

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 702 OF 2022

**IN THE MATTER OF:**

DEEPAK KUMAR & ANR.

.....Appellant(s)

Versus

STATE OF UTTARAKHAND & ORS.

.....Respondent(s)

**NDOH-12.02.2026**

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**Uddhav Khanna**

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Place: New Delhi

Date: **16.01.2026**

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**ADDITIONAL REPLY ON BEHALF OF VARIOUS IMPLEADED  
STONE CRUSHERS.**

1. The present Additional Reply is being filed by certain impleaded Stone Crushers, in addition to and supplemental to the Reply dated 06.04.2024 already filed on behalf of the said impleaded Stone Crushers. The present Additional Reply is being filed pursuant to the liberty granted by this Hon'ble Tribunal vide order dated 14.11.2025, in light of the substantial development that took place during the hearing dated 14.11.2025 whereby the Original Applicant sought to contain the captioned OA to prayers (d) and (j) alone.
2. For the sake of clarity, it is pertinent to state that the present Reply is being filed by the following 11 No. of Stone Crusher units, which were duly impleaded as parties in the present matter vide order dated 11.10.2023 whereby IA No. 732/2023 filed by the Applicant seeking Impleadment of 17 stone crushers was allowed:
  - (i) M/s Ma BalaSundari Stone Crusher

- (ii) M/s ARK Associates
  - (iii) Ganga Stone Crusher
  - (iv) Pachwadun Stone Crusher
  - (v) Sai Chestha Enterprises LLP
  - (vi) Yamuna Associates LLP
  - (vii) Dev Bhoomi Stone Crusher
  - (viii) Yamuna Stone Crusher (I)
  - (ix) Yamuna Stone Crusher (II)
  - (x) Satyam Shivam Sundram Stone Crusher Plant-II.
  - (xi) Uttaranchal Stone Crusher LLP
3. Albeit the Answering Respondents herein have already filed a Reply dated 06.04.2024 to the captioned Original Application, the Answering Respondents herein are preferring the present Additional Reply to highlight as to how the Original Applicant is attempting to circumvent the cause and effect of the Maintainability Application bearing IA 304/2024 filed by the one of the Answering Respondent herein, and also the factum that the issues involved in the present OA are under consideration before the Hon'ble High Court of Uttarakhand, by pressing and keeping open prayers (d) and (j), which are broad based and without any foundation once the other prayers have been given up by the Original Applicant. The present Additional Reply is necessitated on account of the fact that the Original Applicant, especially vide prayer (j) seeks to shut down the legally established and lawfully operating

Stone Crushers, without having any cause of action against the Respondent Stone Crushers in light of there being no challenge to the permits granted to the Respondent Stone Crushers or to the notifications/ policies under which the permits were granted, which was the very reason the Maintainability Application was disposed of and the Original Applicant was granted liberty to approach the Hon'ble Uttarakhand High Court for challenging the notification dated 06.01.2020 (discussed in detail below).

4. At the very outset, it is submitted that the contents of the Original Application are completely untenable, misconceived and unsupported by facts and law. It is respectfully submitted that the Answering Respondents are preferring an additional response, qua prayers (d) and (j) of the Original Application which are the only remaining prayers in the present OA. The present Reply is a brief response, rather than a para-wise reply to the issues frivolously created by the Original Applicant to somehow hide the clearly motivated and vindictive litigation being pursued against a certain set of Stone Crushers by certain persons having an interest in running the Answering Respondents out of business. The present Original Application has been preferred with a view to defeat the Answering Respondents' legitimate rights and interests.
5. It is submitted on behalf of the Answering Respondents that all the averments made by the Original Applicant which are contrary to facts and record are vehemently denied. It is further stated that any omission to deal with any statement, contention, allegation and/or averment made

in the Original Application should not be treated as an admission thereof, unless the same has been specifically admitted.

6. Prayer (d) seeks issuance of directions to constitute a Scientific Experts Committee to carry out and submit a report qua the air pollution carrying capacity of Doon Valley. In this regard, it is submitted that such prayer is completely unsubstantiated, with there being nothing in the OA to justify why such report is required. Respectfully, the Original Applicant has been unable to show any impropriety, let alone irregularity in the establishment and/or the operations of the Respondent Stone Crushers, and/or any link between such operations to the alleged Environmental Degradation in the Doon Valley Region. A prayer before this Hon'ble Court, seeking assessment of the air pollution carrying capacity of a region ought to be made responsibly and with sufficient cause and explanation, instead of relying upon unsubstantiated and frivolous allegations as a premise to attain indirectly what could not be directly attained by the Original Applicant, i.e. closure of a specific set of Stone Crushers operating in the Doon Valley Region.
7. It is pertinent to mention that the Original Applicant itself filed IA bearing 723/2023 seeking impleadment of certain stone crushers operating in the Doon Valley Region, however, the Original Applicant conveniently impleaded only 17 Stone Crushers, including the 11 Answering Respondent Stone Crushers despite there being multiple other Stone Crushers operating in the said Doon Valley region. This clearly shows that the captioned Original Application was filed in a bid to have the Answering Respondents shut down, while ensuring that the other Stone Crushers who have not been impleaded herein continue to

operate. The Original Applicant has abused the process of this Hon'ble Tribunal to cater to the commercial interests of the competitors of the Answering Respondents, who are also operating in the said region, however, the Original Applicant does not seem to have an issue with the establishment and operation of these other Stone Crushers in the very same region.

