

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 273 OF 2025**

IN THE MATTER OF:

The Citizens Foundation

...APPLICANT

VERSUS

Central Pollution Control Board & Ors.

...RESPONDENTS

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NDOH: 17.12.2025

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THROUGH



DUSHYANT K. MAHANT

(D/1184/2005)

S. JAINA & ASSOCIATES

Counsels for the Respondent Nos. 8 and 9

84, Darya Ganj, New Delhi # 2.

SJainaAssociates@Gmail.com 0-9899-996-299

New Delhi

Dated: 11/03/2026

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 273 OF 2025**

IN THE MATTER OF:

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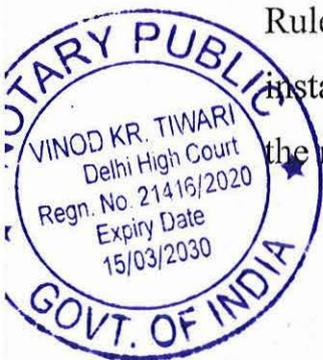
...RESPONDENTS

SHORT REPLY AFFIDAVIT ON BEHALF OF RESPONDENT

NOS.8 AND 9:

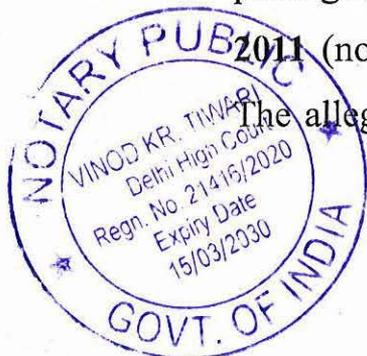
I, Jitendra Singh, son of Mr. Basant Singh, aged about 57 years, authorized representative of Respondent Nos. 8 and 9 having its office at Plot No. C-123, Naraina Industrial Area, Phase – 1, New Delhi # 110 028, do hereby do solemnly affirm and state on oath as under:

1. I am the authorized representative of answering Respondent Nos. 8 and 9 vide Board Resolution. I am well conversant with the facts of the present case and hence am competent and authorized to sign the present Reply Affidavit. Copy of the Board Resolution is marked and annexed hereto as **ANNEXURE – A.**
2. The instant petition ought to be dismissed at the threshold since the main contention of the Petitioner, Plastic Waste Management Rules, 2016 (the Rules) are sub judice before the Hon'ble Supreme Court of India. the instant brief reply is to bring to the attention of this Hon'ble Court about the non-maintainability of the present dispute.



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3. Few points at the preliminary stage are most pertinent for this Hon'ble Court. The Petitioner have approached this Hon'ble Court owing to a news report alleging that few companies are flouting the Rules.
4. The Petitioner claims that the Respondents, including the answering Respondent, are in the business of selling ghutka which is false to the knowledge of the Petitioner. There is no ghutka product in the market post ban by the Hon'ble Supreme Court in 2013.
5. The Petitioner further claim to have conducted an alleged survey or collected samples of Respondents' packaging which allegedly shows presence of plastic component in violation of the Rules. It is vehemently denied that there is any contravention which the Respondent is doing of any provision, as alleged.
6. It is pertinent to point out that the 2011 Rules and specifically provisions relating to ban of use of plastic in sachets of pan masala, tobacco and gutkha are under challenge in the batch matters before the Hon'ble Supreme Court. These batch matters are still pending. The CPCB and Pollution Control Boards of all States and UTs were also impleaded in the batch matters by the Hon'ble Supreme Court.
7. The present petition filed before the **National Green Tribunal** is manifestly frivolous and lacks bona fides. The petitioner has sought to allege that the Respondent company is using plastic components in the packaging in violation of the **Plastic Waste Management Rules, 2011** (now replaced by the **Plastic Waste Management Rules, 2016**). The allegations are wholly unfounded and have been made without any



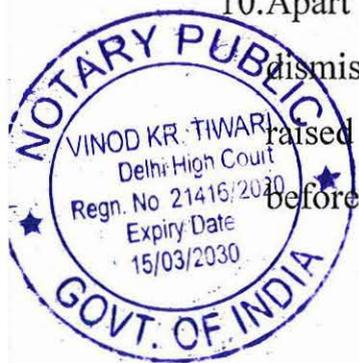
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supporting material, inspection report, regulatory action, or scientific basis.

