

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 202 OF 2024**

IN THE MATTER OF:-

Pramod Kumar ...Applicant

VERSUS

Central Pollution Control Board & Ors. ...Respondent

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THROUGH

VIKALP MUDGAL, KSHITIJ MUDGAL AND ANSH MITTAL

D/2113/2013, D/1908/2016 & D/4007/2024

ADVOCATES FOR RESPONDENTS

Chamber No. 111, C.K. Daphtary Lawyer's Chambers

Tilak Lane, New Delhi – 110001

e-mail: chamber@mudgalandsharma.com

Mobile No.: 9760128458

NEW DELHI

DATED: 24.04.2026

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 202 OF 2024

IN THE MATTER OF:

Pramod Kumar

... Applicant

Vs.

Central Pollution Control Board

... Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF
RESPONDENT NO. 10**

MOST RESPECTFULLY SHOWETH:

1. That it is stated that the present additional affidavit is being filed in the present OA since the previous affidavit filed on behalf of the Respondents did not state the correct factual and legal position vis-à-vis the Respondents. It is most respectfully stated that the Respondents are not versed with English and due to the fact that the contents of the previous affidavit were not explained in vernacular, hence the Respondents were not aware of the contents of the previous affidavit. It is humbly submitted that the present affidavit be taken on record for the true and correct facts of the case.
2. That it is most humbly submitted that the present petition is not maintainable since it has been filed due to business rivalry as the Applicant was being engaged for transportation of bricks by the Respondents and when the Respondents stopped engaging the Applicant for their business, the

Applicant has filed the present OA with an ulterior motive for his self-gain. Further, since the Applicant was transporting the bricks of the Respondent and was aware about all facts, he was an equal participant in the brick kiln activities. It has been averred in the OA that the Applicant knows the brick kiln business from his childhood however the Applicant never took any action till the filing of the present OA, which proves the fact that he has filed the present OA only when the Respondents stopped engaging the Applicant for their transportation.

3. That the events of 15.12.2023, 12.02.2024 and 20.02.2024 mentioned in the OA are totally wrong, false and hence denied. Such averments made in the OA are false and have been written to prejudice the Hon'ble Tribunal and are liable to be rejected outrightly.
4. That it is stated that the officers of the pollution control department regularly visit and inspect the premises and also regularly measure the AQI and in case of any irregularity or deficiency, the inspection team takes corrective measures and implements the same. Furthermore, the inspection team halts the work of the brick kilns till the time the corrective measures are implemented by the brick kilns. The inspection team monitors the environmental conditions of the area where the brick kilns operate and hence when it is found that there are no environmental violations committed by the Respondents, they allow the operations of the brick kilns to resume. Hence, the facts as stated in the brief synopsis and list of dates are wrong and hence denied.

5. That as regards the averments made in para 1 of the OA, it is submitted that this Hon'ble Court passed orders on 01.03.2024 and in compliance of the same, the UPPCB constituted a committee which submitted a report dated 03.05.2024 after inspection of the sites. The report of the Committee did not find any irregularity in the operation of the brick kilns of the Respondents and did not find any violation of orders of this Hon'ble Tribunal as well as rules and regulations governing the environment.
6. That the averments made in para 2 of the OA are denied for want of knowledge. It is stated that as per the Applicant, he has been following the business of brick kilns since his childhood however the Applicant has never raised a complaint prior to the present case which has also been filed due to the fact that the Applicant has not been engaged by the Respondents for transporting the bricks.
7. That the contents of para 3 of the OA need no reply. With respect to the contents of para 4 of the OA, it is stated that the Applicant has filed the present OA due to business rivalry as the Applicant was earlier being engaged for transportation of bricks by the Respondents and thereafter, the Respondents had stopped engaging the Applicant for their business. In response to the same, the Applicant threatened the Respondents that he shall take all kinds of steps to stop the business of the Respondents and when all efforts of the Applicant to do so failed, the Applicant has filed the present OA on false and fabricated facts and misconceived grounds.

8. That the contents of para 4.2 of OA are wrong and hence denied. The contents of this para are denied for want of knowledge. It is stated that as per the Applicant, he has been following the business of brick kilns since his childhood however the Applicant has never raised a complaint prior to the present case.
9. That the contents of para 4.3 of the OA are denied for want of knowledge. In response to the contents of para 4.4 of the OA, it is most humbly stated that the brick kilns operated by the Respondents are being run using zig-zag technology and using permissible fuel as per the orders of this Hon'ble Tribunal and other Hon'ble Courts as well as in accordance with extant rules and regulations.
10. That the contents of paras 4.5 and 4.6 are wrong and hence denied. The falsity of the statements made in the aforementioned paras of the OA is proved by the report of the inspection committee appointed by UPPCB since the committee in its report has not found any violation of the rules or regulation on the place of operation of the brick kilns. Further, the photographs annexed with the OA does not show any description of date, place or time and hence render themselves completely unreliable. Therefore, the contents are totally false and hence denied.
11. That the contents of para 4.7 of the OA are wrong and hence denied for want of knowledge. This allegation made by the Applicant pertains to other Respondents and has been written to prejudice the Hon'ble Tribunal. Hence, this statement of the Applicant liable to be rejected.

