

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
INTERLOCUTORY APPLICATION NO. 780 OF 2025**

IN

APPEAL NO. 72 OF 2025

IN THE MATTER OF:

M/s Omaxe Buildhome Limited

...Appellant

versus

Punjab Pollution Control Board

...Respondent

INDEX

SR. NO.	PARTICULARS	PAGE NO(S).
1.	Reply on behalf of Respondent - Punjab Pollution Control Board.	1-8
2.	Vakalatnama	9-10
3.	Proof of Service	11

RESPONDENT

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

Through

Place : BATHINDA

Date : 13-07-2026

Naman Kumar, Advocate (D/6574/2023)

Law Office of Apar Gupta

Advocates for the Defendant

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
INTERLOCUTORY APPLICATION NO. 780 OF 2025
IN
APPEAL NO. 72 OF 2025**

IN THE MATTER OF:

M/s Omaxe Buildhome Limited

...Appellant

versus

Punjab Pollution Control Board

...Respondent

**REPLY ON BEHALF OF THE PUNJAB POLLUTION CONTROL BOARD
AGAINST THE APPLICATION UNDER SECTION 5 AND 14 OF THE
LIMITATION ACT, 1963, READ WITH SECTION 16 OF THE NATIONAL
GREEN TRIBUNAL ACT, 2010, SEEKING *INTER ALIA* CONDONATION
OF DELAY OF 136 DAYS IN FILING THE ACCOMPANYING APPEAL.**

MOST RESPECTFULLY SHOWETH:

1. This reply (**Reply**) is being filed by Defendant No. 1 i.e., Punjab Pollution Control Board, (**Defendant/Board**) in response to the Appellant's i.e., M/s Omaxe Buildhome Limited (**Appellant/Applicant**) Interlocutory Application No. 780 of 2025 (**Application**) seeking condonation of delay of 136 (one hundred thirty-six) days in filling the Appeal No. 72 of 2025 (**Appeal**) against the Impugned Orders dated 25.04.2025 (**First Impugned Order**) and 18.09.2025 (**Second Impugned Order**).
2. At the outset, Defendant states that each and every averment in the Application is denied unless expressly admitted in the present Reply. No part of the Application may be deemed to be admitted by Defendant for non-traverse or otherwise.

I. BACKGROUND

Re. Proceedings before the Appellate Authority-cum-Secretary to the Government of Punjab, Department of Science, Technology and Environment.

3. The Appellant challenged the First Impugned Order before the Appellate Authority-cum-Secretary to the Government of Punjab, Department of

Science, Technology and Environment, (**Appellate Authority**) by filing an appeal on 27.05.2025. However, by order dated 09.06.2025, the Appellate Authority dismissed the said appeal as not maintainable, holding that directions issued by the Board under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 are appealable before this Hon'ble Tribunal under Section 33B(c) of the Water (Prevention and Control of Pollution) Act, 1974 read with Section 16(c) of the National Green Tribunal Act, 2010.

Re. Proceeding before this Honorable pertaining to the Application.

4. On 09.10.2025, Applicant filed the Appeal under Section 16(c) of the National Green Tribunal Act, 2010 read with Section 33B(c) of the Water (Prevention and Control of Pollution) Act, 1974, challenging the orders dated 25.04.2025 and 18.09.2025 passed by Defendant under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981.
5. On 06.02.2026, this Hon'ble Tribunal issued notice in the Application. Furthermore, it was directed to the Appellant to serve the Defendant and file an affidavit of service before the next date of hearing i.e., 06.04.2026.
6. On 06.04.2026, Defendant entered appearance in the Appeal and sought time to file a reply against Application. This Hon'ble Tribunal granted two weeks time to file a reply against the Application to the Defendant.

