2025 INSC 1331

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 731 OF 2023

TALLI GRAM PANCHAYAT ...APPELLANT(S)

VERSUS

UNION OF INDIA & ORS. …RESPONDENT(S)

J U D G M E N T

1. The date on which environment clearance (EC) granted to the project proponent is "communicated" to "any person aggrieved" is relevant for calculating the period of limitation for filing an appeal under Section 16(h) of the Green Tribunal Act, 2010.[1] Considering the fact that such communication is the obligation of plurality of duty bearers and to "any person", we have interpreted Section 16(h) of the Act to hold that limitation will commence from the earliest of the date on which the communication is carried out by any of the duty bearers. Having considered the legal and factual submissions of the appellant, we have come to the conclusion that the appeal filed by the appellant is beyond the mandatory period of

[1] Hereinafter referred to as the 'Act'.

limitation. We have thus affirmed the judgment of the Tribunal and dismissed the appeal.

Facts:

2. The respondent being the project proponent, applied and obtained an EC for limestone mining covering an extent of 193.3269 hectares at Talli and Bambor villages in Gujarat from the Ministry of Environment, Forest and Climate Change (MoEF&CC) on 05.01.2017. The appellant, the Gram Panchayat of village Talli, sought to challenge this EC before the National Green Tribunal by filing an appeal under Section 16(h) of the Act. However, as there was delay, the appeal was accompanied by a Miscellaneous Application (M.A.) for condonation of delay in filing the appeal. It was contended therein that the grant of EC was known to them only through the reply dated 14.02.2017 received under the Right to Information Act. It was therefore contended that limitation must commence either from 14.02.2017 or from the last of the communications received from the authorities who had the duty to intimate the appellant.

3. By its order dated 29.01.2018, the Tribunal dismissed the appeal for default and even the subsequent application for restoration was also dismissed on 16.07.2021. Challenging these orders, the appellant filed a civil appeal before this Court, primarily contending that such orders could not have been passed by a single member of the Tribunal. Accepting the

submission, this Court by its order dated 11.07.2022 allowed the appeals and remanded the matter back to the Tribunal for consideration and disposal on merits. While remanding, this Court directed the Tribunal to consider all questions, including the issue relating to limitation. After restoration of the appeal, the Tribunal heard the appeal and the accompanying application for condonation of delay and proceeded to dismiss the application on the ground that the appeal was filed after the maximum condonable period of 90 days as such barred by limitation. Thus, the present Civil Appeal under Section 22 of the Act.

4. We heard Mr. Sanjay Parikh, senior counsel, assisted by Mr. Abhimanue Shrestha, advocate for the appellant and Mr. Pinaki Mishra, senior counsel, for the respondents.

Analysis:

5. Section 16 of the Act, to the extent that it is relevant for our purpose is extracted herein below for ready reference;

> *"**Sec. 16. Tribunal to have appellate jurisdiction** - Any person aggrieved by,-*
> *(a)…*
> *(b)…..*
>
> *(h) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 (29 of 1986).*
> *…*

> *may, within a period of thirty days from the date on which the order or decision or direction or determination is **communicated** to him, prefer an appeal to the Tribunal:*
> *Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days."*

6. Section 16(h) provides that "*any person aggrieved… may'* within a period of 30 days from the date of the '*communication*' of the order granting EC prefer an appeal to the Tribunal. The proviso enables the Tribunal to allow a further period, not exceeding 60 days, if in the opinion of the Tribunal, the appellant is prevented by sufficient cause. In the normal course, a communication is completed when the order impugned is served on an applicant/suitor personally, through mail or publication, as the case may be. However, in the context of Section 16(h), two distinct features must be borne in mind for a proper understanding of the expression 'communicated' to him. *Firstly*, the communication contemplated under Section 16(h) is to sub-serve a public purpose of enforcing any *legal right relating to environment*[2]*'.* Environmental issues are not always adversarial, rather they operate as public law concerns. The expression "any person aggrieved" in Section 16(h), read with Sections 2(c), (g), (j) and (m) of the Act must therefore receive a liberal construction as 'communication' contemplated herein Section 16(h) is intended to be *in rem* and not *in personam.* There is therefore an

