

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

**I.A. NO. 760 OF 2025
IN
APPEAL NO. 70 OF 2025**

IN THE MATTER OF :

DEBADITYO SINHA

... APPELLANT

VERSUS

M/S MIRZAPUR THERMAL ENERGY (UP) PVT. LTD.

... RESPONDENTS

INDEX

Ndoh:- 30.01.2025

Sl. No.	Particulars	Pages
1.	Reply on Behalf of the Respondent No. 1 to the Application for Condonation Delay on behalf of the Appellant	1 – 13
2.	Annexure R1/1 A copy of Board Resolution dated 05.08.2024	14
3.	Annexure R1/2 A copy of I.A. No. 275143 of 2025 (without Annexures) filed before the Hon'ble Supreme Court filed by the Appellant	15 - 32
4.	Proof of Service	33 -34

RESPONDENT No. 1

THROUGH

For, **Trust Legal Advocates & Consultants**
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Place: New Delhi

Date: 23.01.2026

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

I.A. NO. 760 OF 2025
IN
APPEAL NO. 70 OF 2025

IN THE MATTER OF :

DEBADITYO SINHA

... APPELLANT

VERSUS

M/S MIRZAPUR THERMAL ENERGY (UP) PVT. LTD.

... RESPONDENTS

**REPLY ON BEHALF OF THE RESPONDENT NO. 1 TO THE APPLICATION FOR
CONDONATION OF DELAY ON BEHALF OF THE APPELLANT**

MOST RESPECTFULLY SHOWETH

1. The instant Reply is being filed on behalf of the Respondent No. 1 to the Application for Condonation of Delay on behalf of the Appellant. The Reply is being signed, verified and filed by Mr. Rajesh Sehgal being duly authorized on behalf of the Respondent No. 1 vide the Board Resolution dated 05.08.2024.

A copy of the Board Resolution dated 05.08.2024 is attached herewith and marked as “**Annexure R1/1**”

2. At the outset, the contentions and the averments in the application are denied ad seriatim as though traversed, save and except as are matters of record and / or specifically admitted herein.

I. PRELIMINARY OBJECTIONS

3. It is stated that in terms of Section 16 of the National Green Tribunal Act, 2010, a challenge to an Environmental Clearance, by any party aggrieved by it, has to be filed within a period of 30 days from the date of the Environmental Clearance. In the instant matter, the Environmental Clearance was accorded on 23.09.2025 and the same was uploaded on the PARIVESH portal of the Respondent No. 2 on the very same date i.e., 23.09.2025. Thus, the instant Appeal ought to have been filed by 23.10.2025. However, the instant Appeal was filed on 21.11.2025 after a delay of 29 days.

4. Pertinent to mention, the proviso of Section 16 of the national Green Tribunal Act, 2010 provides that – *“...Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days.”* To seek the benefit of the condonable period of limitation, it is thus imperative that the Appellant shows and establishes that the Appellant was “prevented” by “sufficient cause” from filing the Appeal by 23.10.2025.

5. However, a perusal of the Application it is evident that the Application is bereft of any sufficient reason and / or cause because of which the Appellant was prevented from filing of the Appeal within the statutory time period of 30 days.
6. The Appellant has vaguely sought to rely on the proceedings filed by it before the Hon'ble Supreme Court to conjure a ground for delay, yet however, the Appellant has failed to demonstrate as to how the proceedings before the Hon'ble Supreme Court "prevented" the Appellant from preferring the Appeal within the limitation period.
7. In fact, on 29.10.2025, the Appellant filed I.A. No. 275143 of 2025 before the Hon'ble Supreme Court inter alia, seeking the following reliefs :
 - "a) Grant an immediate stay on the construction activities being carried out by Respondent No. 3 in the proposed Sloth Bear Conservation Reserve;*
 - b) Direct that an enquiry be conducted in the manner in which Environment Clearance dated 23.09.2025 and Stage I Forest Clearance dated 09.09.2025 have been granted in an expedited manner and during the pendency of the present proceedings for a thermal power project in the proposed Sloth Bear Conservation Reserve, when notice was issued by this Hon'ble Court on 12.08.2025*

and replies of all the respondents, including State of Uttar Pradesh, have not even come on record;"

A copy of I.A. No. 275143 of 2025 (without Annexures) filed before the Hon'ble Supreme Court is attached herewith and marked as "**Annexure R1/2**"

8. It is stated that whilst the Appellant took time and effort in moving the aforementioned I.A. No. 275143 of 2025 before the Hon'ble Supreme Court, being well aware of the 30 days limitation period for filing of the Appeal before this Hon'ble Tribunal, the Appellant ought to have exercised due diligence in filing of the instant Appeal within the statutory time frame.
9. It is humbly stated that the delay in filing of the Appeal, attributable solely to the Appellant, is not sufficient ground and / or reason by which the Appellant was prevented from filing the Appeal.
10. It is thus stated that the instant Application is a gross abuse of the process of law. It is stated that the Appellant has failed to show sufficient reason and / or cause because of which the Appellant was prevented from filing of the Appeal within the statutory time period of 30 days. The instant Application ought to be dismissed.