12. That the contents of para 4.8 of the OA are wrong and hence denied. It is most humbly that the Applicant has filed the present OA with ulterior motive solely to cause financial loss to the Respondent and for his personal gains. The Applicant has, by filing the present application, wasted the precious judicial time of this Hon'ble Tribunal and the Applicant is only concerned about his transportation business and has no concerns for the public at large.
13. That in response to the contents of para 4.9 of the OA, it is most humbly stated that the Respondents do not have any coal stock.
14. That the contents of para 4.10 of the OA are denied for want of knowledge. The averments made in the said para are moonshine as the Applicant has failed to provide any details of telephone or the name of the person to whom the Applicant spoke to.
15. That the contents of paras 4.11, 5 and 6 of the OA are wrong and hence denied. It is stated that the statement in this para shows the malafide intention of the Applicant as only selective brick kiln owners have been arrayed as parties whereas it has been mentioned in the OA that about 400 brick kilns are in operation. Hence, the application suffers from the defect of non-joinder of necessary parties.
16. That with respect to the averments made in para 7 of the OA, it is most humbly submitted that the report submitted by the Committee constituted by the UPPCB in pursuance to the order dated 01.03.2024 passed by this Hon'ble Tribunal has

found that there has been no violation of any rules or regulations in the operation of the brick kilns by the Respondents.

17. That the contents of para 8 of the OA are totally wrong and hence denied. It is most humbly stated that the Respondents are peaceful and law-abiding citizens and hold the highest regard for the Hon'ble Tribunal and the Hon'ble Courts.
18. That the grounds averred in the present OA are wrong, misconceived, baseless and hence denied. It is most humbly submitted that the order dated 17.02.2021 passed by this Hon'ble Tribunal in O.A. No. 1016 of 2019 has been challenged before the Hon'ble Supreme Court vide Civil Appeal No. 5368 of 2021 and other connected appeals. It is most humbly stated that the above civil appeals are pending adjudication and the subject matters are subjudice before the Hon'ble Supreme Court.
19. That it is most humbly submitted that the Hon'ble Supreme Court has, in Civil Appeal No. 5368 of 2021 and other connected appeals, passed orders from time to time issuing directions to the Respondents and other brick kilns to operate with valid consents and equipped with zig-zag technology in compliance with the conditions of the notification dated 22.02.2022 issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC). It is most humbly submitted that the Respondents are operating their respective brick kilns in compliance with the orders of the Hon'ble Supreme Court.

20. That it is most humbly submitted that the Hon'ble Supreme Court has, vide orders dated 08.04.2022, 13.05.2022, 27.02.2023, 05.01.2024 and 19.04.2024 has directed the operation of brick kilns in the Delhi and NCR districts under strict supervision and surprise inspections conducted by the UPPCB without any notice or warning from time to time.

Hence, it is most humbly prayed that the present application be dismissed with costs.

FILED BY

Ansh

VIKALP MUDGAL, KSHITIJ MUDGAL & ANSH MITTAL
D/2113/2013, D/1908/2016 & D/4007/2024

Advocates for Respondent

Chamber No. 111,

C.K. Daphtary Lawyers' Chambers,

Tilak Lane, New Delhi – 110001

EMAIL: chamber@mudgalandsharma.com

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24.04.2026

IN THE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF:

Pramod Kumar

...APPLICANT

VERSUS

Central Pollution Control Board & Ors.

...RESPONDENTS

AFFIDAVIT

I, Ajay Kumar Goyal, s/o Shri Brahm Singh Goyal, r/o H. No. J-2/2, J-Block, Main Gali, West Jyoti Nagar, Gokal Pur, North-East Delhi-110094, aged about 50 years, presently at Bagpat, Uttar Pradesh do hereby solemnly affirm and declare as follows:

1. That I am the sole proprietor of Respondent No. 10 - Vaishno Brick Field, in the captioned Application and as such I am well-conversant with the facts and circumstances of the matter and hence I am competent to affirm the present affidavit on behalf of Respondent No. 10.
2. That the contents of the accompanying additional affidavit have been drafted by my counsel upon my instructions and the same has been read over and explained to me and I say that the same are true and correct.
3. That the documents annexed along with the accompanying application are true and correct copies of their respective originals.

DEPONENT

मै० वैष्णो ब्रिक फिल्ड
अजय कुमार
प्रोपराईटर

NOTARY
23-04-24





10

Mudgal and Sharma LLP <chamber@mudgalandsharma.com>

Pramod Kumar v. CPCB & Ors. - O.A. No. 202 of 2024

1 message

Mudgal and Sharma, Advocates <chamber@mudgalandsharma.com>

25 April 2026 at 11:13

To: ccb.cpcb@nic.in, "ms@uppcb.in" <ms@uppcb.in>, csup@nic.in, cpcaqm-moefcc@gov.in, dmbag@nic.in, "md@jssblegal.com" <md@jssblegal.com>, priya.mohini@gmail.com

Dear all,

Please find attached herewith separate additional affidavits on behalf of Respondents in the subject matter.

Kindly consider this as formal service of the same.

Regards,

--

ANSH MITTAL

Advocate

Supreme Court of India

Mudgal And Sharma LLP

Chamber No.111, CK Daphtary Block,

Supreme Court Lawyers' Chambers

Tilak Lane, New Delhi - 01

Mob #. +91 9760128458

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2 attachments **Additional Affidavit R10.pdf**
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2209K