

BE BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH, PUNE

APPEAL NO. 97 OF 2026  
(I.A. NO. 204 OF 2026 & I.A. NO. 208 OF 2026)



IN THE MATTER OF:

Hanif Mohamed Khan

)... APPELLANT

VERSUS

SEIAA, Maharashtra & 8 Ors.

)... RESPONDENTS

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Place: Mumbai

Date: 13/5/2026

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For Khan Deshmukh and Associates  
(Advocates for Appellant)

Mr. Ali Kaashif Khan Deshmukh

Ms. Snigdha Khandelwal

Registration No: MAH-LF/757/2024

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WRITTEN SUBMISSIONS ON BEHALF OF  
THE APPELLANT

In compliance with the order dated 30.04.2026, and in furtherance of the Appeal and IA already on record, the Appellant, through his counsel, submits the following written submissions on:

**PART A:** Application for Condonation of Delay (I.A. No. 204 of 2026); and

**PART B:** Maintainability of a single appeal challenging two Environmental Clearances for the same project.

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**PART A**

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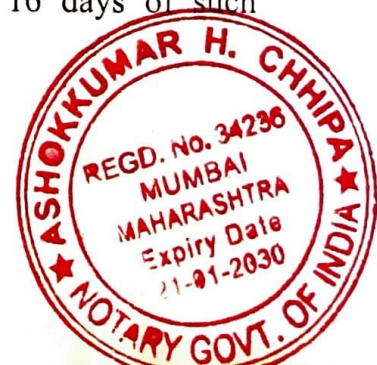
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**WRITTEN SUBMISSIONS ON CONDONATION OF DELAY**

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**I. BRIEF FACTS RELEVANT TO THE ISSUE OF DELAY**

1. The Appellant, Hanif Mohamed Khan, a resident of Wadala, Mumbai, challenges two Environmental Clearances (ECs) granted to Respondent No. 2, M/s ARA Homes LLP for a project at Kidwai Nagar:
  - a) Original EC dated 19.08.2025 (EC ID: EC25C3801MH5175456A);
  - b) Amended EC dated 24.12.2025 (EC ID: EC25C3801MH5995573N).
2. The present Appeal was filed on **23.03.2026**. The delay, if any, is not the result of negligence. It was directly caused by the **deliberate and wilful concealment** of both ECs by Respondent No. 2, who never communicated or disclosed the grant of either clearance to the Appellant or any resident of the society.
3. Critically, the Original EC dated 19.08.2025 was a "**crippled**" clearance in that it restricted the project height to **30 metres** owing to a missing NOC. The project became legally buildable as a high-rise (163.07 metres) only through the Amendment dated **24.12.2025**. Therefore, the date of the substantive, effective grant is December 2025.
4. The Appellant came to know of the fraudulent misrepresentations made by Respondent No. 2 specifically, the suppression of active litigations including Writ Petition No. WPL/7605/2025 and Suit No. 102151/2015 only on 07.03.2026. The appeal was filed within 16 days of such knowledge. In substance, there is no delay at all.



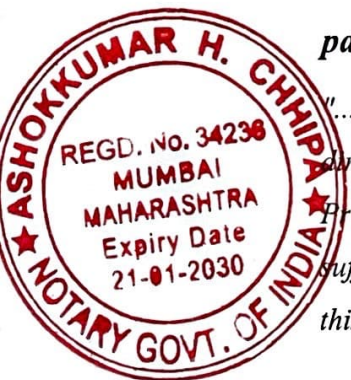
5. Upon discovering the fraud, the Appellant diligently pursued administrative remedies:
- MoEFCC Grievance (Reg. No. MOEAF/E/2026/0001310) filed on 13.03.2026;
  - Government of Maharashtra Grievance Portal (Complaint Token No. DEP/ENV/D/MUMC/2026/32).
6. The gravity of the fraud has been officially acknowledged. **The Ministry of Environment, Forest and Climate Change (MoEF&CC)** issued a directive to SEIAA, Maharashtra, on **20.03.2026** to take necessary action. The Government of Maharashtra further initiated an urgent inquiry into revocation of these ECs vide directives dated **24.03.2026** and **17.04.2026**.

