

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 46 OF 2025
U/s 18(1) R/w Section 16 of National Green Tribunal Act, 2010**

IN THE MATTER OF:-

Sanjaya Kumar Mishra

...Appellant

VERSUS

Ministry of Environment, Forest and Climate Change & Ors.

...Respondents

ARGUMENTS OF THE APPELLANT IN TABULATED FORMAT

The Appellant respectfully submits as under:

1. The present Appeal No. 46/2025 challenges the Environmental Clearance (EC) dated 30.04.2025 on the ground that the same has been granted on the basis of an inappropriate and inadequate Environment Impact Assessment (EIA) Report, which is founded upon flawed, unreliable, and Terms of Reference (ToR) non-compliant baseline data.
2. The following tabulated submissions are most respectfully made in compliance with the Order dated 09.01.2026 passed by this Hon'ble Tribunal:

TABULATED SUBMISSIONS

Issue	Submissions/Arguments	Record Reference	Remarks
1. Material Deficiencies in Baseline Air Quality Data and Non-compliance	Baseline Air Quality Data lacks integrity and is seriously flawed and inaccurate. It is non-compliant with Terms of Reference (ToR) dated 14.12.2023, which is a statutory document approved by MoEF&CC.	Pg. 70, 1893	Non-compliance with the ToR renders the Environmental Impact

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with ToR (Including Omission of Mercury Monitoring)	ToR specifies “Expansion” project.	Pg. 70, 1893, 2226	Assessment scientifically unreliable and legally unsustainable, thereby vitiating the basis on which the impugned Environmental Clearance has been granted.
	ToR Para 4.1 stipulates baseline data for air pollution parameters: PM ₁₀ , PM _{2.5} , SO ₂ , NO _x , CO and Hg (Mercury). ToR Para 4.2 mandates 104 observations of the air pollution parameters PM ₁₀ , PM _{2.5} , SO ₂ , NO _x , CO and Hg (Mercury) for expansion projects.	Pg. 77	
	ADS reply dated 22.03.2025 admits 104 Hg (Mercury) observations not conducted.	Pg. 358	Mercury not monitored as per ToR.
	EIA Report Table No.3.9, Row No.9 shows metals (which includes Mercury) monitored once a week for 3 months.	Pg. 524	Non compliance of ToR
	No amendment to approved ToR dated 14.12.2023 produced.	—	ToR dated 14.12.2023 remains binding
	Undertaking dated 10.08.2024 of Respondent No. 3 claims full ToR compliance.	Pg. 394	Contradicted by the record, appears misleading and indicative of suppression of material facts regarding

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			ToR compliance
2. Omission of Mercury (Hg) in spite of emission mandate	EC Condition 3.5 mandates monitoring of Mercury (Hg) emissions, thereby recognising Hg as a relevant pollutant parameter for the project.	Pg. 30	Omission of Hg, despite being a mandated parameter, renders the baseline assessment scientifically incomplete and legally unsustainable.
	The EIA Report and the EC do not rule out the possibility of Hg emissions from existing operations.	—	
3. Non compliance with ToR Requirements Relating to Ambient Air Quality Baseline Data Monitoring/ Measurement (Photographic Evidence)	Geo-tagged photographs of field monitoring were not provided in the EIA report though mandated in ToR 4.1.3. No reason sought nor cited.	Pg. 1943	Non compliance of ToR and Suppression of fact
	Rejoinder photos differ from those provided in the EIA Report considered for the grant of impugned EC.	Pg. 1767 vs Pg. 1180	Material inconsistency, undermining credibility
	Korhar village photo shows only sampling equipment and no equipment for sampling/monitoring of PM _{2.5} .	Pg. 1767	Non compliance of ToR
	The photographs also do not show traces of gaseous air pollutant sampling at several stations.	Pg. 1767	Non compliance of ToR

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4. Non compliance with Prescribed Standards for Placement of Equipment for measurement of PM₁₀ & PM_{2.5} Baseline Data	Monitoring photographs evidence of non-compliance with IS 5182 (Part 14) and CPCB Guidelines and sampling equipment placed at inadequate and improper height	Pg. 8, 197, 207, 359, 360	Unreliable Baseline Data for PM ₁₀ and PM _{2.5} air pollutants affecting environmental impact assessment
	Non-compliance with collocated sampling requirement (minimum 2 m distance) given in CPCB Guidelines	Pg. 207, 381	
	ADS reply dated 22.03.2025 denies existence of guidelines.	Pg. 359	Contradictory position, raising concerns regarding credibility
	Rejoinder submitted by Respondent No. 2 further contradicts ADS.	Pg. 381	Unreliable Baseline Data for PM ₁₀ and PM _{2.5} air pollutants
	Same flawed data used for prediction of Ground Level Concentration of air pollution, Impact Assessment and Environment Management Plans and subsequent grant of the impugned EC.	Pg. 336	Entire assessment vitiated
5. Methodological Contradiction in Ammonia Data	Monitoring done on 24-hr basis contrary to IS 5182 (Part 25) requiring 1-hr monitoring.	Pg. 524, 204	Non-compliance with the prescribed standard method,

