

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE**

**I.A. No. 25 OF 2020**

**IN**

**APPEAL No. 17 OF 2020**

**IN THE MATTER OF :**

Abhijit Prabhudesai.

... Appellant

V/s.

The Goa State Pollution Control Board and Ors. ... Respondents

**REPLY ON BEHALF OF THE RESPONDENT No. 2.**

**MAY IT PLEASE YOUR HONOUR :**

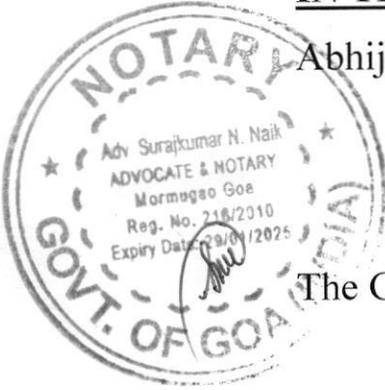
The Respondent No. 2 abovenamed most respectfully states and submits as follows :

1. By the present Application, the Appellant herein seeks condonation of delay of purported 58 days in filing the Appeal against the Order of the Administrative Tribunal, Goa in Pollution Appeal No. 5/2018/AIR.

2. In paragraph 6 of the said Application, the Appellant purports to state that the present Appeal is filed before this Hon'ble Tribunal on 20<sup>th</sup> January, 2020.

3. In paragraph 2 of the present Application, the Appellant purports to state as follows : **“That the Impugned Order in the above titled Appeal was orally dictated by the bench of the Ld. Administrative Tribunal on 15/10/2019, but**

*Prabhudesai*



**the copy of the Order was only provided to the Appellant on 24/10/2019, and therefore the date of communication of the Order was 24/10/2019”.**



4. At the outset, it is respectfully stated that the Impugned Order was not orally dictated by the Id. Administrative Tribunal on 15/10/2019 but the Ld. Administrative Tribunal only pronounced the Impugned Order on 15/10/2019.

5. Further, it is denied that the copy of the Impugned Order was provided to the Appellant only on 24/10/2019 and it is denied that the date of communication of the Order was 24/10/2019, as alleged by the Appellant.

6. It is most pertinent to note that the Appellant has not produced any documentary evidence to demonstrate that the copy of the Order was provided to the Appellant on 24/10/2019, as alleged. The copy of the Impugned Order dated 15/10/2019 as annexed to the Appeal served on the Respondent No. 2 herein, also does not demonstrate as to when the Appellant applied for a certified copy of the Order and as to when the said certified copy was ready for delivery.

In these circumstances, it cannot be presumed that the copy of the Order was provided to the Appellant on 24/10/2019, without any documentary evidence substantiating this fact.

7. In fact, the Respondent No. 2 herein had applied for a certified copy of the Impugned Order on 15/10/2019 and the same was ready for delivery on 22/10/2019.

*Bna*

8. It is respectfully submitted that the proviso to Section 16 of the National Green Tribunal Act, 2010 gives jurisdiction to this Hon'ble Tribunal to condone delay for filing the Appeal only for a period not exceeding 60 days.

9. It is respectfully submitted that the present Appeal is filed beyond the period of 30 days and also beyond a further period of 60 days, if the date of communication of the Order is considered as 15/10/2019. This is also the case if the date of communication of the Order is considered as 22/10/2019.

10. As such, it is respectfully submitted that this Hon'ble Tribunal does not have jurisdiction to condone the delay in filing the present Appeal. The purported delay of 58 days as stated in the Application is incorrect.

11. It is respectfully submitted that, in any event, the Appellant has not made out a sufficient cause for condonation of delay.

12. In the circumstances, as aforesaid, it is respectfully submitted that the Application for condonation of delay deserves to be dismissed.

 Vasco - da - Gama, Goa.  
Dated : 17 /11/2020.

  
**Mr. RAJAN NAIK**  
(Duly constituted attorney of  
the Respondent No. 2)

(Advocate for the Respondent No. 2)

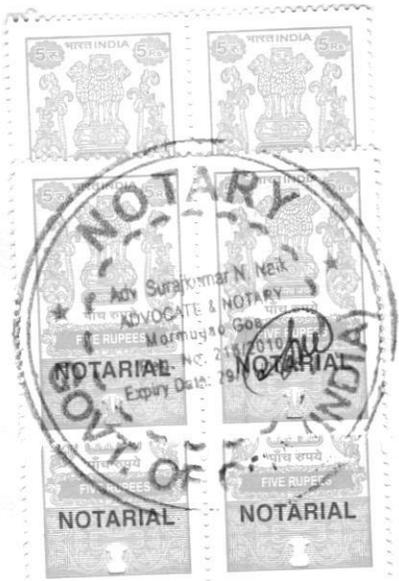
**VERIFICATION**

I, Mr. Rajan Naik, major in age, residing at Bambolim, Goa, Law Officer (Grade I) and duly constituted attorney of the Respondent No. 2 herein say that the statements of facts made in the foregoing paragraphs are on the basis of information derived from records to which I have access and submissions made therein are on the basis of legal advice which I believe to be true.



Place : Vasco da Gama  
Date : 17/11/2020

*Rajan*  
(Mr. RAJAN NAIK)



*Suraj*  
Adv. Surajkumar N. Naik  
NOTARY  
State of Goa  
36, Ground Floor Apna Bazar Bldg.  
Vasco-da-Gama, Goa-403 802  
Ph.: 9423310194, 9960366967

Executed before me  
by Mr. Rajan Naik  
which I attest

Date 17-11-2020  
No. 11748/2020