

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

APPEAL NO. 39 OF 2025

IN THE MATTER OF:

M/s P.C. Gupta & Company

.... Appellant

-Versus-

State Level Environment Impact Assessment Authority, U.P ...Respondent

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NDOH- 18.09.2025

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Date: 16.09.2025

Place: New Delhi

DRAWN & FILED BY:



Shubham Upadhyay, Surya Gupta & Anukriti Bajpai
Advocates for the Appellant
29, LGF, Presidential Estate,
Nizamuddin East, New Delhi -110013
Email: eldflegal@gmail.com; +91- 7351772000

SETTLED BY:

Sh. Sanjay Upadhyay
[Senior Advocate]

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF:

M/s P.C. Gupta & Company

.... Appellant

-Versus-

State Level Environment Impact Assessment Authority, U.P ...Respondent

**COMPOSITE REJOINDER ON BEHALF OF THE APPELLANT TO
THE REPLY DATED 04.09.2025 OF SEIAA, UTTAR PRADESH IN
APPEAL NO. 39 OF 2025 AND REPLY DATED 04.09.2025 TO I.A. NO.
400 OF 2025 SEEKING CONDONATION OF DELAY**

MOST RESPECTFULLY SHOWETH:

1. The present Composite Rejoinder is being filed by the Appellant herein to the Reply dated 04.09.2025 filed on behalf of State Level Environment Impact Assessment Authority (SEIAA), Uttar Pradesh to the Appeal No. 39 of 2025 in compliance to the Order dated 15.07.2025 and to the Reply dated 04.09.2025 filed by SEIAA to I.A. No. 400 of 2025 seeking condonation of delay.
2. That the Appellant had filed the present Appeal on 23.05.2025 against the decision dated 07.03.2025 of the SEIAA, U.P. (hereinafter referred as "Respondent") to cancel the Environmental Clearance (EC) dated 17.03.2021 granted to the Appellant herein for mining of sand/morrum in river Yamuna at Gata No. 621 ma, 622 ma, in Village – Mandawar-4, Tehsil-Kairana, District- Shamli, U.P. , merely on the ground that the Appellant has not responded to the Show Cause Notice, which had in fact not delivered to the Appellant herein on his correspondence address as given in the Environment Clearance.
3. That also an Interlocutory Application No. 400 of 2025 had been filed along with the Appeal No. 39 of 2025 on 23.05.2025 seeking

condonation of delay of 47 days in abundant precaution. It was only on 07.05.2025 at the time of hearing of O.A. No. 528 of 2024 the Appellant had come in the knowledge about the cancellation of his EC vide letter dated 07.03.2025 by the SEIAA. The Appellant was contesting as Respondent No. 6 in the said O.A. No. 528 of 2024 wherein it had submitted its Reply and Objections and in bonafide, defending its Environmental Clearance, so, the EC cancellation is both surprising and shocking for the Appellant and more importantly totally against the Principles of Natural Justice.

4. That the said Environmental Clearance was also cancelled merely on the basis of the preliminary finding of the Joint Committee Report filed in the Case titled "*Farukh Chouhan vs SEIAA, UP & Ors.*" O.A. No. 528 of 2024. The Appellant had also filed its Objections dated 06.05.2025 to the Joint Committee report before the Hon'ble National Green Tribunal, but due to the cancellation of Environmental Clearance on 07.03.2025, the said Joint Committee report or the objections were neither argued before the Hon'ble Tribunal nor any decision was given on merits while disposing of the said Original Application vide Order dated 07.05.2025. A copy of the said Order is already appended in the Appeal on [Page No. 98-100]
5. The Respondent herein after a delay of about three months had filed two replies dated 04.09.2025 one to the Application seeking condonation of delay in I.A. No. 400 of 2025 in Appeal No. 39 of 2025 and another reply to the appeal in compliance of the order dated 15.07.2025 along with supporting affidavit which was uploaded on the National Green Tribunal website on 12.09.2025.

6. That at the outset, the Appellant denies and disputes all the submissions and contents of the above Replies dated 04.09.2025 as baseless and factually incorrect, as if traversed seriatim, and no submissions/ contents would be deemed to be admitted for want of a specific denial.
7. That in response to the replies of the Respondent, the Appellant herein seeks to submit certain preliminary submissions along with para wise replies, which, in the humble opinion of the Appellant herein, are crucial for a holistic adjudication of the case.