II. PRELIMINARY OBJECTIONS AND SUBMISSIONS

7. At the outset, Defendant No. 1 submits that the Plaintiff has erroneously asserted that the delay in filing the present appeal is only 136 days. The said calculation is factually incorrect. *First*, the Board passed the impugned order on 25.04.2025, whereas the Appellant filed the present appeal only on 09.10.2025. Accordingly, the delay between 25.04.2025 and 09.10.2025 is 167 days (*excluding the date of filing*). *Second*, even if the period during which the Appellant pursued the remedy before the Appellate Authority is excluded, and that such proceedings concluded on 11.07.2025, the Appellant still filed the present appeal only on 09.10.2025, resulting in a delay of 90 days (*excluding the date of filing*).

8. It is further submitted that the present application seeking condonation of delay is wholly misconceived, legally untenable, and liable to be dismissed. Section 16 of the National Green Tribunal Act, 2010 ("NGT Act"), requires an appellant to file an appeal within 30 days from the date of communication of the impugned order. The proviso to Section 16 empowers this Hon'ble Tribunal to condone a further delay of up to 60 days, subject to the appellant establishing sufficient cause. Accordingly, the maximum period within which an appeal may be entertained under Section 16 of the NGT Act is 90 days from the date of communication of the impugned order. It is a settled principle of law that this Hon'ble Tribunal has no jurisdiction to condone delay beyond the statutory period of 90 days.
9. The Appellant has failed to demonstrate any sufficient cause for not filing the present appeal within the prescribed period of 30 days. The only explanation offered by the Appellant is that it required time to procure certain case records from the Appellate Authority. Such an explanation neither justifies the delay nor constitutes a sufficient cause within the meaning of Section 16 of the National Green Tribunal Act, 2010. The Hon'ble Tribunal has authoritatively considered the scope of the expression "*sufficient cause*" in M.A. No. 247/2012 in Appeal No. 76/2012, *Nikunj Developers & Ors. v. State of Maharashtra & Ors.*, decided on 14.03.2013. The Hon'ble Tribunal held that although the expression "*sufficient cause*" must receive a liberal construction and incorporate the concept of reasonableness, such liberal interpretation cannot defeat the substantive law of limitation. Furthermore, the existence of "*sufficient cause*" must be tested on the touchstone of the *doctrine of reasonableness* and that, while the law of limitation should not be applied with undue rigidity resulting in injustice, a balanced approach must guide the discretion in condoning delay (*paras 6-14*). In the present case, the Appellant has failed to disclose any facts that satisfy the test of reasonableness or establish sufficient cause warranting the exercise of this Hon'ble Tribunal's discretionary jurisdiction to condone the delay.
10. The Hon'ble Supreme Court, in *Balwant Singh v. Jagdish Singh*, (2010) 8 SCC 685, considered the scope and ambit of the expression "*sufficient cause*" and laid down the principles governing condonation of delay. The Hon'ble Supreme Court held that a liberal construction of the expression "*sufficient cause*" aims to advance substantial justice; *however, such liberal*

interpretation necessarily presupposes the absence of negligence, inaction, or lack of bona fides on the part of the applicant. The Hon'ble Supreme Court further held that, while courts may condone delay in appropriate cases, they must refuse to exercise their discretion where the applicant fails to establish the essential ingredients constituting "*sufficient cause*" in law. (para No. 32-38)

11. Furthermore, The Hon'ble Supreme Court observed that the expression "sufficient cause" implies the existence of legal and adequate reasons. The term "sufficient" denotes a cause that is adequate and necessary to achieve the intended purpose in the facts and circumstances of a given case. The existence of sufficient cause must be assessed from the perspective of a reasonable, prudent, and cautious person and that the explanation furnished by the applicant must be such as would persuade the Court, in the exercise of its judicial discretion, to treat the delay as excusable.
12. The appellant has failed to demonstrate any sufficient cause to not being able to file the present appeal other than of the excessive time taken to procure the complete record of the proceedings before the Respondent, which took place in Bathinda, as well as other necessary documents such as STP records and adequacy report of the STP. Furthermore the Appellant did not demonstrate which documents were missing and which department they communicated to to gather that document.
13. In the present case the Appellant has failed to demonstrate any sufficient cause for not filing the present appeal within the prescribed period. The only explanation furnished by the Appellant is that it required considerable time to procure the complete record of the proceedings before the Respondent, which took place at Bathinda, as well as other documents, including the records relating to the Sewage Treatment Plant (STP) and the STP adequacy report. Such a vague and general explanation does not satisfy the test of "sufficient cause" under the law.
14. The Appellant has neither identified the specific documents that were allegedly unavailable *nor* disclosed the dates on which it sought such documents. The Appellant has further failed to disclose the authorities, departments, or offices from whom it sought the said records, the mode of communication adopted for obtaining them, or the period taken by each authority to furnish the same. In the absence of any particulars demonstrating

