

Item Nos. 12 & 13

Court No. 1

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

Original Application No. 382/2023

Chairman Legal Committee Esencia
Residents Welfare Association

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

With

Appeal No. 20/2024
(IA No. 212/2024, IA No. 211/2024)

MS Ansal Properties And Infrastructure Limited

Applicant

Versus

Haryana State PCB & Ors.

Respondent(s)

Date of hearing: 09.12.2024

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

Applicant : Mr. Yatish Kumar Goel, Adv. for Applicant in OA 382/2023

Respondents: Mr. Malak Bhatt, Ms. Neeha Nagpal, Mr. Sukanya Joshi & Mr.
Shreyansh Chopra, Adv. for Appellant in Appeal No 20/2024 & for R - 4
in OA 382/2023 (Through VC)
Mr. Rahul Khurana, Adv. for HSPCB

ORDER

1. This Appeal has been filed under Section 16 of National Green Tribunal Act, 2010 against the order dated 28.12.2023 passed by Haryana State PCB imposing Environmental Compensation (EC) of Rs. 340,50,000/-. There is a delay of 18 days in filing the present appeal. Hence, IA 211/2024 has been filed by the appellant seeking condonation of delay.

2. Application for condonation of delay has been opposed by Counsel for respondent.

3. Having heard the Learned Counsel for the parties in the application for condonation of delay, it is noticed that the delay was caused on account of the non-availability of certain material relevant to imposition of EC. Appellant has taken the plea that he has faced difficulty in procuring the material used for establishing the ground as the same was in possession of the complainant and in that process, considerable time was consumed. The applicant in the IA has disclosed the sufficient reason which resulted in the delay in filing the appeal. Hence, the delay is found to be unintentional and for the bona-fide reason. Even otherwise, delay is only 18 days which is within 60 days which can be condoned if sufficient reason for the delay is shown. It is the settled position in law that an application for condonation of delay is required to be liberally considered.

4. Thus, in the circumstances mentioned above, IA No.211/2024, an application for condonation of delay is allowed and delay is condoned.

5. IA No. 212/2024 has been filed by appellant seeking exemption from filing the certified copy of the impugned order. For the reasons assigned in the IA, prayer is allowed and IA is disposed of.

6. Learned Counsel for the appellant has prayed for short adjournment to argue the appeal.

7. List on 27.02.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 09, 2024
Original Application No. 382/2023
& Appeal No. 20/2024
JG..