[2] This is evident from the preamble and other substantive provisions of the Act.

obligation on a duty bearer to ensure that appealable decisions are properly declared and easily accessible. *Secondly*, the said obligation to "communicate" the order vests in plurality of duty holders being the, (i) MoEF&CC, (ii) project proponent, and (iii) the Pollution Control Board(s). Keeping in mind the features, we will now interpret Section 16(h) to determine the date by which multiple authorities or persons, the duty bearers, will communicate the orders to any person aggrieved.

7. When we say multiple authorities or plurality of duty bearers have the obligation to communicate, it is because of the legal regime under the Environment Protection Act, 1986, read with enforceable subordinate legislation made thereunder. In exercise of powers under Section 3(2) of the Environment Protection Act, read with Rule 5 of the Environment Protection Rules, the MoEF&CC issued the Environment Impact Assessment Notification 2006, (EIA Notification, 2006). Paragraph 10 of the said notification places certain obligations on MoEF&CC or the SEIAA and the project proponent, the same is reproduced below for ready reference;

> *"10.* ***Post Environmental Clearance Monitoring-***
> *(i) (a) In respect of Category 'A' projects, it shall be mandatory for the* ***Project Proponent*** *to make public the environmental clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district or State where the project is located and in addition, this shall also be displayed in the Project Proponent's website permanently.*

*(b) In respect of Category 'B' projects, irrespective of its clearance by **MoEF/SEIAA**, the **Project Proponent** shall prominently advertise in the newspapers indicating that the project has been accorded Environment Clearance and the details of MoEF website where it is displayed.*
(c) The Ministry of Environment and Forest and the State/Union Territory level Environmental Impact Assessment Authorities (SEIAAs), as the case may be shall also place the environmental clearance in the public domain on Government portal.
(d) The copies of the environmental clearance shall be submitted by the Project Proponents to the Heads of local bodies, Panchayats, and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt."

8. The EC granted by MoEF&CC or, as the case may be, the SEIAA invariably requires the Centre or the State Pollution Control Boards, being the statutory regulators, to ensure compliance of the conditions imposed on the project proponent as a pre-condition for grant of EC. Thus, the cumulative mandate flowing out of the Environment Protection Act and the Rules and Regulations made thereunder, including the EIA Notification 2006, require the MoEF&CC, the project proponent and the Pollution Control Boards to communicate, to make public, advertise, place in public domain either through the Governmental Portal or to display in their office the information about the grant of EC.

9. In view of the concurrent obligations of MoEF&CC the project proponent and the Pollution Control Boards to communicate grant of the EC, the question that arises for consideration, is to identify the *day* when the '*communication'* of the EC is complete on the 'person aggrieved' for commencement of period of limitation for filing appeal under Section 16(h)

of the Act. When the duty to communicate is the obligation of more than one authority or individual, it is natural or inevitable that the dates by which they comply with their respective obligations do not synchronise. The dates by which MoEF&CC could upload its decision on its website, project proponent advertise the EC in the two local newspapers and the dates by which Pollution Control Board would display the EC on its notice board may not be the same.

10. When obligation to communicate the decision vests in multiple authorities, it is appropriate to infer that the communication is complete when the 'person aggrieved' receives information from the earliest of the communication. Following the principle of *first accrual*, which postulates that when a suit is based on multiple causes of action, the period of limitation will begin to run from the date when the right to suit first accrues. In *Khatri Hotels (P) Ltd. v. Union of India*[3], this Court held; "…*if a suit is based on multiple causes of action, the period of limitation will begin to run from the date when the right to sue first accrues. To put it differently, successive violation of the right will not give rise to fresh cause and the suit will be liable to be dismissed if it is beyond the period of limitation counted from the day when the right to sue first accrued*."

