

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 44/2024**

(I.A No. 541/2024)

M/S SWAAD-E-PUNJAB

...APPELLANT

VERSUS

STATE OF UTTAR PRADESH & ORS

...RESPONDENT(s)

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THROUGH



**BHANWAR PAL SINGH JADON
COUNSEL FOR UPPCB, NGT**

EMAIL- bhanwar09jadon@gmail.com

DATE: 09.12.2024

PLACE: NEW DELHI

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
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(I.A No. 541/2024)

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**REPLY TO I.A. NO. 541/2024 CONDONATION OF DELAY IN APPEAL
NO. 44/2024 ON BEHALF OF RESPONDENT NO. 2 UTTAR PRADESH
POLLUTION CONTROL BOARD**

MOST RESPECTFULLY SHOWETH:

1. The Respondent No. 2 (hereinafter referred to as “the Respondent”) respectfully submits that the present Application, Application for Condonation of Delay, lacks merit and should be dismissed. The Applicant has failed to demonstrate sufficient cause or reasonable justification for the purported delay in filing the present Appeal, as required under law.
2. It is submitted before the Hon’ble Tribunal that the impugned order was passed by the UPPCB on 13.08.2024. The appeal for the aforementioned order was then filed by the Applicant at Hon’ble High Court of Judicature at Allahabad, which was then disposed of on 21.09.2024, directing the Applicant to seek remedy at appropriate

forum. The Applicant did not act with due diligence and failed to approach the Hon'ble Tribunal within a reasonable timeframe.

3. The Applicant claims lack of knowledge and resources as reasons for delay and further asserts that substantial time was required for legal research and understanding procedural requirements. However, no documentary evidence or explanation has been provided to substantiate these claims by the Applicant. It is submitted that the procedural rules for filing Appeals are well-established, and the Applicant could have sought professional assistance or availed of legal aid within the limitation period. Failure to do so demonstrates negligence rather than a bona fide inability to act.
4. The reliance on *Purni Devi vs. Babu Ram* [SLP (Civil) No. 17665 of 2018] is misplaced. In that case, the Hon'ble Supreme Court excluded the time spent litigating in a wrong forum due to bona fide reasons. However, the Applicant herein has failed to establish any bona fide reasons or show due diligence in pursuing the matter. The delay in the present case is a result of the Applicant's indolence and is not protected under the principle laid down in *Purni Devi*.
5. The Applicant through the present I.A. has been ineffective in showing a bona fide reason for the delay in filing of the Appeal before the Hon'ble Tribunal.

PRAYER:

1. Dismiss the Application for Condonation of Delay, as it lacks sufficient cause and fails to meet the criteria established under law;
2. Pass such other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

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AFFIDAVIT

I, Deokumar Gupta, aged about 56 years S/o Vibhuti Prasad Gupta, posted as Regional Officer, Uttar Pradesh Pollution Control Board, Ghaziabad do hereby solemnly affirm and state as under:

1. That I am the Authorized Representative of UPPCB in the present matter and being well conversant with the facts of the case. I am competent to swear this affidavit.
2. That I have gone through the contents of the accompanying compliance reply and the contents of the same are true and correct as per my knowledge based on record and legal knowledge obtained.
3. That the Annexures annexed to the present accompanying reply are correct and true copy to my knowledge and belief on the basis of the records.



DEPONENT

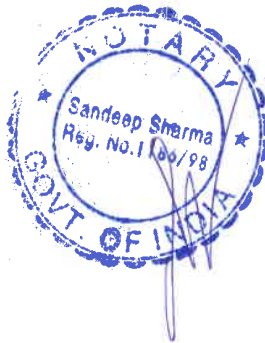
09 DEC 2024

VERIFICATION

Verified at Ghaziabad on this 09 day of December, 2024, 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.



DEPONENT



ATTESTED

(Sandeep Sharma)
Reg. No. 1100/98
NOTARY PUBLIC
Ghaziabad (U.P.)

09 DEC 2024