APPLICATION FOR DELAY**  
**CONDONATION**

- 1 The Respondent No 9 is having its office address as mentioned in the cause title of the Appeal The respondent no 9 vide its board resolution dated 25/11/2024 has authorized to file this reply, I am well conversant to the facts of the case The board resolution further has authorised him to if needed, to appear and conduct the proceeding before this Hon'ble Tribunal This reply is made on behalf of the Respondent No 9
- 2 The reply filed the Respondent no 9 to the appeal filed by the appellant abovenamed shall be read and considered with this reply if required
- 3 At the outset the Respondent states that the Application filed by the Appellant seeking condonation of delay is completely devoid of merits and is false, frivolous, vexatious and it deserves to be dismissed with costs



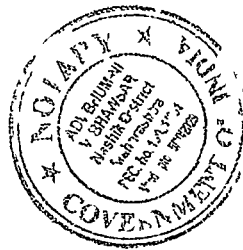
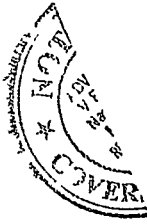
4 The Respondent No 9 denies all the statements, contentions, averments and submissions made by the Appellant in the Application with respect to the Respondent No 9 and contends that whatever is not specifically admitted by way of this reply be deemed to have been denied by the Defendant

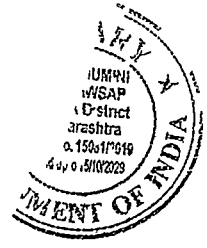
5 Without prejudice to the contentions raised hereinabove, the Defendant shall now deal with the Application para wise

6 With reference to paragraph no 1 and 3, the respondent denies that there was unintentional delay in refiling the Appeal

7 With reference to paragraph no 4 1, the respondent no 9 denies that the Appellant tried to file Appeal from 06 03 2024 to till 09 03 2024, but same could not be completed due to technical problem with the NGT website and wrote the email on 09 03 2024 The Respondent craves leave to refer and rely upon the order passed by this Hon'ble Tribunal on 29 04 2024 in Diary Nos 2704138001672024 to 2704138001732024

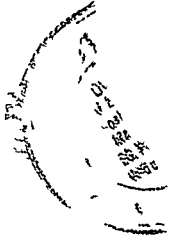
8 With reference to paragraph no 4 2, the respondent no 9 denies that the Applicant was able to upload only impugned EC and was not able to upload the complete petition and therefore, uploaded EC on 12 03 2024 with successful payment



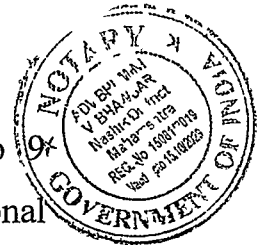


- 9 With reference to paragraph no 4 3, the Respondent no 9 is trying to use this Hon'ble Courts order as an protection for the delay caused on his part to file the Appeal The Hon'ble Court has rightly observed in its order dated 29 04 2024 in Diary Nos 2704138001672024 to 2704138001732024 that *'9 It appears that the applicant/appellant has adopted a wrong practice as in none of these cases, an effort was ever made by the applicant/appellant to approach this Tribunal apprising that there was some problem in uploading these appeals/matters nor any prayer was made that hardcopy of the memo of appeal/application may be permitted to be produced on record Looking to the large number of cases being filed in such manner that probably an effort is being made by the applicant/appellant to claim the period of limitation from the date when the ECs were uploaded and Diary Numbers were got generated instead of actually e-filing the cases We find that this practice appears to be erroneous and not in consonance with the provisions of NGT Rules, referred to above '*
- 10 With reference to paragraph no 5 1, the respondent no 9 denies that there is unintentional delay of 59 days from 09 03 2024 to 07 05 2024 in refiling of Appeal Further, it is denied that the delay of 59 days may kindly be condoned in the interest of justice as the delay caused is unintentional delay in the interest of justice
- 11 With reference to Paragraph no 5 2 the Respondent no 9 states that the Appellant is trying to take protection of the

order dated 29 04 2024 of this Hon'ble Court, whereas the order shows the wrong conduct/practise adopted by the Appellant It is denied that the Appellant advocate was in personal difficulty of facing serious health issues and priorities in family to be attended on urgent basis and could not remove the defect from previous filing and granted the liberty to file appeal in accordance with NGT rules vide Order dated 29 04 2024 it is stated that the Appellant has failed to provide any document to support his claim of health issues or family priorities