PRELIMINARY SUBMISSIONS

8. That the reliance placed by SEIAA on the Joint Committee Report filed in case titled "*Farukh Chouhan vs SEIAA, UP & Ors. O.A. No. 528 of 2024*" for issuing a show cause notice suffers from non-application of mind by SEIAA while issuing the said Show Cause Notices. Further the objections dated 06.05.2025 (refer A/17 Page 89-97 of Appeal) to the Joint Committee Report was also filed by the Appellant herein who was Respondent No. 6 in the OA 528/2024 and there was no adjudication on contents of the Joint Committee Report. (refer A/18 Page 98-100 of Appeal). It is also submitted that the Hon'ble Supreme Court has deprecated the practice of decisions based only on the joint committee report in a catena of judgments such as "*Grasim Industries Limited vs. The State of Madhya Pradesh and Another 2024 INSC 926*".
9. That as previously submitted in the Appeal that the Show Cause Notice dated 25.11.2024 and 15.01.2025 was not communicated to the correspondence address as mentioned in the EC dated 17.03.2021, thus the Appellant was not able to submit its response to the Show Cause Notices. These submissions get further corroborated by the submissions of the Respondent itself that the Show Cause Notices sent to the wrong

address were returned undelivered. (See Para 10-11 Pg. No. 545-546 of the said Reply). Further the Respondent has conveniently chosen not to annex the tracking report about the delivery of the Show Cause Notice to prove the fact that the Show Cause Notices were in fact posted even to the wrong address or not. Such omission smacks of something that meets more than the eye.

10. That it is submitted that placing reliance on Form-2 for proving the fact about the correspondence address is erroneous, as the same was mentioned only for the purpose of getting the EC delivered to that address at that point of time. In the EC itself that was issued in 2021 the registered address of the Appellant herein in every document was correctly mentioned as the correspondence address. Thus, placing reliance on Form-2 is inappropriate and invalid. In fact, even in the Form 2 the registered address was given as D2, 2116, Vasant Kunj, New Delhi-110070 See Pg. No. 551. The same has been admitted by the Respondent.
11. That it is submitted that the Respondent was actively participating in the OA No. 528/2024 wherein the Appellant was also the Respondent No. 6 in the array of parties. The Show Cause Notices 25.11.2024 and 15.01.2025 are issued after the Respondent has submitted its reply in the above-mentioned OA, so, if the Respondent was aware that the Show Cause Notices were returned undelivered, they must have informed this Hon'ble Tribunal about the same or should have informed the Appellant Counsel about the same but they conveniently chose not to do the same. Further on 07.05.2025 during the hearing of OA No. 528/2024 it was not only the Appellant who was unaware about the cancellation of EC vide letter dated 07.03.2025 but also the counsel of SEIAA who was unaware about the said decision.

12. That the Appellant herein was not using the email id as mentioned in the Form 2 and because he had lost the login credentials of the said email id, further the phone number with STD code of Lucknow was erroneously mentioned by the consultant of the Appellant. The Appellant has in-fact conveyed his request for updating his mobile number and email id to District Mining Officer, Mining Department Shamli, Uttar Pradesh vide letter dated 10.10.2024 (communicated through email dated 15.10.2024) and same email id was also visible on the lease id on Directorate of Geology and Mining, Government of Uttar Pradesh website from where the lease holders can get e-ravanas for the mined minerals. The True copy of letter dated 10.10.2024 along with email dated 15.10.2024 is marked and annexed as **ANNEXURE A/1**.

PARA WISE REPLIES

13. That the contents of Para 1 are a matter of record and to that extent need no reply.

14. That the contents of Para 2 are denied to the extent which are not a part of record in OA No. 528/2024, for want of knowledge and it is for the Respondent to prove its contents. No such agenda or Minutes of the Meeting was communicated to the Appellant herein.

15. That the contents of Para 3 are denied for want of knowledge and it is for the Respondent to prove its contents. Further Para 8 may be read as an additional response to the contents of this para. No such SCN was received by the Appellant as stated above.

16. That the contents of Para 4 are denied for want of knowledge and it is for the Respondent to prove its contents. No such SCN was received by the Appellant as stated above.

17. That the contents of Para 5 are denied for want of knowledge and it is for the Respondent to prove its contents. Further Para 8 may be read as an additional response to the contents of this para. No such SCN was received by the Appellant as stated above.
18. That the contents of Para 6 are denied for want of knowledge and it is for the Respondent to prove its contents. Further Para 8 may be read as an additional response to the contents of this para.
19. That the contents of Para 7 are denied for want of knowledge and it is for the Respondent to prove its contents. Further Para 8-12 may be read as an additional response to the contents of this para.
20. That the contents of Para 8 are denied for want of knowledge and it is for the Respondent to prove its contents. The Appellant came to know about the letter dated 07.03.2025 about the cancellation of EC only on 07.05.2025 during the hearing of OA No. 528/2024 and said letter was in fact only emailed to the previous consultant email id without putting any effort to ascertain the correct email id of the Appellant even after the previous show cause notices remain undelivered. Further Para 8-12 may be read as an additional response to the contents of this para.
21. That the contents of Para 9-10 are denied for want of knowledge and it is for the Respondent to prove its contents. Further placing reliance on form 2 correspondence address column is erroneous because the EC which was later in time categorically contained the correspondence address which is in-fact the registered address of the Appellant. Para 8-12 may be read as an additional response to the contents of this para.
22. That the contents of Para 11 are denied for want of knowledge and it is for the Respondent to prove its contents. The Appellant came to know about the letter dated 07.03.2025 about the cancellation of EC only on

07.05.2025 during the hearing of OA No. 528/2024 and said letter was in fact only emailed to the previous consultant email id (information@greencindia.com) without putting any effort to ascertain the correct email id or address of the Appellant even after the previous show cause notices remain undelivered as accepted by the Respondent herein. Para 8-12 may be read as an additional response to the contents of this para.