8. The packaging system employed by the respondent consists of materials that are compliant with the applicable regulatory framework, and no component falling within the scope of plastic waste regulated under the relevant rules is used. The petitioner's allegations are therefore factually incorrect and appear to have been made without any due diligence or verification of facts. Filing a petition containing such unsubstantiated assertions demonstrates a clear absence of good faith and an attempt to misuse the environmental jurisdiction of this Hon'ble Tribunal.

9. It is well settled that proceedings before the **National Green Tribunal** must be initiated with a genuine environmental concern and supported by credible material indicating environmental harm or violation of statutory provisions. The jurisdiction of the Tribunal, while broad, cannot be invoked on the basis of vague allegations or speculative claims. In the present case, the petitioner has failed to provide any documentary evidence demonstrating that the respondent's products contain plastic components or that any violation of the relevant plastic waste regulations has occurred. The absence of even a prima facie factual foundation strongly indicates that the petition has been filed for extraneous reasons rather than for the protection of the environment. Such abuse of process undermines the purpose for which the Tribunal was established and warrants dismissal of the petition at the threshold.

10. Apart from the lack of factual basis, the petition is also liable to be dismissed on the ground of non-maintainability. The issues sought to be raised by the petitioner are already the subject matter of proceedings before the **Supreme Court of India**. Once a matter concerning the same

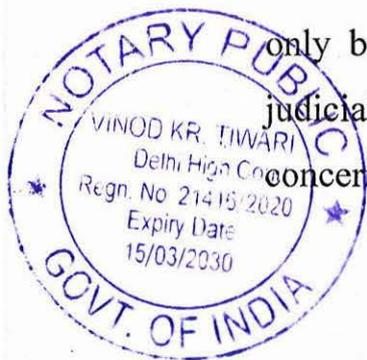


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subject and regulatory framework is pending consideration before the Supreme Court, parallel adjudication before the Tribunal would be impermissible. Entertaining the present petition would not only create the possibility of conflicting decisions but would also amount to an indirect interference with proceedings pending before the highest constitutional court.

11. The petitioner's attempt to raise the same issues before the Tribunal despite the pendency of proceedings before the Supreme Court is therefore misconceived and amounts to forum shopping. The conduct of the petitioner further demonstrates a lack of bona fides. The petition has been filed without first approaching the relevant regulatory authorities or verifying the factual position relating to the respondent's packaging practices. No material has been produced to indicate that any inspection, investigation, or complaint was made before the competent authorities responsible for implementation of the plastic waste management framework. Instead, sweeping allegations have been levelled against the respondent company, which has an established compliance mechanism in place. The failure to conduct even minimal verification before invoking the jurisdiction of the Tribunal reflects a reckless disregard for facts and the legal process.

12. It is also pertinent to note that the environmental jurisdiction of the Tribunal is intended to address genuine cases of environmental degradation or statutory violations that require immediate intervention. The filing of petitions based on incorrect or speculative allegations not only burdens the Tribunal with unnecessary litigation but also diverts judicial attention away from matters involving real environmental concerns. Courts and tribunals have repeatedly cautioned against the



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misuse of public interest jurisdiction for publicity, private motives, or harassment of lawful businesses. The present petition bears all the characteristics of such misuse and should therefore be rejected at the threshold.