II. PARAGRAPHWISE REPLY

11. The contents of paragraph no. 1 are matters of record.
12. The contents of paragraph no. 2, save and except as are matters of record are denied. It is stated that the Execution Application No. 29 of 2024 in Appeal No. 79 of 2014 filed by the Appellant had been withdrawn by the Appellant, as recorded in the order dated 18.08.2025. It is stated that the Respondent No. 1 had filed its detailed Reply in Execution Application No. 29 of 2024, specifically denying the allegations of the Appellant regarding any alleged illegal construction activities carried out at the project site in violation of Van Adhiniyam, 1980 and EIA Notification, 2006.
13. The contents of paragraph no. 3, save and except as are matters of record are denied. It is stated that Suo Moto proceedings in reference to - *News item "Experts flag large-scale clearing of vegetation in Mirzapur forest" appearing in The Hindustan Times dated 03.07.2024 [O.A. No. 883/2024]*, was initiated by this Hon'ble Tribunal. It is stated that the Respondent No. 1 filed its detailed Reply in the aforementioned Application. This Hon'ble Tribunal vide the order dated 18.08.2025 disposed of the aforementioned proceedings.
14. The contents of paragraph no. 4, save and except as are matters of record are denied. It is to be noted that whilst Respondent No. 1 is a party to I.A. No. 185063/2025 filed by the Appellant, however, no reliefs/ prayers had been sought against the Respondent No. 1.

15.The contents of paragraph no. 5, save and except as are matters of record are denied.

16.The contents of paragraph no. 6, save and except as are matters of record are denied.

17.The contents of paragraph no. 7, save and except as are matters of record are denied.

18.The contents of paragraph no. 8, save and except as are matters of record are denied. It is stated that no reliefs/ prayers had been sought against the Respondent No. 1 in I.A. No. 185063/2025 filed by the Appellant, and hence, any alleged violation by the Respondent No. 1 was not specially to be adjudicated by the Hon'ble Supreme Court. Pertinent to mention, the aforementioned I.A. No. 185063/2025 filed by the Appellant did not seek any adjudication of any action by the Respondent No. 1, which stood clear from the fact that no reliefs were sought against the Respondent No. 1. It is stated that the Hon'ble Supreme Court had only issued notice to the parties in the I.A. No. 185063/2025 filed by the Appellant, and the Appellant did not have any reason to believe that the proposal of the Respondent No. 1 seeking Environmental Clearance shall not be proceeded with in accordance with the relevant laws, rules and regulations.

19.The contents of paragraph no. 9, save and except as are matters of record are denied. It is stated that the Environmental Clearance dated 23.09.2025 was uploaded on the PARIVESH portal of the Respondent No. 2 on 23.09.2025. It is stated that the Appellant was well aware of the pendency

of the application by the Respondent No. 1 for the grant of Environmental Clearance inasmuch as that the Respondent No. 1 had filed the Terms of Reference dated 29.07.2024 in its Reply to E.A. No. 29 of 2024. Furthermore, public notice had been published by the relevant authorities for public hearing in respect of the project. Thus, the Appellant ought to have been vigilant. It is furthermore stated that there had been no legal embargo / impediment in the grant of Environmental Clearance to the Respondent No. 1 by the Respondent No. 2. It is stated that mere pendency of applications and proceedings before any Court, do not create any embargo in the process for appraisal of a project and the consequential grant of an Environmental Clearance, if deemed fit as per the relevant laws, rules and regulations pertaining to the grant and / or rejection of an Environmental Clearance.

20. The contents of paragraph no. 10 are matters of record.

21. The contents of paragraph no. 11, save and except as are matters of record are denied. It is stated that the Respondent No. 1 had commenced its activities at the project site, as per and in accordance with the terms of the Environmental Clearance dated 23.09.2025.

22. The contents of paragraph no. 12 of the Application is misconceived and denied. The pendency of the proceedings before the Hon'ble Supreme Court, do not in any manner curtail or prevent the Appellant from exercising the statutory appeal under Section 16 of the National Green Tribunal Act, 2010.

23. The contents of paragraph no. 13 - 14, save and except as are matters of record are denied.

24. The contents of paragraph no. 15 warrant no Reply.

25. The contents of paragraph 16 of the Application is incorrect and denied. It is stated that as per Section 16 of the National Green Tribunal Act, 2010, a challenge to the grant of Environmental Clearance has to be from the date of the said Environmental Clearance. It is stated that Environmental Clearance dated 23.09.2025 was in fact uploaded on the PARIVESH portal of the Respondent No. 2 on 23.09.2025. Thus the statutory period of 30 days for preferring of the instant Appeal would be from 23.09.2025, and not from the date on which the Appellant claims to have come to know from the affidavit of respondent No. 2 before the Hon'ble Supreme Court.

26. The contents of paragraph 17 of the Application, save and except as are matters of record are denied. It is stated that the limitation under Section 16 of the National Green Tribunal Act, 2010 would commence from the date of the Environmental Clearance dated 23.09.2025 and thus expired on 23.10.2025. It is stated that the Appellant is misconceived in its reading of Section 16 of National Green Tribunal Act, 2010 inasmuch as that an Environmental Clearance granted to a project proponent can never be individually communicated to any aggrieved party who desires to challenge the same. Thus, limitation as provided under Section 16 of National Green Tribunal Act, 2010 has to be read to mean that an Environmental Clearance is to be challenged within 30 days of the grant thereof.