[3] (2011) 9 SCC126 also followed in *Rajeev Gupta v. Prashant Garg* (2025 SCC OnLine SC 889).

11. It is of course a condition precedent that the communication must be clear and complete and if this condition is satisfied, it is logical to conclude that the person aggrieved cannot pick and choose later communications from other duty bearers for reckoning the period of limitation. It is the first accrual that would trigger the period of limitation prescribed under Section 16(h) of the Act.

12. In *Save Mon Region Federation & Anr. vs. Union of India*[4], decided way back in 2013, the Tribunal recounted the concurrent obligations of MoEF&CC, the project proponent and others to communicate the grant of EC to any person aggrieved and hold that where different stake holders are to communicate the order, the earliest date on which the communication is carried out, shall be the date for reckoning limitation;

> *"10. The date on which the order of Environmental Clearance is communicated to the public at large, shall be the date from which the period of limitation shall reckon, as contemplated under Section 16 of the Act. Communicating the order, in other words, shall mean putting the order in the public domain in its complete form and as per the mode required under the provision of the NGT Act of the Regulation 2006. The limitation shall start running and shall be computed as referred to in Para 19 of the judgment. Where different acts by different stakeholders are complied with at different dates, the earliest date on which complete communication is carried out, shall be the date for reckoning of limitation."*

[4] 2013(1) All India NGT Reporter 1.

13. This decision is again reiterated in the subsequent decision of *Medha Patkar & Ors. v. Ministry of Environment & Forests, UOI and Ors.*[5]

> *"**12.** From the above dictum, it is clear that a communication would mean putting it in public domain and completing the acts as are contemplated in the EIA Notification of 2006, read with conditions of the EC and the provisions of the Act. In terms of the scheme of the notification and law, there are three stakeholders in the process of grant of environmental clearance:*
> *(a) Project Proponent*
> *(b) Ministry of Environment and Forests and*
> *(c) Other agencies which are required to fulfil their obligations to make the communication complete in terms of the provisions of the Act and the notification concerned.*
> *…*
> ***15.** …Complete performance of its obligations imposed on it by the order of environmental clearance would constitute a communication to an aggrieved person under the Act. In other words, if one set of the above events is completed by any of the stakeholders, the limitation period shall trigger. If they happen on different times and after interval, the one earliest in point of time shall reckon the period of limitation. Communication shall be complete in law upon fulfilment of complete set of obligations by any of the stakeholders. Once the period of limitation is prescribed under the provisions of the Act, then it has to be enforced with all its rigour. Commencement of limitation and its reckoning cannot be frustrated by communication to any one of the stakeholders. Such an approach would be opposed to the basic principle of limitation.*
>
> ***16.** The Tribunal must adopt a pragmatic and practical approach that would also be in consonance with the provisions of the Act providing limitation. Firstly, the limitation would never begin to run and no act would determine when such limitation would stop running as any one of the stakeholders may not satisfy or comply with all its obligations prescribed under the Act. To conclude that it is only when all the stakeholders had completed in entirety their respective obligations under the respective provisions, read with the notification of 2006, then alone the period of limitation shall begin to run, would be an interpretation which will frustrate the very object of the Act and would also cause serious prejudice to all concerned. Firstly, this completely frustrates the purpose of prescription of limitation. Secondly, a project proponent who has obtained environmental clearance and thereafter spent crores of rupees on establishment and operation of the project, would be exposed to uncertainty, danger of unnecessary litigation and even the possibility of jeopardizing the interest of his project after years have*

[5] 2013 SCC Online NGT 63.

lapsed. This cannot be the intent of law. The framers of law have enacted the provisions of limitation with a clear intention of specifying the period within which an aggrieved person can invoke the jurisdiction of this Tribunal. It is a settled rule of law that once the law provides for limitation, then it must operate meaningfully and with its rigour. Equally true is that once the period of limitation starts running, then it does not stop..."

14. In view of the interpretation that we have given in Section 16(h), coupled with the consistent rulings of the Tribunal, we are of the opinion that the period of limitation will commence from the earliest of the date on which the communication is carried out by any of the duty bearers.