13. In view of the foregoing, it is respectfully submitted that the petition suffers from two fundamental defects. First, it lacks any factual or evidentiary basis and has been filed without good faith, thereby constituting an abuse of the process of the **National Green Tribunal**. Second, the petition is not maintainable in light of the pendency of related issues before the **Supreme Court of India**, and entertaining the petition would be contrary to established principles of judicial discipline. Accordingly, the petition deserves to be dismissed in limine with appropriate observations regarding the petitioner's lack of bona fides.

14. In case of any violation as is being alleged by the Applicant in the present case, the proper forum to raise such issues would be the Hon'ble Supreme Court.

15. In view of the aforementioned the answering Respondent prays that the captioned OA is dismissed.

For **SOM SILVER SUPARI PVT. LTD.**
[Signature]
DEPONENT Director

VERIFICATION

Verified on this 12th day of March, 2025, that the contents of the brief Reply affidavit are true and correct to the best of my knowledge and belief and based on legal advice received. Last Paragraph is my humble prayer before this Hon'ble Court.

12 MAR 2026

NOTARY PUBLIC
VINOD KR. TIWARI
Delhi High Court
Regn. No. 21415/2020
Expiry Date 15/03/2030
GOVT. OF INDIA

NOTARY PUBLIC
VINOD KR. TIWARI
Delhi High Court
Regn. No. 21415/2020
Expiry Date 15/03/2030
GOVT. OF INDIA

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. Jitender Birla
S/o W/o, D/o Sh. Dr. Dhruv
Identified by Shri/Smt. [Signature]
I solemnly Attested before me at Delhi
on 12 MAR 2026 at 11:45 AM
that the contents of the affidavit which
have been read over to him/her
are true & correct to his/her knowledge.

For **SOM SILVER SUPARI PVT. LTD.**
[Signature]
DEPONENT Director

NOTARY

Identify the Deponent who has signed
thumb impression in my presence

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IN THE COURT OF BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL PRINCIPAL BENCH NEW DELHI
ORIGINAL APPLICATION No. 273 Of 2025

In Re:

The Citizens Foundation

..Appellant/Petitioner/Plaintiff

vs

Central Pollution Control Board & ORS ...Respondent/Defendant

KNOW ALL to whom these presents shall come that We/I Jitender Singh
Director Som Silver Supari Pvt Ltd. Respondents No-8 & 9
do hereby engage

Respondents
No - 8 and 9,

S. Jaina & Associates

84, Darya Ganj, New Delhi-110002

Ph. No. 011-23267017, 23258200

E-mail : sjainaassociates@gmail.com

DUSHYANT K. MAHANT
D/1184/2005
(9899-996-379)

(hereinafter called the Advocate) to be my/our Advocates in the above-noted case and authorise them:-

To act appear and plead in the above noted case in this Court or in which the same be tried or heard and also in the appellate Courts;

To sign, file and present pleadings, replications, appeals, cross-objections, or petitions for executions, review, revision, restoration, withdraw, compromise or other petitions, replies, objections or affidavits to other documents as may be deemed necessary or proper for the prosecution of said case in all its stage.

To file and take back documents in original. To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take out execution proceedings;

To deposit draw and receive moneys, cheques and grant receipts thereof and to do all other act and things which may be necessary to be done for the progress and in the course to prosecution of the said case;

To appoint, instruct any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred upon the Advocate whenever he may think fit to do so and sign the power of attorney on our behalf.

We the undersigned do hereby agree to rectify and confirm act as if done by the Advocate or their substitutes in the manner as our own acts, as if done by us to contents and purposes.

IN WITNESS WHEREOF We, do hereunto set our hand to these presents the contents of which have been understood by us on this 11 day of MARCH, 2026
2026

DB SIGNATURE
For SOM SILVER SUPARI PVT. LTD.

Jitender Singh

Director

Client

Accepted Dushyant K. Mahant Advocate(s)



Regd. Off. & Works : Plot No. C-123, Naraina Industrial Area, Phase-1, New Delhi-110028

Ph. : 011-48490000, Email: somsilversupariptd@gmail.com

CIN: U12006DL2024PTC434176

EXTRACT OF THE MEETING OF THE MEMBERS OF THE BOARD OF DIRECTORS OF SOM SILVER SUPARI PVT. LTD. HELD ON 3rd DAY OF SEPTEMBER 2025. AT REGISTERED OFFICE OF THE COMPANY.