27. The contents of paragraph 18 are false and denied. It is stated that Environmental Impact Assessment studies as submitted by the Respondent No. 1 has been accessible on the portal of the Respondent No. 2. In fact the Appellant in paragraph 67 @ pg. 33 of I.A. No. 185063/2025 states that allegedly – *“the information submitted in the Environmental Clearance application under EIA Notification 2006 by Respondent No. 3 is incomplete”*. This evinces that the Appellant was well aware of the EIA application of the Respondent No. 1 and also the EIA study. It is stated that the Draft EIA/EMP report of the Respondent No. 1 was made available to MoEFCC, IRO Office Lucknow; UPPCB, HO, Lucknow; UPPCB, RO; District Collectorate, Mirzapur; District Industries Centre, Mirzapur; District Panchayat Office, Mirzapur; Janpad Panchayat, Mirzapur; Gram Panchayat, Dadhiram i.e., prior to the public hearing of the project as per EIA Notification 2006. Thus, it is stated that the Appellant had sufficient time to peruse the EIA studies and other technical documents and file the instant Appeal within the statutory time period.

28. The contents of paragraph 19 of the Application are false and hence denied. The Appellant has failed to show any sufficient and just cause for the delay in filing of the instant Appeal. Mere pendency of other proceedings before the Hon'ble Supreme Court is not sufficient cause of any delay. Even otherwise and without prejudice it is stated that the Appellant has failed to file the instant Appeal within a period of 30 days from the date of service of

Respondent No. 2 affidavit on 07.10.2025 to the Appellant, wherefrom the Appellant claims knowledge of the Environmental Clearance. The Appellant has failed to show any reasonable efforts taken by the Appellant to file the Appeal within the statutory period of 30 days i.e., by 23.10.2025.

29. The contents of paragraph 20 of the Application are false and incorrect. It is stated that it appears that the sole objective of the Appellant is to harass the Respondent No. 1. It is stated that the Appellant's alleged bona fide interest in protecting and preserving the wildlife, flora & fauna and forest of Mirzapur Forest Division appears to arise only when an application for Environmental Clearance is moved for the project site. The Appellant has failed to show any establish any endeavour taken by the Appellant before any court of law for the reliefs as are now being sought before this Hon'ble Tribunal and the Hon'ble Supreme Court.

30. The contents of paragraph 21 and 22 are incorrect and denied. It is stated that instant Appeal is not bona fide. Furthermore, the Appellant has failed to establish that the delay was not deliberate or intentional.

PRAYER

In view of the aforementioned, it is humbly prayed that this Hon'ble Tribunal be pleased to :

- i. Dismiss the instant Application;

ii. Pass any such order as this Hon'ble Tribunal deems fit in the facts and circumstances of the case.


RESPONDENT NO. 1


THROUGH



Ritwika Nanda & Petal Chandhok, Advocates
For Trust Legal, Advocates & Consultants
 C-324, 3rd Floor, Defence Colony
 New Delhi - 110024

Ph: +91 97117 21923, 96540 25754, 011 4356 0349

Verification

Verified at Ahmedabad on this 23rd day of January, 2026, that the contents of the above Reply are true and correct to the best of my knowledge and nothing material has been concealed therefrom and no part thereof is false. It is stated that the contents of paragraph 1 is based on personal knowledge, paragraph 2 to 30 are on the basis of the documents maintained in the ordinary course of the business and paragraph prayer is on the basis of the advice rendered to me.


RESPONDENT NO. 1




BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

I.A. NO. 760 OF 2025
IN
APPEAL NO. 70 OF 2025

IN THE MATTER OF :

DEBADITYO SINHA

... APPELLANT

VERSUS

M/S MIRZAPUR THERMAL ENERGY (UP) PVT. LTD ... RESPONDENTS

AFFIDAVIT

I, Rajesh Sehgal, S/o Late Sh. S.P Sehgal, aged about 51 years, residing at C1-201, Water Lily, Shantigram, Ahmedabad, presently at Ahmedabad employed as the Chief Legal Officer, Mirzapur Thermal Energy (UP) Private Limited (MTEUPPL) do hereby on solemn affirmation state and declare as under:

1. I state that I am the Authorized Representative of the Respondent No. 1 as such I am well aware conversant and aware of the facts and circumstances of the present case and hence competent and authorized to swear and depose this affidavit.
2. I state that I have read and understood the contents of the accompanying Reply and I say that the contents thereof are true to my knowledge and derived from the official records and nothing material has been concealed therefrom.
3. I state that the documents are true copies of their respective originals.



Serial No.	192/2026
Book No.	-
Page No.	07
 DEVENDRA K. PRAJAPATI NOTARY GOVT. OF INDIA	

23 JAN 2026


DEPONENT



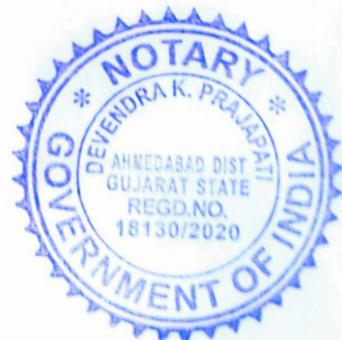
VERIFICATION:

Verified at Ahmedabad on this 23rd day of January, 2026, that the contents paragraphs 1 to 3 of the above affidavit are true and correct and no part of it is false and nothing material has been concealed therefrom.