Application of the law to the facts of the present case:

15. We will now examine the law as declared hereinabove to the facts of the present case to ascertain the compliance of these statutory requirements by the MoEF&CC (Respondent No.1), the Project Proponent (Respondent No.4), and the State Pollution Control Board (SPCB). This examination is necessary to determine the specific date from which the period of limitation commenced. The status of compliance with respect to the communication of the EC is summarized in the table below, as also reproduced in the order impugned before us.

SN	*Entity*	*Responsibility*	*Compliance*	*Remarks*
A.	*MOEFCC*			
	As per EIA Notification 2006 Clause 10	*Place the environmental clearance in the public domain on Government portal*	*EC letter signed on 5 Jan 2017, scanned on 5 Jan 2017 at 6:56:21 pm, and NIC confirmed that the same was uploaded on 5 Jan 2017 at xxx*	*Fully Complied on 5-1-2017*

	As per NGT Order in Save Mon Case	*MoEF shall put the complete order of Environmental Clearance on its website and the same can be downloaded without any hindrance or impediments within seven days of such order, which would remain uploaded for at least 90 days.*	*EC letter is available till date at http://environmentclearance.nic.in/onlinesearchnewrk.aspx?autoid=5017&proposal_no=IA/GJ/MIN/34113/2015&typep=EC*	*Fully Complied on 5-1-2017*
		MoEF shall put it on its notice board of the Principal as well as the Regional Office for a period of at least 30 days. It should be accessible to the public at large without impediments	*No proof submitted that EC was put on notice board.*	*Not Complied.*
B.	*Project Proponent*			
	As per EIA Notification 2006 Clause 10	*To make public the environmental clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district*	*Advertisement intimating receipt of EC letter published but the advertisements does not include environmental conditions and safeguards.*	*Not Complied.*
		Display in the project proponent's website permanently	*No proof submitted that EC was put on website.*	*Not Complied.*
		Submit to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government	*Complied and proof submitted of receipt of the same on 9 Jan 2017.*	*Fully complied on 11.1.2017*
	As per NGT Order in Save Mon Case	*Project Proponent uploads the Environmental Clearance order with its environmental conditions upon its*	*No proof submitted that EC was put on website.*	*Not Complied.*

		website as well as publishes the same in the newspapers		
		Project Proponent publishes Environmental Clearance order with its environmental conditions and safeguards in 2 newspapers.	*Advertisement intimating receipt of EC letter published but the advertisements does not include environmental conditions and safeguards.*	*Not Complied.*
		The project proponent also has to submit a copy of the EC to the heads of the local authorities, panchayats and local bodies of the district	*Complied and proof submitted*	*Fully complied on 11.1.2017*
	As per EC Letter	*A copy of clearance letter will be marked to concerned Panchayat*	*Complied and proof submitted of receipt of the same on 9 Jan 2017.*	*Fully complied on 11.1.2017*
		The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the Ministry of Environment, Forest and Climate Change at www.environmentclearance.nic.in and a copy of the same should be forwarded to the Regional Office.	*Advertised in 2 newspapers on 11 Jan 2017 that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the Ministry of Environment, Forest and Climate Change at www.environmentclearance.nic.in.*	*Fully Complied on 9.1.2017*
C.	*SPCB*			

	As per EIA Notification 2006 Clause 10	*Nil*		
	As per NGT Order in Save Mon Case	*Government agencies are expected to display the order of environmental clearance for a period of 30 days on its website or publish on notice board, as the case may be.*	*No proof submitted by SPCB.*	*Not Complied*
	As per EC Letter	*State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/ Tehsildar's Office for 30 days*	*No proof submitted by SPCB.*	*Not Complied*
D.	*Village Panchayat*			
	As per EIA Notification 2006 Clause 10	*Display the EC for 30 days from the date of receipt.*	*No proof submitted by SPCB.*	*Not Complied*
	As per NGT Order in Save Mon Case	*Local bodies are expected to display the order of environmental clearance for a period of 30 days on its website or publish on notice board, as the case may be.*	*No proof submitted by SPCB.*	*Not Complied*

16. It is evident from the table extracted hereinabove that the EC granted on 05.01.2017 was uploaded on the website of the MoEF&CC on the very same day. It is also clear that the Project Proponent has taken steps for compliance, such as submitting the EC to the concerned Panchayats, which was acknowledged on 09.01.2017. Further, by also

advertising the grant of the EC in two local newspapers on 11.01.2017 the duty to communicate is completed.