## II. STATUTORY FRAMEWORK

7. *Section 16 of the National Green Tribunal Act, 2010 reads, in relevant part:*

*"...may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal: Provided that the 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 60 days."*

8. The limitation period commences from the date on which the order is communicated to the aggrieved party and not merely from the date of its issuance. In the absence of any communication, the limitation period cannot be said to have begun against the aggrieved party. In the present case, the Appellant was never informed or served with any communication regarding the EC. Neither any notice was issued nor was any newspaper publication made. Consequently, the Appellant cannot be made to suffer due to the intentional concealment on the part of



Respondent No. 2. Such conduct is contrary to Sec. 16 of the NGT Act, which casts a duty upon Respondent No. 2 to duly communicate the order and ensure compliance with the prescribed procedure.

### III. LEGAL SUBMISSIONS ON CONDONATION

#### ***The Amended EC (24.12.2025) is Within the 90 Days Outer Limit: No Condonation Strictly Required***

9. The Amended EC was granted on 24.12.2025. The 30-day limitation period expired on 23.01.2026. The permissible 60-day extension expired on 23.03.2026 which is precisely the date of filing. The total delay in challenging the Amended EC is 89 days. The challenge to the Amended EC therefore falls within the 90-days statutory outer limit prescribed under the proviso to Section 16 of the NGT Act, 2010, and no separate condonation is strictly required.
10. As the Amended EC dated 24.12.2025 is the final, substantive, and buildable clearance, the document that gave life to the high-rise project this is the operative date of the effective grant. Limitation in respect of the entire challenge is therefore within time.

#### ***Original EC (19.08.2025) as well as Amended EC (24.12.2025): Limitation Did Not Begin to Run: No Communication***

11. Section 16 of the NGT Act mandates that limitation runs from the date the order is communicated to the appellant. The crucial principle is: if there is no communication at all, limitation cannot begin to run against the aggrieved party.



12. Section 16 of the NGT Act mandates that the limitation period runs from the date the order is **communicated** to the appellant. The Hon'ble Supreme Court of India, in its various landmark judgements, interpreted 'communicated' to mean the earliest date of communication by any duty bearer. The crucial corollary of this ruling is that if there is NO communication at all, the limitation cannot begin to run against the aggrieved party.

13. In the instant case, Respondent No. 2 actively concealed the grant of both ECs. Neither the Original EC nor the Amended EC was ever communicated to the Appellant. The Appellant came to know of the ECs only on 07.03.2026. The appeal was filed on 23.03.2026, a mere 16 days after first knowledge. In law and in fact, the appeal is not delayed.

***Fraud Vitiates All Solemn Acts: Limitation Cannot Shield a Fraudulently Obtained Clearance***

14. It is a cardinal and settled principle of Indian law that fraud vitiates all solemn acts. Once fraud is established, it is not permissible to invoke limitation as a shield.

15. In the present case, Respondent No. 2 suppressed pending litigations WPL/7605/2025 and Suit No. 102151/2015 in clear violation of Paragraph 8(vi) of the EIA Notification, 2006, which mandates disclosure of all pending litigations. This deliberate concealment was a fraud upon the regulatory authority (SEIAA) and upon potential challengers like the Appellant. The ECs obtained through such fraudulent suppression are void ab initio, and strict limitation should not be applied to protect them.



***Sufficient Cause: Liberal Interpretation in the Interest of Justice***

16. The expression "sufficient cause" under the proviso to Section 16 must receive a liberal interpretation so as to advance substantial justice. The Supreme Court has held that this expression is relative, fact-dependent, and has many hues. Courts must take a pragmatic view when the party is not guilty of negligence or deliberate inaction.

17. In the present case, the following facts, cumulatively, constitute overwhelming sufficient cause:

- i) Both ECs were deliberately concealed by Respondent No. 2 and were never communicated to the Appellant;
- ii) The Appellant discovered the fraud only on 07.03.2026;
- iii) Immediately upon discovery, the Appellant pursued administrative remedies before approaching this Tribunal;
- iv) The appeal was filed within 16 days of first knowledge of the ECs;
- v) The delay is entirely attributable to the fraudulent conduct of Respondent No. 2, & not to any negligence, lethargy, or mala fide on the part of the Appellant.