12 With reference to paragraph no 5 2, the respondent no 9 denies that he said default/delay of 59 days is not intentional as this is Appeal from bunch of 105 Appeals having large number of documents, created confusion in numbering, NGT website upgradation caused more confusion during the uploading and documents get mixed up with another appeals as well as this Appellant advocate is in personal difficulty of facing serious health issue and priorities in family to be attended on urgent basis



13 With reference to paragraph no 5 3, the respondent no 9 denies that as per the Sec 16 of NGT Act, 2010, period of limitation to file present Appeal is 30 days from date of communication of impugned EC to the public at large It is denied that uploading date of the EC on Parivesh web portal cannot be the communication Further, it is denied that the incident of such grant of illegal EC despite non- functioning of the SEIAA is came into light when one of the EC dated

09 02 2024 was under challenge in Appeal No 17/2024 (WZ) vide dated 17 02 2024 and hearing of this case was took on 28 02 2024 it is denied that Appellant come across the incident of the illegal grant of more than 100 such illegal Environment Clearances while browsing the complicated website "[https //parivesh nic in/](https://parivesh.nic.in/)", and thereafter this appellant obtained documents, which took lots of time in arranging the documents, studying the same, taking expert & legal opinion, appointment of advocate, which resulted in delay in filing this Appeal

14 With reference to paragraph no 5 5 to 5 7, the respondent no 9 denies the contents thereof in its entirety and relies upon the above paragraphs

15 With reference to paragraph no 6, the respondent no 9 states that the Appellant has failed to provide even a single genuine reason to condone the delay caused in filing the present Appeal Therefore, the prayer of the Appellant may be rejected and the 59 days delay caused in filing the appeal may not be condoned

16 The respondent no 9 states that the Appellant has not provided with any document to prove the delay explained in the Application The order dated 29 04 2024 clearly shows the wrong practice adopted by the Appellant The Appellant by filing the appeal and the present application is only trying to seek wrongful gain



17. In view of the aforesaid, the Respondent No. 9 states that the Interim Application seeking condonation of delay of 59 days in filing the Appeal may be dismissed/rejected with costs.

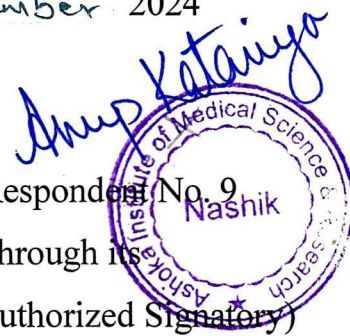


DATED THIS 02 DAY OF December 2024

*Rashu*

Advocates for the Respondent No. 9

Respondent No. 9  
(through its  
Authorized Signatory)



**VERIFICATION**

I, Anup Subhaschandra Katariya, do hereby solemnly declare that what is stated in the foregoing reply is true to my own knowledge as far as the facts are concerned and with regard to the legal submissions made therein, the same are made on legal advice received by me and I believe the same to be true.

**IDENTIFIED BY**

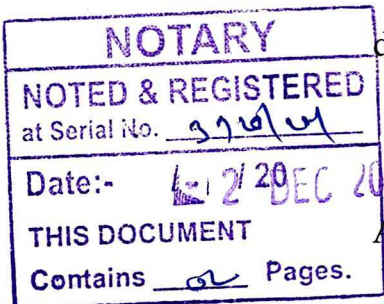
Signature:- *Rashu*  
Name:- *Adv. R.K. Patil*  
No. *Nashik*

Solemnly declared at Nashik )

dated this 02 day of December, 2024 )

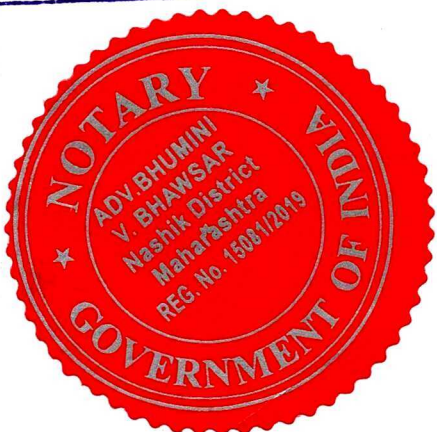
*Anup Katariya*

before me,



*Rashu*

Advocates for the Respondent No. 9



Solemnly affirmed & Sign. before

me by Shri/Smt. *Anup Subhaschandra Katariya*,

Who is identified by *Adv. R.K. Patil*

whom I know personally.

*BV*

2 DEC 2024

**Bhumini V. Bhawsar**  
Advocate & Notary, Govt. of India