8. In light of the aforesaid, even prayer (d) of the captioned Original Application ought not to be allowed for clear want of *bonafide* in filing the captioned OA, and for being an inherently motivated Application aimed at cutting down competition at the cost of the Answering Respondents.
9. Notwithstanding the aforesaid, it is pertinent to mention that the Answering Respondents cannot have any objection to the said prayer (d), i.e. report on the air pollution carrying capacity of Doon Valley region in the interests of the fairness and propriety. In fact, the Answering Respondents submit that being lawfully operating units, it is not only the responsibility of the Answering Respondents to ensure that all environmental norms and safeguards are complied with, but also to participate in measures aimed at upliftment, upgradation and protection of the environment. The Answering Respondents are not shying away from any assessment and/or measures that would enure to the benefit of Doon Valley Region, however, the only objection is regarding the *bonafides* of the Original Applicant who clearly intends to seek prayer (d) as a stepping stone towards its quintessential prayer (j).
10. Further, it is the submission of the Answering Respondents that the state respondents herein would be in a better position to respond to

prayer (d), especially regarding the viability and feasibility of conducting such assessment and/or the technical aspects involved in conducting the same, if directed. In this regard, it is further pertinent to submit that the state instrumentalities would be required to first respond to the Original Applicant's prayer in light of any prior studies/ research and/or assessments conducted in this regard and the maintainability of such prayer in light thereof.

11. Coming to prayer (j) which seeks an umbrella stoppage on the operations of the Answering Respondent Stone Crushers operating in Doon Valley area as notified in the 1989 Doon Valley Notification dated 01.02.1989, the said prayer is misconceived, unsubstantiated and at the very least pre-mature, especially in light of the development that took place during the course of the hearing dated 14.11.2025.
12. Pertinently, this Hon'ble Court was apprised of the factum of WPPIL No. 64 of 2025 being adjudicated by the Hon'ble Uttarakhand High Court, wherein the new amendment to the 1989 Doon Valley Notification dated 13.05.2025 is under challenge, meaning thereby, that the issue involved in the present Original Application, i.e. the issue of harmonization of the classification of industrial sector in red, orange, green and white category by the CPCB vide directions dated 07.03.2016 is presently under consideration by the Hon'ble Uttarakhand High Court.
13. With this being the case (one notification relating to the 1989 Notification already before the Hon'ble Uttarakhand High Court) any grievance with the earlier amendment notification i.e. 06.01.2020,

whereby the CPCB Directions dated 07.03.2016 were given applicability to the Doon Valley region, ought to be taken up before the Hon'ble Uttarakhand High Court, since the said court is seized with the said issue and is the constitutional court having the power to decide a challenge to validity of such notification(s). It was in this context that this Hon'ble Tribunal also granted liberty to the Original Applicant herein to approach the Hon'ble Uttarakhand High Court for raising a challenge to the Notification dated 06.01.2020.

14. Despite the aforesaid being the position, the Original Applicant persists to press his prayer (j), seeking a restraint upon the operation of the Respondent Stone Crushers in the Doon Valley region, without there being a challenge pending before this Hon'ble Tribunal qua the 06.01.2020 Notification which provides legislative backing to the CPCB Directions/ Classification dated 07.03.2016 and makes the same applicable to the Doon Valley region. In the absence of such challenge, the foundation/ premise of stopping the Respondent Stone Crushers in the Doon Valley region has completely fallen.
15. The Original Applicant cannot be allowed to agitate this prayer, until and unless there is a final adjudication by the Hon'ble Uttarakhand regarding qua validity of the 2020/2025 amendment notifications. In the interregnum, the CPCB Classification and the Notification dated 06.01.2020 basis which the Answering Respondents were granted their permissions, are valid, subsisting and deemed to be the law of the land.
16. As such, the Answering Respondents are Stone Crushers which have been legally established on the basis of valid legislation and after

following due process of law. Therefore, simply on the basis of the Original Applicant's whims, the lawful operations of the Answering Respondents cannot be restrained.

