

Item No.03(i) to (vi):

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Tuesday, the 19th day of March 2024.

(Through Video Conference)

**I.A. No. 25 of 2024 (SZ) in
Appeal No.20 of 2024 (SZ)**

AND

**I.A. No. 27 of 2024 (SZ) in
Appeal No.21 of 2024 (SZ)**

AND

**I.A. No. 26 of 2024 (SZ) in
Appeal No.22 of 2024 (SZ)**

AND

**I.A. No. 28 of 2024 (SZ) in
Appeal No.23 of 2024 (SZ)**

AND

**I.A. No. 29 of 2024 (SZ) in
Appeal No.24 of 2024 (SZ)**

AND

**I.A. No. 30 of 2024 (SZ) in
Appeal No.25 of 2024 (SZ)**

IN THE MATTER OF:

A. Thiyagaraj,
S/o. K. Arogyasamy,
4/231, Nagarakalandai Pirivu,
Dasanaikan Palayam Post,
Malaipalayam Village, Suler Taluk,
Coimbatore District – 642 202.

... Applicant/Appellant(s)

Versus

1) The Tamil Nadu Pollution Control Board,

Rep. by its Chairman, Corporate Office,
No.76, Mount Road, Guindy,
Chennai – 600 032.

2) The District Environmental Engineer (Coimbatore South),

Tamil Nadu Pollution control Board,
Plot No. E-55A, Kuruchi, SIDCO Industrial Estate,
Pollachi Main Road,
Coimbatore – 641 021.

3) M/s. Duinkop Enterprises Private Limited – Unit I.,

Represented by its Managing Director,
No.58/1, Palladam Pollachi Main Road,
Kattampatti Village, Kinathukadavu Taluk,
Coimbatore District – 642 202.

I.A. No.25 of 2024 - Respondent No.3

M/s. Duinkop Enterprises Private Limited – Unit I.,

Represented by its Managing Director,
No.58/1, Palladam Pollachi Main Road,
Kattampatti Village, Kinathukadavu Taluk,
Coimbatore District – 642 202.

I.A. No.27 of 2024 - Respondent No.3

M/s. Remmy Substrates India Pvt. Ltd.,

Represented by its Managing Director,
No.299/2, Kattampatti Village,
Kinathukadavu Taluk,
Coimbatore District – 642 202.

I.A. No.26 of 2024 - Respondent No.3

M/s. Duinkop Enterprises Private Limited – Unit I.,

Represented by its Managing Director,
No.58/1, Palladam Pollachi Main Road,
Kattampatti Village, Kinathukadavu Taluk,
Coimbatore District – 642 202.

I.A. No.28 of 2024 - Respondent No.3

M/s. Duinkop Enterprises Private Limited – Unit I.,

Represented by its Managing Director,
No.58/1, Palladam Pollachi Main Road,
Kattampatti Village, Kinathukadavu Taluk,
Coimbatore District – 642 202.

I.A. No.29 of 2024 - Respondent No.3

M/s. Remmy Substrates India Pvt. Ltd.,

Represented by its Managing Director,
No.299/2, Kattampatti Village,
Kinathukadavu Taluk,
Coimbatore District – 642 202.

I.A. No.30 of 2024 - Respondent No.3

...Respondent/Respondent(s)

(In all these cases)

For Applicant(s): M/s. R. Prabakar, P. Marudhapandiyan &
S. Selvi.

For Respondent(s): Mr. S. Sai Sathya Jith for R1 & R2.
Mr. T. Gowthaman, Senior Advocate along with
Mr. S.A. Sayed Shuhaibb for R3.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

1. These appeals are challenging the order passed by the Appellate Authority Tamil Nadu Pollution Control Board dated 30.08.2023.

2. According to the applicant/appellant, in all these appeals, the said order was communicated through WhatsApp on 13.09.2023.

3. As per Section 16 of the National Green Tribunal Act, 2010, the appeal ought to have been filed within a period of 30 days from the date on which the order or decision or direction or determination is communicated. So, the appeal ought to have been filed on or before 12.10.2023.

4. The second proviso to Section 16 of the Act provides an extended period of another 60 days time subject to sufficient cause being shown by the appellant for condonation. Applying the second proviso, the appeal ought to have been filed on or before 11.12.2023. Admittedly, the appeals are filed with the application to condone the delay on 12.12.2023 which is on the 91st day (30+60). It is well beyond the period prescribed under Section 16 of the Act. Though the delay is only one day.

5. Already, we have held in several cases that beyond the period prescribed for filing the appeal plus the extended period, this Tribunal does not have jurisdiction to condone the delay, as the period of limitation is already provided under the statute.

6. Besides, even in Para (3) of the affidavit, it is only stated that there is a communication gap in contacting the counsel and giving instruction in respect of the appeal, the delay had occurred. This reason cannot be construed as sufficient cause.

7. To be noted is that even before the Appellate Authority Tamil Nadu Pollution Control Board, these applicants were the appellants and they were aware of the facts and the consequences.

8. Therefore, the applicants/appellants ought to have been prudent in taking note of the limitation period prescribed in the statute and ought to have come before this Tribunal within time.

9. Having missed the bus, the delay cannot be condoned for the reasons stated above.

10. Hence, these interlocutory applications for condoning the delay in filing the appeal are dismissed. As a corollary, the appeals are rejected.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

**I.A. No.25 to 30/2024 (SZ) &
Appeal No.20 to 25/2024 (SZ)
19th March, 2024. AD.**