***The Original EC & Amended EC Form a Single, Continuous Cause of Action***

18. Even if this Hon'ble Tribunal takes a strict view on limitation regarding the Original EC, the Original EC and Amended EC are inextricably linked they pertain to the same project, bear the same project identification numbers, and the amendment is a continuation of the original approval process. They collectively form a single, continuous cause of action. It would be contrary to the ends of justice to require two separate appeals for what is, in substance, one regulatory act in relation to one project.



***No Prejudice to Respondents If Delay Is Condoned***

19.No prejudice whatsoever will be caused to the Respondents if the delay is condoned. The project doesn't appear to have commenced construction. On the other hand, the Appellant & the environment will suffer irreparable harm if ECs obtained through fraudulent concealment of active litigations are allowed to stand unexamined. The precautionary principle, as mandated by Sec 20 of the NGT Act, 2010, requires this Tribunal to adopt a cautious approach where there is a possibility of environmental harm.

**CONCLUSION:-**

In view of the foregoing, it is most respectfully submitted that:

- a) The delay in challenging the Amended EC (24.12.2025) falls within the permissible 90-day statutory outer limit and requires no condonation;
- b) As regards the Original EC (19.08.2025), since neither EC was ever communicated to the Appellant, limitation did not begin to run; the appeal was filed within 16 days of actual knowledge;
- c) In the alternative, the Appellant's pursuit of administrative remedies upon discovery of the fraud, and the wilful concealment by Respondent No. 2, constitute sufficient cause; and
- d) Fraud vitiates the ECs, and limitation cannot be a shield for such fraud.

**THIS HON'BLE TRIBUNAL MAY THEREFORE BE PLEASED TO  
CONDONE THE DELAY AND HEAR THE APPEAL ON ITS MERITS.**



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**PART B**

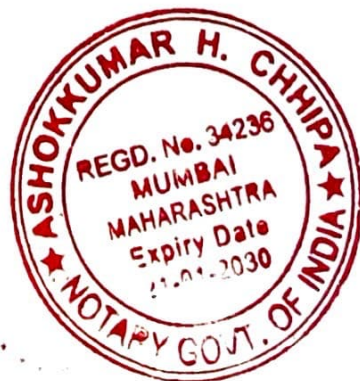
**WRITTEN SUBMISSIONS ON MAINTAINABILITY OF A SINGLE  
APPEAL CHALLENGING TWO ECs**

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**I. THE FACTUAL BASIS FOR A SINGLE APPEAL**

This Hon'ble Tribunal was pleased to raise a query at the hearing dated 30.04.2026 as to how a single appeal is maintainable assailing two different ECs. The Appellant respectfully submits the following in response:

1. The two impugned ECs dated 19.08.2025 and 24.12.2025 relate to the same project by Respondent No. 2, M/s ARA Homes LLP, on the same land at Kidwai Nagar. They carry the same project identification numbers. The document dated 24.12.2025 is explicitly labelled as an "Amendment" and "Corrigendum" to the Original EC, and expressly states that all other terms and conditions of the EC dated 19.08.2025 remain the same. In legal terms, the amended version is the definitive, operative reference point it reflects the final and current status of the project's authorisation.
  
2. The Amended EC does not stand alone; it presupposes and is founded upon the Original EC. If the Original EC is void ab initio, the Amended EC falls with it. Challenging them in separate appeals would be artificial, wasteful, and conducive to a multiplicity of proceedings an outcome this Tribunal consistently seeks to avoid.



## II. LEGAL POSITION: SINGLE APPEAL IS MAINTAINABLE

3. Under Rule 14 of the National Green Tribunal (Practice and Procedure) Rules, 2011, an appeal may contain more than one relief if the reliefs are consequential to one another and based on a single cause of action. The two ECs here form a single continuous cause of action in respect of the same project and the same land.
4. The NGT Act does not, in its terms, prohibit the filing of a single appeal challenging an original order and an amendment thereto. Section 16 grants appellate jurisdiction over orders passed under the Environment (Protection) Act, 1986. Where two orders are made in respect of the same project and one is an amendment of the other, they are in substance one composite regulatory decision. Requiring two separate appeals would lead to wasteful parallel litigation and risk contradictory orders.
5. The Appellant respectfully states that the Hon'ble Supreme Court held in a landmark Judgement that an EC and a corrigendum/amendment thereto may be challenged together in a single appeal where they pertain to the same project and form a continuous approval process. The Court recognised the NGT's jurisdiction to examine both together when they are inextricably linked.
6. Analogously, the principle underlying Order II Rule 2 of the Code of Civil Procedure, 1908 that all reliefs arising from the same cause of action must be sought in a single proceeding applies with equal force in the context of the NGT Act. The same logic supports maintainability of a single appeal here.