Issue	Submissions/Arguments	Record Reference	Remarks
			rendering the data unreliable
	Respondent No. 2 terms objections “hyper-technical”, while it is a settled scientific principle.	Pg. 380	Erroneously characterised despite being grounded in prescribed scientific methodology; contrary to established standard practice.
6. Non compliance of Radiological Test Reports with NABL Accreditation Requirements	ToR (4.5) mandated examination of Radio Activity testing of coal along with Laboratory Reports.	Pg. 77	
	Laboratory Report, considered for the grant of impugned EC, claimed NABL accreditation but lacked NABL symbol (mandatory under NABL 133).	Pg. 2251–2252	Non-compliance with mandatory NABL 133 requirements, undermining the accreditation claim and indicative of suppression of material facts.
	No revised report obtained despite objections.	—	

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	Misleading claim of Respondents that test method disclosure is discretionary (refer Para 17 of Appeal; ISO/IEC 17025).	Pg. 362	Misconceived in law and contrary to ISO/IEC 17025 requirements; legally unsustainable.
7. Non compliance of Heavy Metals in Coal Test Reports with NABL Accreditation Requirements	Reported only as “trace elements” without mandatory identification under ISO/IEC 17025:2017 (Clause 7.8.2(f)).	Pg. 165	Procedural Non compliance, suppression of fact
	ADS dated 22.03.2025 remains silent.	—	
	Presence of Nickel necessitates undertaking an emission material balance.	Para 9 Appeal	Failure to undertake emission material balance despite presence of Nickel, indicating incomplete assessment
8. ToR Non-compliant Occupational Health & Endemic	ToR mandates assessment of occupational health impacts and endemic diseases, along with corresponding mitigation measures.	Pg. 79	Non-compliance with ToR requirements, rendering the assessment

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Diseases Data	The EIA Report provides only generic statements without any location-specific study, identifiable data source, or defined data period.	Pg. 447–448	inadequate.
9. Failure of MoEF&CC to Adequately Consider Identified Inconsistencies and Subsequent Submissions	EAC recorded inconsistencies but failed to effectively review ADS dated 22.03.2025.	Pg. 2035	Failure of appraisal process to consider material inconsistencies
	Ambient Air Quality documents are merely tabulated results and do not constitute complete test reports.	-	
10. Non-Speaking and Arbitrary grant of EC	EC fails to address objections despite specific complaints dated 17.04.2025.	Pg. 334	Non-consideration of objections, in violation of principles of natural justice
	The EC does not provide any reasons for acceptance or rejection of the objections.	—	Non-speaking EC.
	Project inconsistently classified as “Fresh” and “Expansion”.	—	Reflects arbitrariness and lack of transparency.
11. Respondent No. 3 is a Necessary and	R/3 owns EIA data via undertaking dated 10.08.2024 submitted in the EIA Report.	Pg. 394	Respondent No. 3 is a necessary and

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Proper Party			proper party in view of its responsibility for EIA data.
	This position is further supported by Appeal Paras 22–23 and the record.	Pg. 2241 (Para 7)	
12. Non-disclosure of Respondent No. 3 in EIA Report fails to meet NABET Requirement	Respondent No. 3 has failed to disclose relevant information in the EIA Report, as required under Clause 9.1(g) of the NABET Accreditation Scheme document.	Pg. 2240	Non-compliance with NABET requirements and suppression of fact.

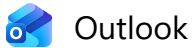
PRAYER:

In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to quash and set aside the impugned Environmental Clearance dated 30.04.2025 bearing Identification No. EC24A0601UP5108639N granted by Respondent No. 1, as being based on a flawed and ToR non-compliant Environmental Impact Assessment; direct reconsideration of the proposal *de novo* on the basis of valid and ToR-compliant environmental data in accordance with applicable statutory provisions and CPCB guidelines; and pass such further order(s) as deemed fit in the interest of justice, environmental protection, and sustainable development.

Date: 30/03/2026

Place: Gurugram

Saigya Kumar Mishra
Appellant




Advance Service of Filing of Tabulated Arguments in Appeal/46/2025 in the Matter of Sanjaya Kumar Mishra versus Ministry of Environment, Forest and Climate Change & Ors.

From Sanjaya K. Mishra <sanjayakmishra@hotmail.com>

Date Tue 2026-03-31 11:01 PM

To pandeylegal@gmail.com <pandeylegal@gmail.com>; adarsht912003@gmail.com <adarsht912003@gmail.com>

 1 attachment (400 KB)

Tabulated Argument in Appeal 46 of 2025.pdf;

Dear Sir,

Please be in receipt of the Advance Service of Filing of Tabulated Arguments in Appeal/46/2025 for your kind information and reference.

Regards,

Sanjaya Kumar Mishra

Appellant

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