

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

**Appeal No. 18/2016
(M.A. No. 237/2016 & M.A. No. 238/2016)**

**M/s. Adsum Solutions (Pvt.) Limited
Vs.
Union of India & Ors.**

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant /Appellant : Mr. Abhaya Kumar Dixit and Mr. Atul Kumar
Dixit, Advs.
Respondent No. 1 : Ms. Sakshi Popli, Adv. for MoEF

Date and Remarks	Orders of the Tribunal
Item No. 01 March 18, 2016 A	<p>The challenge in the present Appeal is to the Notification dated 22nd December, 2015. The Appellant while partially supporting the Notification submits that it should be amended to the extent that oxo bio-degradable plastic should be permitted to be manufactured and used in the market.</p> <p>The present Appeal is barred by time. The Misc. Application No. 237/2016 has been filed for condonation of delay in filing the Appeal. The Application for condonation of delay is devoid of sufficient facts and details and even the period for which, the delay is sought to be condoned. It is an Appeal under Section 16 of the National Green Tribunal Act, 2010. It is required to be filed within 30 days from the date on which the order or decision or direction or determination is communicated. Though, it is a direction under Section of 5 of Environment (Protection) Act, 1986, it was notified, thus put in the public domain on the date it was issued. The Appeal ought to have been filed within 30 days from 22nd December, 2015. However the Appeal has been filed on</p>

08th March, 2016. Learned counsel appearing for the Appellant has referred to paragraphs 4.2.5 and 4.2.9 to the main Appeal. Again we find no substance in relation to condonation of delay; Even if we were to take some plausible or sufficient cause had been stated in the said paragraphs we are not satisfied. The Appellant has not been able to show sufficient cause which prevented them from filing the Appeal within the prescribed period of limitation of 30 days. Beside that we may also notice that if the Appellant had any suggestion to make, he ought to have approached MoEF. The Learned counsel appearing for the Appellant has referred letter dated 06th January, 2016 addressed to the Principal Secretary, Environment, State of Uttar Pradesh who is not competent to resolve the issue.

The Appeal is barred by time and even on the ground that the Appellant should have invoked the statutory jurisdiction vested in the MoEF before approaching the Tribunal.

We leave open to the Appellant to approach MoEF if he so desires. If such an application is moved the same should be disposed of expeditiously and in accordance with law.

With the above directions, Appeal No. 18/2016, M.A. No. 237/2016 & M.A. No. 238/2016 stand disposed of without any order as to costs.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

		<p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (B.S. Sajwan)</p>
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