7. In the practice of this Tribunal, related ECs for a single project have been taken up together, where subsequent amendments have been challenged along with the original, as they are treated as arising from the same cause of action.

### III. ALTERNATIVE SUBMISSION: LIBERAL INTERPRETATION IN FAVOUR OF ENVIRONMENTAL JUSTICE

8. The NGT Act is a remedial, beneficial statute enacted to provide effective and expeditious environmental justice. The procedures should be construed in a manner that advances access to environmental justice; technical defects of form should not be a ground to deny a substantive hearing, the same has been construed by the Hon'ble Supreme Court.
9. Even if this Hon'ble Tribunal were to take the view that, technically, two separate appeals ought to have been filed, this is a curable procedural defect. The Appellant is willing to comply with any direction this Tribunal may consider appropriate, including filing an amended or segregated memorandum, without prejudice to the substantive merits.
10. This is particularly so since the challenge to the Amended EC (24.12.2025) is independently maintainable as of right it is within the 90-day statutory limit and is not time-barred. The Original EC is inextricably connected to it.



**CONCLUSION:**

In light of the foregoing, it is humbly submitted that:

- a) A single appeal challenging both the Original EC (19.08.2025) and the Amended EC (24.12.2025) is maintainable, as both pertain to the same project, the same land, and the same project identification number, and the latter is an amendment to the former forming a continuous single cause of action;
- b) The Supreme Court's ruling in *M/s IL&FS Tamil Nadu Power Company Limited v. T. Muruganandam* (2023) and Rule 14 of the NGT (Practice and Procedure) Rules, 2011, support this position;
- c) In the alternative, the challenge to the Amended EC (24.12.2025), being within the 90-day period, is independently maintainable; and
- d) Any procedural deficiency, if so found, may be cured by appropriate direction, in the interest of justice.

**THIS HON'BLE TRIBUNAL MAY THEREFORE BE PLEASED TO MAINTAIN BOTH THE EC AND HEAR THE APPEAL ON ITS MERITS.**





**PRAYER:**

For all the aforesaid reasons, both on law and on fact, the Appellant most respectfully prays that this Hon'ble Tribunal may be pleased to:

- i) **CONDONE THE DELAY**, if any, in filing the present Appeal, in view of the fraudulent concealment by Respondent No. 2, the complete absence of communication of the Environmental Clearances (ECs) to the Appellant, and the diligence shown by the Appellant in approaching this Hon'ble Tribunal within **16 days** from the date of first acquiring knowledge of the fraud;
- ii) **DECLARE** that the present single Appeal challenging both the Original Environmental Clearance and the Amended Environmental Clearance is maintainable, as both arise from and constitute a continuous and composite cause of action pertaining to the same project;
- iii) Hear the appeal on its merits at the earliest, and pass such other order(s) as this Hon'ble Tribunal may deem fit in the interest of environmental justice;
- iv) Pass any such order as the Hon'ble tribunal deems fit in the light of justice and equity.

**FOR THIS ACT OF KINDNESS THE APPELLANT SHALL FOREVER PRAY**

Place: Mumbai / Pune

Date: 13/05/2026

Respectfully Submitted,

*Sd/-*  
*Snigdha Khandelwal* *Ali Kaashif Khan*

**KHAN DESHMUKH & ASSOCIATES**  
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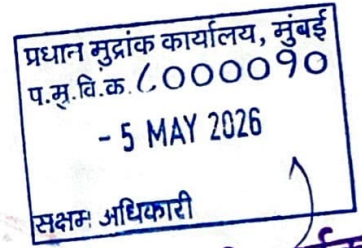
**Mr. Ali Kaashif Khan Deshmukh**  
**Ms. Snigdha Khandelwal**  
**Khan Deshmukh and Associates**  
Advocates for the Appellant  
Registration No: MAH-LF/757/2024



महाराष्ट्र MAHARASHTRA

2026

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सक्षम अधिकारी  
 अ. जे. पी. दाईकर

BEFORE THE NATIONAL GREEN TRIBUNAL,  
 WESTERN ZONE BENCH, PUNE

APPEAL NO. 97 OF 2026

(I.A. NO. 204 OF 2026 & I.A. NO. 208 OF 2026)

IN THE MATTER OF:

Hanif Mohamed Khan

...APPELLANT

VERSUS

SEIAA, Maharashtra & 8 Ors.

