

Item No.01

Court No. 1

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

Appeal No. 03/2024
(IA No. 15/2024 & IA No. 16/2024)

M/s Kisan Sahkari Chini Mills Ltd.
Semikhera Bareilly

Appellant

Versus

Uttar Pradesh Pollution Control Board

Respondent

Date of hearing: 09.04.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Prabhat Kumar Rai, Adv.

ORDER

1. This Appeal has been filed by the Appellant under Section 18 (1) read with Section 16 of the National Green Tribunal Act, 2010 challenging the order dated 08.08.2022 passed by the Respondent No. 1 levying environmental compensation of Rs. 30,000/- per day (Rs. 20,70,000/-) for the period of 19.02.2022 to 29.04.2022. There is a delay in filing the appeal. Hence, Appellant has filed IA No. 15/2024 seeking condonation of delay.

2. In the IA, the period of delay has not been disclosed but learned Counsel for the Appellant has fairly stated that the delay in filing the appeal is more than 300 days. IA reflects that a copy of the impugned order dated 08.08.2022 was received by the Appellant on 17.08.2022 and as per the Appellant's own showing in the IA, 30 days period for filing the appeal expired on 16.09.2022 whereas the appeal has been filed on 19.12.2023. Section 16 of the NGT Act, 2010 provides for 30 days

limitation for filing the appeal from the date on which the order or decision or direction is communicated to the Appellant. The proviso thereto further provides the outer limit of 60 days for condoning the delay in filing the appeal.

3. The Tribunal in the matter of *Hafed Sugar Mill vs. Haryana State Pollution Control Board & Anr.* in Appeal No. 18/2023 has already settled that the power to condone the delay is available only upto 60 days after expiry of initial period of 30 days.

4. Since the Appeal has been filed after 90 days, therefore, prayer made in the IA No. 15/2024, an application for condonation of delay cannot be granted, which is accordingly dismissed. Consequently, the Appeal is also dismissed. I.A. No. 16/2024 will also stand disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

April 09, 2024
Appeal No. 03/2024
DV