diligence, bona fides, and continuous efforts to prosecute the remedy, the explanation offered by the Appellant remains wholly unsubstantiated and cannot constitute sufficient cause for condonation of delay.

II. PARA-WISE REPLY

15. **Para No. 1 and 2:** The contents of paragraph Nos. 1 and 2 are denied, save and except to the extent that they form part of the record. The Respondent craves leave to refer to and rely upon the record at the appropriate stage.
16. **Para No. 3:** The contents of paragraph no. 3, insofar as they reproduce the provisions of Section 14 of the Limitation Act, 1963, are matters of record and require no reply. To the extent that the Appellant seeks to draw any legal inference or claim entitlement to the benefit of Section 14 of the Limitation Act, 1963, the same are denied. The Appellant is put to strict proof of all averments made in this regard.
17. **Para No. 4:** The contents of the present paragraph No. 4 are denied. Without prejudice to the above, even if the period spent before the Appellate Authority were to be excluded, the Appellant has failed to explain the delay thereafter and has not demonstrated any sufficient cause warranting the condonation of delay. The remaining averments are denied, and the Appellant is put to strict proof thereof.
18. **Para No. 5 and 6:** The contents of paragraph nos. 5 and 6 are denied, save and except to the extent that they form part of the record. The Respondent craves leave to refer to and rely upon the record at the appropriate stage.
19. **Para No. 7:** The contents of paragraph no. 7 are denied for want of knowledge, and the Applicant is put to strict proof thereof.
20. **Prayer:** The contents of prayer are denied, save and except to the extent that they form part of the record. It is submitted that the delay in filling Appeal cannot be condoned because the Appellant failed to provide a sufficient cause for delay in filling the present Appeal.
21. In light of the contentions raised above, it is most humbly prayed that this Hon'ble Tribunal be pleased to reject the Application and grant any other

reliefs that this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.



RESPONDENT
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

Through



Place : BATHINDA
Date : 13-07-2026

Naman Kumar, Advocate (D/6574/2023)
Law Office of Apar Gupta
Advocates for the Defendant
Address: E-215, East of Kailash, New Delhi: 110065
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

APPEAL NO. 72 OF 2025

IN THE MATTER OF:

M/s Omaxe Buildhome Limited

versus

Punjab Pollution Control Board

...Respondent



AFFIDAVIT

I, Er. Ruby Sidhu, aged about 38 years Environmental Engineer, Punjab Pollution Control Board, presently posted at 3rd Floor, District Administrative Complex Room Nos. 401-E to 403-E and 418-E, Regional Office, Bathinda, do hereby solemnly affirm and state as under:

1. I am working as an Environmental Engineer in the Punjab Pollution Control Board and is presently posted at Regional Office, Bathinda - Punjab Pollution Control Board.
2. I am well conversant with the facts and circumstances of the present case and am competent and duly authorized to swear and file the present Reply or any accompanying IAs by way of this affidavit on behalf of the Respondent, i.e., Punjab Pollution Control Board.

That the contents of the accompanying Reply, any accompanying IAs have been drafted under my instructions and the same are true and correct to my knowledge and belief, and nothing material has been concealed therefrom.

4. That the documents annexed with the accompanying reply are true and correct copies of their respective originals.

Er. Ruby Sidhu
13/07/2026
DEPONENT

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.



Er. Ruby Sidhu
PCCB, BTL

Identify the Deponent

VERIFICATION



I, the Deponent above named, do hereby verify that the contents of this above affidavit are true to the best of my knowledge and belief, and information received by me and believed to be true. No part of it is false and nothing material has been concealed therefrom.

