

Item No. 01

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

Review Application No. 14/2019
IN
Original Application No. 317/2015
(I.A. No. 110/2019 & I.A. No. 111/2019)

Uttar Pradesh State Industrial
Development Authority

Applicant

Versus

Rashid Ali Warsi & Ors.

Respondent (s)

Date of hearing: 27.02.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

IN CHAMBER BY CIRCULATION

ORDER

1. By filing this review application, the Uttar Pradesh State Industrial Development Authority seeks for a review of order dated 13.11.2018 by which direction had been issued *inter alia* upon the UPSIDC for deposit of a sum of ₹50 lakhs with the CPCB for damage caused to the environment including storing of hazardous waste illegally and also, for rectification of the observations contained in sub-para (V) of para 6 of the said order.
2. The review application is accompanied by an application for condonation of delay filed under Section 5 of the Limitation Act, 1963 for condoning a delay of 54 days in filing the application *vide* I.A. No. 110/2019.
3. Upon consideration of the application for condonation of delay, we are of the considered opinion that the provisions of Section 5 of the Limitation Act, 1963 is not applicable to the proceedings

under the National Green Tribunal Act, 2010. The NGT Act, 2010 is a special law, prescribing special procedures and is a self contained statute.

4. Rule 22 providing for application for review under sub-rule (1) mandates that *“no application for review shall, be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed”*. The peremptory language of the provision does not permit exercise of any discretion by the Tribunal to condone delay in filing the review application beyond the prescribed period of 30 days.
5. For the aforesaid reasons, the review application stands dismissed as being barred by limitation.

Adarsh Kumar Goel, HCP

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

February 27, 2019
R.A. No. 14/2019
avt