[Handwritten Signature]
DEPONENT

SOLEMNLY AFFIRMED
BEFORE ME
[Signature]
DEVENDRA K. PRAJAPATI
NOTARY
GOVT. OF INDIA

23 JAN 2026



CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF MIRZAPUR THERMAL ENERGY (UP) PRIVATE LIMITED AT ITS MEETING HELD ON MONDAY, 05TH AUGUST, 2024 AT 10:00 A.M. AT ADANI CORPORATE HOUSE, SHANTIGRAM, NEAR VAISHNO DEVI CIRCLE, S. G. HIGHWAY, KHODIYAR, AHMEDABAD.

"RESOLVED THAT Mr. Rajesh Sehgal, Chief Legal Officer, and Shri Omprakash R, Manager, Legal, be and are hereby severally authorized on behalf of the Company to sign, execute, file and institute all applications, affidavits, plaints, petitions, suits, appeals, written statements, rejoinders, etc. in the matter of suit / complaint filed / to be filed by or against the Company before any court of law or authority, tribunals, National Company Law Tribunals ("NCLT"), National Company Law Appellate Tribunals ("NCLAT"), consumer forum or State Consumer Commission, or National Consumer Commission;

RESOLVED FURTHER THAT Mr. Rajesh Sehgal, Chief Legal Officer, and Shri Omprakash R, Manager, Legal, be and are also authorized severally to engage, appoint, or remove any pleader or advocates, and to sign vakalatnamas and power of attorney for such engagement or appointment and to file appeal and defend the interest of the Company as deemed necessary for the aforesaid purpose **AND THAT** any action taken by Mr. Rajesh Sehgal, Chief Legal Officer, and Shri Omprakash R, Manager, Legal, pursuant to this authority shall be deemed to have been ratified by the Company;

RESOLVED FURTHER THAT the certified true copy of the aforesaid Resolution, duly signed by any one Director of the Company, be forwarded to the concerned authority(ies), as may be necessary with a request to act thereon."

Certified True Copy

For Mirzapur Thermal Energy (UP) Private Limited

SUNIL
SHESHMAL
TOKARAWAT
TOKARAWAT

Digitally signed by
SUNIL SHESHMAL
TOKARAWAT
Date: 2024.10.01
13:40:10 +05'30'

Sunil Tokarawat
Director
(DIN: 09486893)

Mirzapur Thermal Energy (UP) Private Limited
(Formerly Known as Welspun Energy UP Private Limited)
"Adani Corporate House"
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TRUE COPY
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**IN THE SUPREME COURT OF INDIA
CIVIL WRIT JURISDICTION**

I.A. No. 275143 of 2025

In

I.A. No. 185063 of 2025

In

Writ Petition (C) No. 202 of 1995

IN THE MATTER OF:

T.N. Godavarman Thirumalpad... .. Petitioner

Versus

Union of India & Others Respondents

AND IN THE MATTER OF:

Debadityo Sinha... .. Applicant

Versus

Union of India & Others Respondents

APPLICATION FOR DIRECTIONS

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE APPLICANT: SHIBANI GHOSH

INDEX

Sl. No.	Particulars	Pages
1.	Application for Directions along with Affidavit	1-16
2.	Annexure A1 Copy of the photographs showing construction activities at the site taken on 16.10.2025 and 24.10.2025	17-19
3.	Annexure A2 Copy of the representation dated 11.08.2025 sent by the Applicant to the MoEFCC (without annexures)	20-34

**IN THE SUPREME COURT OF INDIA
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APPLICATION FOR DIRECTIONS

To
The Hon'ble Chief Justice of India
and his Companion Judges
of the Hon'ble Supreme Court of India.

The humble Application of the Applicant above named:

Most respectfully showeth:

1. That the Applicant herein has filed I.A. No. 185063 of 2025 in the present Writ Petition seeking directions, *inter alia*, to the State of

Uttar Pradesh that the proposed Sloth Bear Conservation Reserve in the Marihan, Sukrit and Chunar Forest Ranges be preserved and protected by issuing necessary directions under the Wildlife (Protection) Act 1972, and that no non-forest activity be allowed in such area. Contents of the Application are reiterated and not repeated herein for the sake of brevity. The Applicant craves leave to refer and rely upon the same at the time of hearing of the present Application.

2. That the Applicant has placed on record various reports/studies to support the declaration of the concerned area as a 'Sloth Bear Conservation Reserve'.
3. That the Applicant is filing this present Application as there have been certain significant developments in the matter which need to be brought on record and which require the kind indulgence of the Hon'ble Court.
4. That this Hon'ble Court, while issuing notice in I.A. No. 185063 of 2025, vide order dated 12.08.2025, had directed the Applicant to withdraw the proceedings pending before the Hon'ble National Green Tribunal (NGT) in order to comprehensively deal with all the issues in the present proceedings before this Hon'ble Court.
5. That in view of this Hon'ble Court's order of 12.08.2025, the NGT vide order dated 18.08.2025, permitted the Applicant herein to withdraw the Execution proceedings (Execution Application No. 29/2024 in Appeal No. 79/2014 titled as *Debadityo Sinha v Union of India & Ors*). The order recorded that the Applicant intended to raise all the issues before this Hon'ble Court as part of the present proceedings. Vide the same order of 18.08.2025, the NGT also disposed of the connected *suo-moto* application (OA No.