17. NGT returned a definitive factual finding that the EC dated 05.01.2017 was uploaded on the MoEF&CC website on 05.01.2017 and found that there is "*enough proof thereof on record*". This finding implies that the EC was placed in public domain and was accessible and downloadable. The NGT specifically rejected the appellant's contention that they came to know about the EC only through an RTI application on 14.02.2017, terming it a "pretext to bring the said appeal within the period of limitation".

18. Given the NGT's finding that the EC was uploaded and made publicly accessible on 05.01.2017, 30 days limitation period will commence from that date. If so, the maximum period of 90 days expired by the time the appellant filed its appeal on 19.04.2017. There is no error in the conclusion drawn by the Tribunal, it has rightly dismissed the appeal on the ground of limitation.

19. It is also argued by the appellant that the project proponent has failed to publish the entirety of the EC in the two newspapers as mandated by Clause 10 of the EIA Notification. This argument is based on the premise that if there is a failure to publish the entirety of the EC in the newspapers, the project proponent would have failed in its duty 'to

communicate'. In our opinion, interpreting Clause 10 of the EIA Notification in this manner would be pedantic, rather than subserving the purpose and object of the statutory requirement of communicating and publishing the grant of EC.

20. It will be sufficient compliance, if the project proponent publishes the grant of the EC, and indicates therein the substance of the conditions and safeguards. While it is the project proponent's responsibility to publish grant of EC in its favour, it is no part of the legal requirement that the entirety of the environmental clearance is published in the newspaper. In Save Mon (Supra), the Tribunal held that the project proponent must publish the "factum" of EC along with the conditions at its own expense. A detailed discussion of this issue is also found in a subsequent decision in *V. Sundar Proprietor Chemicals, India v. Union of India & Ors.*[6], which is relevant for this context. We are in agreement with the principle that;

> *"34. … In the instant case, the respondents have placed 2 publications made one in English and another in Tamil as early as in 5/2015 which clearly indicate that it was publicly notified through the said publications that the project in question has been granted the EC. It was also further stated in the publications that the EC is available with the TNPCB and can also be seen in the website of SEIAA, Tamil Nadu in the link at http://www.seiaa.tn.gov.in. Thus there were clear notices to the public at large to the effect that the EC was granted to the project in question an*d complete *and comprehensive information was available on the website of the TNPCB. The comments made by the counsel that the advertisement made in both the newspapers did not even contain the particulars and conditions attached to the EC in question cannot be countenanced. The size of the advertisement is immaterial but what it conveys is material. The judgment of the Principal Bench of NGT made in Save Mon Region Federation and Lobsang Choedar v. Union of*

[6] 2015 SCC Online NGT 145.

India, Manu/GT/0029/2013 lends full support to the case of respondents that if done as above then it has to be taken as a complete communication. The period of limitation has to be reckoned from 05.09.2014, i.e., date of publications made as contended by the learned counsel for the 10th and 11th respondents."

21. In the order impugned before us, the Tribunal has considered all the arguments in detail and has come to the correct conclusion that there is complete and effective communication of the order granting environmental clearance.

22. For the reasons stated above, Civil Appeal No. 731 of 2023 against the judgment and order dated 03.01.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in MA No. 262 of 2017 (WZ) in Appeal No. 36 of 2017(WZ) is hereby dismissed.

23. Parties shall bear their own costs.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI;
NOVEMBER 19, 2025