17. It is interesting to note that despite this Hon'ble Tribunal granting liberty to the Original Applicant for approaching the Hon'ble High Court of Uttarakhand, for challenging the 06.01.2020 MoEF Notification, the Original Applicant has failed to do so. The Original Applicant cannot merely seek the stoppage of the Answering Respondent Stone Crushers upon its own whims and fancies, when the state policies and legislation under which the Answering Respondents have been granted permits to set up and operate remain unchallenged by the Original Applicant.
18. Knowing fully well that the Original Applicant has no cogent case to challenge the underlying notification/ policy which still holds the law of the land, the Original Applicant seeks to circumvent the requirement of making out a case before the Hon'ble High Court of Uttarakhand by seeking a complete closure of the Answering Respondents without any premise to do so. The same would tantamount to rendering the proceedings before the Hon'ble High Court of Uttarakhand completely meaningless and infructuous, and allowing the Original Applicant to take advantage of its own wrongs and vindictive litigation.
19. What the Original Applicant proposes is a closure of a select few Stone Crushers, being the Answering Respondents upon his individual views that only the said Stone Crushers are causing degradation of the ecologically sensitive region of Doon Valley and promoting illegal

mining, which is akin to saying that certain few cars are causing environment pollution in an area and as such there should be an ban upon those cars alone for the sake of the environment, despite the fact that those cars are have been manufactured according to the policies as applicable and are being run in the same manner and with the same permits as the other cars, and despite the fact that owing and running cars is legally permissible even though it causes some degree of pollution. The Original Applicants clearly seeks to target the Answering Respondents upon the general premise that Stone Crushing is a polluting activity, although the same is being within the confines of law and after obtaining valid approvals.

20. In view of the above, it is most respectfully submitted that in view of the above, this Hon'ble Tribunal is beseeched to dismiss the Original Application, which has been already been curtailed to a very limited extent, for reasons mentioned hereinabove, which clearly bring out that the captioned OA in its present state is also is not maintainable and is merely a targeted and vindictive litigation.



**Uddhav Khanna**

**Advocate for the Answering Respondent**

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.....Appellant(s)

Versus

STATE OF UTTARAKHAND & ORS.

.....Respondent(s)

**AFFIDAVIT**

I, Pankaj Kumar, aged about \_\_\_\_\_ years, son of Shri Devi Prakash, R/o Jeevangarh, Vikasnagar, Anfield Grant, PO- Ambari, Dehradun, Uttarakhand-248198, do hereby solemnly affirm and state as under:

1. That I am the Answering Respondent (Uttaranachal Stone Crusher LLP) in the Captioned Original Application, and as such I am fully aware acquainted with the facts and circumstances of the instant case and thus competent to swear this Affidavit.
2. That I further state that the contents of the accompanying Reply have been thoroughly read and understood by me and I declare that the Reply has been prepared on my instructions.
3. That the contents of the accompanying Reply are all true to my knowledge. The same has been read over to me and understood by me to be true.



4/5/24

DEPONENT

## VERIFICATION

I, the deponent above named, do hereby verify and state that the contents of the foregoing paragraphs of the above affidavit are true and correct to the best of my knowledge and belief and that no part of it is false and nothing material has been concealed therefrom.

Verified by me at Vikasnagar on this 16<sup>th</sup> day of Jan, 2026

DEPONENT



This affidavit is sworn before me by  
Shri. Pankaj Kumar  
who is identified by Shri.....  
at Vikasnagar on.....

Document No  
05/16.01.2026

16/01/2026  
(Vineet Chauhan)  
Advocate & Notary  
Reg.No. 54(01)2022  
Vikasnagar, Dehradun  
Mob. 9411575650



Deepak mehra &lt;mehradeep1997@gmail.com&gt;

**Fwd: Service: Additional Documents in OA no 702/2022 Deepak Kumar VS Stat of Uttarakhand.**

**Adv. Uddhav Khanna** <uddhavkhanna.advocate@gmail.com>  
To: Deepak mehra <mehradeep1997@gmail.com>

Mon, Feb 2, 2026 at 6:46 PM

----- Forwarded message -----

From: **Adv. Uddhav Khanna** <uddhavkhanna.advocate@gmail.com>  
Date: Mon, Feb 2, 2026 at 6:46 PM  
Subject: Re: Service: Additional Documents in OA no 702/2022 Deepak Kumar VS Stat of Uttarakhand.  
To: <secy-moef@nic.in>, Ajit Sharma <sharma.ajit@gmail.com>, Mukesh Verma <mvermadv@gmail.com>, Anjali Rajput <advanjali.rajput@gmail.com>  
Cc: Bani Dikshit <banidikshit.advocate@gmail.com>

Respected all,

Please find enclosed herewith the copy of the Additional Reply being preferred on behalf of certain impleaded stone crushers in the captioned matter.

Kindly acknowledge the receipt of the same.

Regards,  
Uddhav Khanna

On Wed, Oct 8, 2025 at 9:37 AM Anjali Rajput <advanjali.rajput@gmail.com> wrote:

Respected Sir,

Please find Enclosed herewith copy Additional Documents being filed in compliance of the directions passed by Hon'ble NGT vide order dated 25.07.2025 in OA no 702/2022 by way of advance service.

Kindly acknowledge the receipt of the same.

--



Anjali Rajput

Advocate

**Thanks & Regards.****Adv Anjali Rajput**

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**Additional Affidavit-Deepak Kumar-Final-02.02.pdf**  
697K