883/2024: News Item titled as ‘Experts flag large-scale clearing of vegetation in Mirzapur forest’ published in Hindustan Times on 03.07.2024) that raised the issue of Sloth Bear conservation. The NGT held that as the issues involved in the Application were now pending before this Hon’ble Court, the continuance of the *suo moto* proceedings would result in parallel proceedings, which is not permissible. (NGT’s Order of 18.08.2025 annexed as *Annexure A1* (page 13 to 16) in IA No. 233149 of 2025)

6. That it is most respectfully submitted that the proceedings before the NGT, *inter alia*, raised the issue that keeping in mind the rich biodiversity of the area, no activity like the construction of a thermal power project would be permissible.
7. That as has been submitted by the Applicant in IA No. 185063 of 2025, an environmental clearance was granted to a proposed thermal power project with capacity of 1320 MW to be built at village Dadri Khurd in Marihan Forest Range of Mirzapur Forest Division. The environmental clearance was challenged before the NGT in a statutory appeal, and the NGT vide judgment dated 21.12.2016 cancelled the clearance. The following observations of the NGT are relevant to the issue of Sloth Bear conservation raised by the Applicant herein:

“50. ... However, the appellants pointed out to the response received by them to the RTI query dated 27th August, 2013 (page 161, 162) providing the list of Schedule I species- Sloth Bear, Chinkara, Black Buck, Bengal Monitor, Peafowl, crocodile (Magar) etc. within the project site and 10 km radius area. The project proponent relied upon the bio-diversity assessment and conservation plan and submitted that the EAC in its meeting dated 23rd March, 2014 had found the site report/plan in order. It has been pointed out that the site plan was prepared after the EIA

report and public hearing and no study was undertaken to assess the impact of the project and its ancillary activity like coal transportation, water pipeline, approach road, ash ponds and such other impacts on the wildlife in the region. Para 4.3.1.3 (page 1058) of the report adds credence to this contention in following terms: “*this survey needs to be carried out with the wildlife experts and the State Authority, Department to identify the areas or forest need all the conservation and management interventions which are highly crucial.*” Facts revealed before us do not show that any member of the EAC or Expert member of WII conducted any site visit of the project to assess the gravity of exception taken to the project upon the issues raised in relation to the forest and wildlife. Appraisal of the project in this regard, therefore, becomes questionable.”

(NGT judgment dated 21.12.2016 is annexed as *Annexure All* (page 286 to 334) in IA No. 185063 of 2025)

It is pertinent to note that a second proposal for a thermal power project with enhanced capacity of 1600 MW has now been proposed by Respondent No. 3 at the same site.

8. That issues relating to gross violations committed by the project proponent of the NGT judgement dated 21.12.2016, provisions of EIA Notification, 2006 and Van Adhiniyam, 1980 were raised in E.A. No. 29 of 2024 before the NGT. The issues raised in the *suo moto* proceedings before the NGT (O.A. No. 883 of 2024) related to the proposed Sloth Bear Conservation Reserve and involvement of forests and wildlife in the proposed project. It is respectfully submitted that in view of order dated 12.08.2025 of this Hon’ble Court, read with order dated 18.08.2025 of the NGT, all these issues are now before this Hon’ble Court for its consideration as part of the present proceedings. The Applicant has filed IA No.

233149 of 2025 to bring on record additional facts and documents including pleadings filed in the NGT.

9. That pursuant to this Hon'ble Court's order dated 12.08.2025, only the MoEFCC has filed its reply affidavit in IA No. 185063 of 2025 on 07.10.2025. The State of Uttar Pradesh, Respondent No. 2 herein and Respondent No. 3 have not filed replies.
10. That from the reply filed by the MoEFCC, it has come to the notice of the Applicant that MoEFCC has granted Environmental Clearance to the 1600 MW thermal power project of the Respondent No. 3 on 23.09.2025. The MoEFCC's reply also states that "In-principle" approval, i.e. Stage I Forest Clearance, has been granted to the project on 09.09.2025 under Section 2 of the Van Adhiniyam, 1980 for diversion of 8.3581 ha of forest land for the use of approach road and water pipeline. [Copy of environmental clearance is annexed as *Annexure A-7* (pages 617 to 646) and copy of Stage I forest clearance is annexed as *Annexure A-5* (pages 152-154) of the MoEFCC's reply affidavit]
11. That it is quite shocking that while the matter which calls for protection and preservation of forest and wildlife in a given area is pending for consideration before this Hon'ble Court, the MoEFCC has hurriedly granted statutory approvals to a thermal power project located within the same area, without any application of mind.
12. That the environmental clearance specifically records that the transportation of coal for the said project would be 100% done by rail. The coal will be transported from coal mines which are approximately 200 km away from the project site. However, there is no mention that the same would pass through forest for which

diversion under section 2 of the Van Adhiniyam, 1980 would be required (page 623 of the MoEFCC's reply affidavit). It appears that neither the Expert Appraisal Committee (EAC) nor the MoEFCC has raised any questions in this regard to the project proponent. The grant of the statutory approvals unequivocally demonstrate that the project proponent has concealed the extensive involvement of forest land within the plant site and for critical ancillary components such as the railway corridor, transmission lines etc., all of which are slated to traverse through existing forests, including the proposed Sloth Bear Conservation Reserve (for location of project site and proposed Conservation Reserve, see Maps given at *Annexure A1* at page 68 and *Annexure A21* at page 356 in IA No. 185063 of 2025). The NGT had specifically raised the issue of questionable appraisal with regard to impact on wildlife including sloth bears, and the same should have been especially considered by the EAC and the MoEFCC.