Verified before me at Bathinda on 13th day of July 2026

[Signature]
13/07/2026

DEPONENT

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.



Entered in my Notarial Register at
Sr. No. 154 Register No. 1
Date 13/7/2026

NOTARY

13 JUL 2026

ATTESTED *a. [Signature]*

SUNIL KUMAR KUKAR
Advocate & Notary
Appointed by Govt. of India
BATHINDA (Pb)

13 JUL 2026

308
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI
APPEAL NO. 72 OF 2025

9

IN THE MATTER OF:

M/s Omaxe Buildhome Limited

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versus

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...Respondent

VAKALATNAMA

KNOW ALL MEN BY THESE PRESENTS that I, Ruby Sidhu, aged about 38 years, Environmental Engineer and authorised representative of the Punjab Pollution Control Board, the Respondent herein, having its office at 3rd Floor, District Administrative Complex Room Nos. 401-E to 403-E and 418-E, Regional Office, Bathinda. Do hereby appoint Mr. Apar Gupta (D/500/2007), Mr. Naman Kumar (D/6574/2023), Ms. Indumugi C. (D/5685/2022) and Ms. Avanti Deshpande (MAH/2073/2023), E-215, East of Kailash, New Delhi: 110065, Tel: - 9990000256 (hereinafter collectively referred to as the "**Advocates**"), to act, appear, and plead on behalf of the Respondent in the above-mentioned matter and to do and perform all or any of the following acts, deeds, and things in connection therewith, namely:—

1. To act, appear and plead in the above-mentioned cause in this Court or any other Court in which the same may be tried or heard in the first instance or in appeal or letters patent appeal or review or revision or execution or in any other stage of its progress until its final decision.
2. To present pleadings, appeals, letters patent appeal, petition of appeal to Supreme Court, cross-objections, or petitions or execution, review, revision, withdrawal compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said cause in all its stages.
3. To withdraw or compromise the said cause or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said cause.
4. To receive moneys and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and during the prosecution of the said cause.
5. To employ any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred on the advocates whenever they may think fit to do so.

AND I hereby agree to ratify whatever the advocates or their substitute shall do in the premises.

AND I hereby agree not to hold the Advocates or their substitute responsible for the result of the said cause in consequence of their absence from the Court when the said cause is called up for hearing.

AND I hereby agree that in the event of the whole or any part of the fee agreed by me to be paid to the Advocates remaining unpaid, they shall be entitled to withdraw from the prosecution of the said cause until the same is paid.

IN WITNESS WHEREOF I hereunto set my hand to these presents and the contents of which have been explained to and understood by me, this 13th day of July 2026

Accepted

Punjab Pollution Control Board
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

Apar Gupta

APAR GUPTA
(D/500/2007)

Indumugic

INDUMUGIC.
(D/5685/2022)

Naman Kumar

NAMAN KUMAR
(D/6574/2023)

Avanti

AVANTI DESHPANDE
(MAH/2073/2023)



Advance Service of Reply – Appeal No. 72 of 2025 titled M/s Omaxe Buildhome Limited vs. Punjab Pollution Control Board & Ors.

1 message

Rahul Clerk <courtclerk@aparlaw.in>
To: admin@ksmchambers.com
Cc: Apar Gupta <office@aparlaw.in>

Mon, Jul 13, 2026 at 5:30 PM

Dear Sir/Madam,

Please find attached the Reply filed on behalf of Respondent No. 1 in Appeal No. 72 of 2025, titled *M/s Omaxe Buildhome Limited vs. Punjab Pollution Control Board & Ors.*

Kindly treat this email as advance service of the said Reply upon the Respondent.

--

Kind regards

Rahul

Court Clerk
Law Office of Apar Gupta

@ courtclerk@aparlaw.in

A [E-215, 3rd Floor, East of Kailash, New Delhi, India 110065](#)

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Final Reply and Vakaltname Appeal 72 of 2025.pdf
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