"RESOLVED THAT **SHRI JITENDRA SINGH, DIRECTOR** BE AND IS HEREBY AUTHORIZED ON BEHALF OF M/S SOM SILVER SUPARI PVT. LTD. TO SIGN ALL LEGAL PAPERS, PETITION, APPEALS & STAY APPLICATION, ALL LEGAL PAPERS, DEPOSE AFFIDAVITS, FILE SUIT, APPLICATIONS, ENGAGE ADVOCATES, FILE WRITTEN STATEMENT, APPEALS AND APPLICATIONS IN RESPECT OF ANY LITIGATION RELATING TO THE COMPANY IN ANY COURT OF INDIA INCLUDING SUPREME COURT, HIGH COURTS, TRIBUNALS, REGISTRAR OF COMPANIES (ROC) AND ALL QUASI - JUDICIAL TRIBUNALS, COMMISSIONER, ASSTT./ DEPUTY COMMISSIONER, COMMISSIONER APPEALS OF CGST, SGST & TO APPEAR BEFORE THEM INCLUDING NEGOTIATION OF COMPROMISE OF THE MATTER AND SIGN PAPERS, AFFIDAVITS ETC. IN RESPECT OF ANY COMPROMISE, IF ANY".

For SOM SILVER SUPARI PVT. LTD.



**ASHOK KUMAR NAHATA
DIRECTOR**



SPECIMEN SIGNATURE ATTESTED

For SOM SILVER SUPARI PVT. LTD.



DIRECTOR

CERTIFIED TRUE COPY

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Re: Advance Service - Rejoinder to the Reply Affidavit filed on behalf of respondent no.1 in the matter titled 'The Citizens Foundation vs. Central Pollution Control Board (CPCB) & Ors'

From: S. Jaina & Associates (sjainaassociates@gmail.com)

To: vikrantchawlaadv@gmail.com

Cc: vga@vgalegal.com; imc.moefcc@gov.in; ccb.cpcb@nic.in; mscb.cpcb@nic.in; grievance@uppcb.in; chdpcc@nic.in; accounts@panbahar.in; shikharpanmasalacompany@gmail.com; contact@dilbaghgroup.com; njainfca@yahoo.co.in; signature.panmasala@yahoo.com; abhatra2001@gmail.com; dushyant@mahant.co

Bcc: jsgusainip@yahoo.com

Date: Thursday, 12 March 2026 at 08:02 pm IST

Dear sir,

Please find attached the brief reply affidavit on behalf of Respondent No. 8, which is also listed at Respondent No. 9 inadvertently in the Memo of Parties.

Kindly acknowledge receipt of the same on behalf of Respondent Nos. 8 and 9, Som Silver Supari pvt. Ltd.. Do revert in case of any queries.

Regards.

S. Jaina & Associates,
Advocates & Solicitors

Chamber No. 57,
Supreme Court of India,
New Delhi # 110 003.

84, Darya Ganj, New Delhi
+91-11-2326-7017

On Wed, Mar 11, 2026 at 6:35 PM Vikrant Chawla <vikrantchawlaadv@gmail.com> wrote:

Dear Sir/Madam,

Please find attached an advance copy of the rejoinder on behalf of the applicant to the Reply Affidavit filed by the respondent no.1, CPCB, in the matter titled 'The Citizens Foundation vs. Central Pollution Control Board (CPCB) & Others'. The matter is next listed before the Hon'ble National Green Tribunal tomorrow, i.e. on 13.03.2026.

Kindly acknowledge receipt of this email and ensure your presence before the Hon'ble Tribunal for the proceedings.

Regards,

Vikrant Chawla
Advocate
Delhi High Court