13. That while these issues are pending before this Hon'ble Court, Respondent No. 3, under the pretext of the said approvals, has now started construction activities at the project site. The construction activities are causing irreversible damage to the forests and disturbing the wildlife present in the area, including the proposed Sloth Bear Conservation Reserve. It is respectfully submitted that that the actions of Respondent No. 3, which include clearing of forest land with JCBs and heavy machinery, will create a *fait accompli* and make the present proceedings infructuous. It is important to note that the construction activities have commenced without obtaining Stage-II Forest Clearance from the MoEFCC and a consequent order from the State Government under the Van Adhiniyam, 1980, for the approach road, water pipeline and for all

other major material components such as railway line and transmission line.

Copy of the photographs showing construction activities at the site taken on 16.10.2025 and 24.10.2025 are annexed herewith and marked as **Annexure A1 (pages 17 to 19)**.

14. That the Applicant has brought on record reports and documents highlighting that this area in Mirzapur Forest Division serves as a critical habitat for at least 30 terrestrial wildlife species protected under the WLP Act, including globally threatened species such as the Sloth Bear, Striped Hyena, Rusty Spotted Cat, Leopard, and Sambar Deer. This ecologically sensitive and unique forest land also serves as the catchment for numerous tributaries of the River Ganges, which are vital sources of waterfalls, reservoirs, and essential ecosystem services. Crucially, the project site lies at the heart of the proposed Sloth Bear Conservation Reserve (Para 17-42 at page 10-21 of IA No. 185063 of 2025).
15. That the thermal power plant and its associated components—the railway line, approach road, transmission line, and water pipeline—will inevitably and irreversibly decimate this critical ecosystem, fragment the continuous landscape, and destroy the watershed. The Applicant in support of the said averments in the IA No. 185063 of 2025 has relied upon *Annexure A16* (page 344), *A17* (page 345), *Annexure A21* (page 356), *Annexure A22* (page 357). Additionally, the Applicant has also relied upon a WII report of 2019 which records presence of Schedule 1 wildlife species including Sloth Bear, in and around the project site. The report has been provided at *Annexure A6* at page 259-279 of IA No. 233149 of 2025 filed by the Applicant.

16. That the MoEFCC, in its reply affidavit, has also acknowledged the presence of 22 Schedule 1 species comprising 10 mammals, 6 avifauna and 6 herpetofauna in the buffer area (Para 12 at page 5 of the MoEFCC Reply Affidavit), but has not dealt with the issue of the Sloth Bear and its conservation.
17. That the primary issue raised by the Applicant herein relates to wildlife conservation and particularly, the conservation of the Sloth Bear. As an issue related to the protection of the proposed Sloth Bear Conservation Reserve area, the Applicant has referred to the NGT's judgement dated 21.12.2016 setting aside the environmental clearance granted to the 1320 MW thermal power plant. In its judgment, the NGT made the following observations with respect to involvement of forest and wildlife in the area:

“48. Undoubtedly, the approach road, rail line and water line have to pass through forest lands, and these being material components of the project, the Project Proponent ought to have revealed the involvement of the forest land, in Form-1 filed for the purposes of getting EC. Paragraph 8 (v) of the EC Regulation, 2006 stipulates that clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of project or activities, or screening, scoping and appraisal or decision by regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to requirement of law, or for necessary technical reasons.

...

50. Learned Counsel appearing on behalf of the appellants further brought to our notice that not only the project involves use of forest land for coal transportation, water pipeline but there is no discussion in the EIA report regarding the potential impact of the fragmentation of the forest and disturbance of wildlife due to the passing of the

railway line for coal transportation, construction of transmission line, water pipeline and approach road. From the facts noticed herein above, it is evident that the project is surrounded by forest and involves 'Parti Bhumi' (fallow land) thereby signifying least anthropogenic activity at or around the project site and, thus the issue of wildlife in the area deserves serious consideration..."

It is important to reiterate that the thermal power project with enhanced capacity of 1600 MW has been proposed at the same site as the previous proposal.

18. That the NGT while setting aside the environmental clearance, directed the project proponent not to carry out any developmental work at the site and to restore it to its original condition. Since the directions given in the judgment were not complied with, and the project proponent, Respondent No. 3 herein, started illegal construction activities at the project site, the Applicant had filed the Execution Application before the NGT. The NGT also initiated *suo moto* proceedings based on a news article which highlighted that this area is part of the proposed Sloth Bear Conservation Reserve and is a crucial habitat for exceptionally rich and threatened wildlife species, including at least 24 terrestrial animals listed in Schedule I of the Wildlife (Protection) Act. However, considering that specific measures for habitat protection for the Sloth Bear under the Wildlife (Protection) Act, for which necessary directions can only be given by this Hon'ble Court, the Applicant was advised to file an application as part of the present writ proceedings.
19. That at the time of filing of IA No. 185063 of 2025, the Applicant was aware that Respondent No. 3 had applied for an environmental clearance for the enhanced capacity of 1600 MW TPP. The

Applicant has made averments regarding the various attempts by Respondent No. 3 to damage the forest and wildlife even when there were no valid EC and FC in its favour for the project (para 71 at page 36 to 39 of the IA No. 185063 of 2025). The Applicant had apprehended that the project proponent may misrepresent and mislead the MoEFCC about the involvement of forest land in the project and its components, and their devastating environmental impacts. Therefore, as a matter of abundant caution, the Applicant had sought specific prayers that this area must be protected and preserved. The Hon'ble Court considering the prayers sought for in the IA issued notice in the matter.