...RESPONDENTS

**IN SUPPORT OF THE WRITTEN SUBMISSIONS /  
CLARIFICATION**

I, Hanif Mohamed Khan, S/o Mohamed Mukaram Khan, aged 59 years, resident of 3/16, Kidwai Nagar, Rafi Ahmed Kidwai Road, Wadala, Mumbai – 400031, do hereby solemnly affirm and declare as under:

1. I am the Appellant in the above-captioned Appeal and I am fully conversant with the facts and circumstances of the present case. I am competent to swear this present affidavit.
2. I have read and understood the contents of the accompanying Written Submissions (from Pages 1 to 12).
3. I state that the facts mentioned in the accompanying Written Submissions regarding the timeline of events, the concealment of Environmental Clearances by Respondent No. 2, and the discovery of the same on 07.03.2026 are true and correct to the best of my knowledge and belief.
4. I state that the legal submissions made therein are based on legal advice received by me, which I believe to be true and correct.
5. I state that the annexures/exhibits appended to the accompanying Written Submissions are true copies of their respective originals.

**DEPONENT**



**(Hanif Mohamed Khan)**

**VERIFICATION**

Verified at Mumbai on this 13th day of May, 2026, that the contents of the above affidavit are true and correct to my knowledge, no part of it is false, and nothing material has been concealed therefrom.

**DEPONENT**



**(Hanif Mohamed Khan)**



**BEFORE ME**

*A. Chhipa*  
13/05/2026  
**ASHOKKUMAR H. CHHIPA**  
Regd. No. 34236 B.Com, LL.B.  
NOTARY GOVT. OF INDIA  
Res.: B/703, Oceania, Dosti Eastern Bay,  
Wadala (E), Mumbai - 400 037.  
Mob.:- 9870609674

**NOTED & REGISTERED**

Sr. No. 545 Page No. 88  
Date 13/05/2026

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**APPEAL NO.97 OF 2026 (WZ)**

Hanif Mohamed Khan

.....Appellant

**Versus**

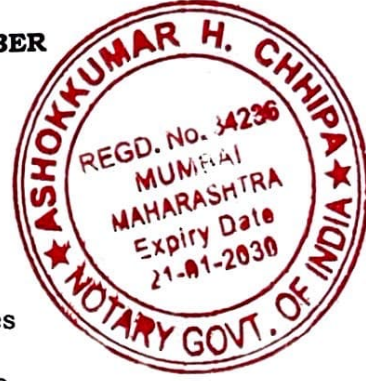
State Environmental Impact Assessment Authority,  
Maharashtra & 8 Ors.

....Respondents

**Date of hearing: 30.04.2026**

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. SUJIT KUMAR BAJPAYEE, EXPERT MEMBER**

Appellant : Mr. A. Ali Kaashif Khan, Advocate



**ORDER**

1. This appeal has been filed, assailing the Environmental Clearances dated 19.08.2025 and 24.12.2025, both pertain to EC identification no. EC25C3801MH5995573N and EC25C3801MH5175456A granted to Respondent No.2- M/s. Ara Homes LLP by Respondent No.1- SEIAA, Maharashtra on the grounds mentioned therein.

2. At the very outset, we enquired from learned counsel for the appellant as to how a single appeal is maintainable assailing the two different ECs, he could not respond properly. We direct him to clarify the position of law in this regard within two weeks.

3. We may also make it clear here to learned counsel for the appellant that both the above ECs are time barred as well.

4. Put up this matter for admission on 16.06.2026.

**Dinesh Kumar Singh, JM**

**Dr. Sujit Kumar Bajpayee, EM**

April 30, 2026  
P.Kr.