20. That when the environmental clearance application of Respondent No. 3 was under consideration, the Applicant sent a representation to the EAC on 11.08.2025 informing the EAC about the violations by the project proponent and the deliberate concealment of information on forest and wildlife affected by the project.

Copy of the representation dated 11.08.2025 sent by the Applicant to the MoEFCC (without annexures) is annexed herewith and marked as **Annexure A2 (pages 20 to 34)**

21. That after notice was issued in the present proceedings, the Applicant made another representation to the MoEFCC on 10.09.2025 to put on hold the EC and FC approval granting processes in view of issues involved and pendency of the present proceedings. It is respectfully submitted that when these issues are being considered by this Hon'ble Court, the MoEFCC should have stayed its hand with regard to the grant of EC and Stage I FC. [Representation dated 10.09.2025 is annexed as *Annexure A7* at page 280-282 of IA No. 233149 of 2025]

22. That vide its order dated 17.09.2025, this Hon'ble Court had specifically directed the State of UP to file its reply to the IA. The role of State in this matter is important as the proposal to declare the area as a Sloth Bear Conservation Reserve had been initiated by the Forest Department of the State [*Annexure A1* (page 48 to 132) in IA No. 185063 of 2025]. In addition to this, the Application also sought directions to the Expert Committee constituted by the State of UP to identify and record the forest land under the Van (Samrakshan evam Samvardhan) Rules 2023 in accordance with order dated 04.03.2025 of this Hon'ble Court in *Ashok Kumar Sharma v Union of India* W.P. (C) No. 1164/2023. Pending the completion of that process, the following observation of this Hon'ble Court in its order dated 04.03.2025 in W.P. (C) No. 1164/2023 is extremely relevant, and should stay the hands of the Respondents –

“12. In the meantime, we reiterate the statement made by the then learned Additional Solicitor General of India, which was recorded by this Court in the order dated 30th November, 2023 as well as the directions issued by this Court in paragraph 18 of the order dated 19th February, 2024 and also the directions which were issued by this Court in its order dated 3rd February, 2025.”

23. That without waiting for the reply of the State or even by the project proponent in the present matter, the MoEFCC has proceeded with the grant of EC and Stage I FC for the project. It is also necessary to point out that the MoEFCC has made misleading statements and is trying to misconstrue the present proceedings. In its reply affidavit in para 14 (page 6), it is stated that the EAC has considered the past and pending cases, and that the cases before the NGT (E.A. No. 29 of 2024 and OA No. 883

of 2024) have been disposed of. This is misleading, as the issues raised before the NGT are now to be heard and decided by this Hon'ble Court.

24. That the grant of EC and Stage I FC by the MoEFCC is a deliberate attempt to dilute and frustrate the relief sought by the Applicant herein. The manner in which the approvals have been given calls for an enquiry. Such a complex exercise of grant of EC and Stage I FC has been done in a very short duration of time and moreover, during the pendency of the present matter, which raises doubts over the conduct of the MoEFCC as well as of the EAC and Forest Advisory Committee.
25. That the project proponent is also trying to create obstruction in the present proceedings by carrying out rapid and haphazard construction work in the given area which is going on day and night. The Applicant respectfully prays that during the pendency of the present proceedings, and till all issues raised are comprehensively adjudicated upon by this Hon'ble Court, no construction activity whatsoever may be permitted within the proposed Sloth Bear Conservation Reserve.
26. That the said construction activities by Respondent No. 3 in the ecologically sensitive proposed Sloth Bear Conservation Reserve would not only render the substantive prayers in the underlying IA entirely infructuous but would also precipitate an irreversible *fait accompli*, irrevocably destroying pristine forests, fragmenting continuous wildlife habitats, and inflicting irreparable ecological harm upon this invaluable and fragile ecosystem. The environmental consequences of the said construction activities would be catastrophic. An immediate and unequivocal stay on

such construction activities carried out by Respondent No. 3 is thus necessary.

27. That in light of the compelling facts and circumstances, it is therefore most humbly and urgently prayed that, pending the final disposal of the issues raised by the Applicant, this Hon'ble Court be pleased to grant an immediate stay on all construction activities in relation to the project.
28. That it is most respectfully submitted that if the prayer for stay is not granted, the Applicant will be highly prejudiced as the same would devastate the proposed Sloth Bear Conservation Reserve and render the Applicant's prayers infructuous. It would cause irreparable and irreversible harm to this highly sensitive landscape, and flora and fauna of the area.
29. That the present application is made *bona fide* and in the interest of justice.

PRAYER

30. That in view of the facts and circumstances of the present case, it is most respectfully prayed that this Hon'ble Court may be pleased to:
 - a) Grant an immediate stay on the construction activities being carried out by Respondent No. 3 in the proposed Sloth Bear Conservation Reserve;
 - b) Direct that an enquiry be conducted in the manner in which Environment Clearance dated 23.09.2025 and Stage I Forest Clearance dated 09.09.2025 have been granted in an expedited manner and during the pendency of the present proceedings for a thermal power project in the proposed

Sloth Bear Conservation Reserve, when notice was issued by this Hon'ble Court on 12.08.2025 and replies of all the respondents, including State of Uttar Pradesh, have not even come on record;

- c) Pass such other further order(s) as this Hon'ble Court may deem fit and proper.

FOR THIS ACT OF KINDNESS THE APPLICANT HEREIN AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY:
PARUL GUPTA AND
SHIBANI GHOSH,
ADVOCATES

FILED BY:

SHIBANI GHOSH
Advocate for the Applicant
AOR Code No. 2392

PLACE: NEW DELHI

FILED ON: 29.10.2025

**IN THE SUPREME COURT OF INDIA
CIVIL WRIT JURISDICTION**

I.A. No. 275143 of 2025

In

I.A. No. 185063 of 2025

In

Writ Petition (C) No. 202 of 1995

IN THE MATTER OF:

T.N. Godavarman Thirumalpad... .. Petitioner

Versus

Union of India & Others Respondents

AND IN THE MATTER OF:

Debadityo Sinha Applicant

Versus

Union of India & Others Respondents

AFFIDAVIT

I, Debadityo Sinha, aged 36 years, s/o Ashit Kumar Sinha, r/o Flat No. 201, Tower KO2, Jaypee Klassic, Sector 134, Noida 201304, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in IA No. 185063 of 2025 and am fully conversant with the facts of the matter and am hence competent to affirm this Affidavit.



TRUE COPY
AS

2. That I have read a copy of the accompanying Application as prepared by my Advocate under instructions received from me and have understood the contents thereof.
3. That what is stated in the accompanying Application is true to my knowledge.
4. That all annexures are true copies of their respective originals.

Debadityo Sinha
DEPONENT

VERIFICATION

I, Debadityo Sinha, the abovenamed deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this the 27th day of October 2025.

I, IDENTIFIED THE
 DEPONENT WHO HAS
 SIGNED IN MY PRESENCE

NOTARY PUBLIC APPOINTED BY GOVT. OF INDIA G. S. KHARRANDA	
Notary Reg. No. 785	27 OCT 2025
ADVOCATE ENL. No. D 2871M	
ATTESTED 9899422266	

Debadityo Sinha
DEPONENT

ATTESTED

NOTARY PUBLIC

TRUE COPY


Re: Service of Documents in the matter of Debadityo Sinha vs M/s Mirzapur Thermal Energy (UP) Private Limited & Ors in pursuance of NGT (PB) order dated 01.12.2025

1 message

RITWIK NANDA <ritwikananda@trustlegal.in>

Fri, Jan 23, 2026 at 6:17 PM

To: parul gupta <parul.lawyer@gmail.com>

Cc: ravinder gupta <ravinder_adv@yahoo.com>, secy-moef@nic.in, bhanwar jadon <Bhanwar09jadon@gmail.com>, pradeepmisra@yahoo.com, Aditya Sharma <adityasharma.trustlegal@gmail.com>

Dear All

We write under instructions from the Respondent No. 1 in the captioned matter.

Please find attached herewith the Reply on behalf of Respondent No. 1 to the Application for Condonation of Delay.

Kindly treat this as advance service.

Regards

Ritwika Nanda

Advocate & Partner

Master of Laws (LL.M.)
(International Business Laws)
University College London, U.K.



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rsr

- "Rising Star" by UK India Legal Partnership Awards, 2023
- Recognized as Emerging Woman Lawyer of the Year, 2019 by BW BusinessWorld
- Trust Legal has been awarded in the category of Environment / ESG by India Business Law Journal 2024, 2023, 2022, 2021 and 2020.
- Trust Legal recognised for its Intellectual Property Rights, Commercial Transactions Litigation Practice by Benchmark Litigation in its 2023 Rankings.
- Trust Legal ranked as Tier 1 Law Firm in Dispute Resolution (City Focus, NCR Region) by Legal 500 Asia Pacific, 2023.
- Trust Legal recognised as a Notable Firm in 'Mergers and Acquisitions' in India by Asia Legal Business, 2022.
- Trust Legal is ranked 37th in the RSG Top 50 India Law Firms, 2019.
- Trust Legal is included in 50 leading commercial law firms in India, India Business Law Journal (2019 and 2015 Editions, Hong Kong).

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On Wed, Dec 3, 2025 at 6:30 PM parul gupta <parul.lawyer@gmail.com> wrote:

To,

1. Ms Ritwika Nanda (R-1)
2. Mr. Ravinder Gupta and Secretary MoEFCC (R-2)
3. Mr. Bhanwar Pal Singh Jadon (R-3,4 and 6)
4. Mr. Pradeep Mishra for UPPCB (R-5)

Please find attached the copy of Appeal No. 70 of 2025 and IA No. 760 of 2025 (Application for Condonation of Delay) in the above-mentioned matter.

Kindly treat the email as service of the documents.

Regards,

Parul Gupta

Advocate

+91-9891656928

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