23. That the contents of Para 12 are denied for want of knowledge and it is for the Respondent to prove its contents. Further Para 8-12 may be read as an additional response to the contents of this para.

24. That the contents of Para 13-14 are denied for want of knowledge and it is for the Respondent to prove its contents. The Appellant came to know about the letter dated 07.03.2025 about the cancellation of EC only on 07.05.2025 during the hearing of OA No. 528/2024 and said letter was in fact only emailed to the previous consultant email id (information@greencindia.com) without putting any effort to ascertain the correct email id or address of the Appellant even after the previous show cause notices remain undelivered as accepted by the Respondent herein. Para 8-12 may be read as an additional response to the contents of this para.

25. That the contents of Para 15 to the extent which is the reproduction of the part of Order dated 23.05.2025 of this Hon'ble Tribunal in OA No. 08/2025 merits no response and the remaining contents is denied because the facts of the present case are different from the OA No. 08/2025 "*Vipin Kumar Saxena vs. State of Uttar Pradesh*". Further Para 8-12 may be read as an additional response to the contents of this para.

26. That the contents of Para 16-17 are denied as false and without any merit.

Further Para 8-12 may be read as an additional response to the contents of this para.

REPLY TO THE CONTENTS OF REPLY DATED 04.09.2025
FILED BY THE RESPONDENT TO THE IA FOR
CONDONATION OF DELAY

27. That the Respondent has erroneously placed its reliance on Limitation Act, 1963 which is not applicable on OA and Appeal filed under NGT Act, 2010 as held by this Tribunal and Hon'ble Supreme Court in catena of judgments. Further the contents of the above paras may also be read as an additional response to the contents of the reply to the IA for condonation of delay.

In view of the above-mentioned facts and circumstances it is humbly submitted that the Impugned Order of cancellation of Environment Clearance may be set aside and the Appellant is in fact ready to submit his response to the show cause notices. Further cancellation of EC in view of the pecuniary facts of the present Appeal is disproportionate and against the precedent laid down by the Hon'ble Supreme Court in "*Lafarge Umiam Mining (P) Ltd. vs. UOI, (2011) 7 SCC 338 (Para 119)*" and also by this Hon'ble Tribunal in "*ACC limited vs. MP SEIAA Appeal No. 09 of 2022 (CZ)*".

Date: 16.09.2025

Place: New Delhi

DRAWN & FILED BY:



Shubham Upadhyay, Surya Gupta & Anukriti Bajpai
Advocates for the Appellant
29, LGF, Presidential Estate,
Nizamuddin East, New Delhi -110013

SETTLED BY:

Sh. Sanjay Upadhyay
[Senior Advocate]

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

APPEAL NO 39 OF 2025

IN THE MATTER OF:

M/S P.C. Gupta & Company

...Appellant

-Versus-

State Level Environment Impact Assessment

Authority Uttar Pradesh & Ors.

...Respondent (s)

AFFIDAVIT

I, Prem Chand Gupta S/o Shri Chiranji Lal Gupta aged about 67 R/o D-2, 2116, Vasant Kunj, New Delhi-110070, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Rejoinder are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Rejoinder are true and correct to the best of my knowledge.

For PC GUPTA & CO.
[Signature]
DEPONENT
Proprietor

VERIFICATION:

Verified aton this.....day of....., 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.



ATTESTED
[Signature]
JOGINDER SINGH
ADVOCATE & NOTARY
GURUGRAM DISTT. (HR.)

16 SEP 2025

For PC GUPTA & CO.
[Signature]
DEPONENT
Proprietor

ANNEXURE A/1

P.C. Gupta & Co.Govt. Contractor (Spl. in Road Works)

Date: 10 Oct 2024

To,
The District Mines
Officer, Mining
Department Shamli,
Uttar Pradesh

Subject: UPDATE OF MOBILE NO. & EMAIL ID: M/S PC GUPTA & CO.**Respected Sir,**

We are mine holder for the lease of "Sand/morrum mining project of M/s P.C. Gupta & Company, Authorised Signatory – Prem Chand Gupta - Proprietor (Total lease area – 20.34 ha), Gata No. 621ma, 622ma Village – Mandawar - 4, Tehsil - Kairana; District - Shamli – Uttar Pradesh (Production Capacity – 2,03,400 m³ /year)"

You are requested to kindly update the Mobile No: 9354150795 & Mail ID: pcguptaco@gmail.com on urgent basis.

Thanks & Regards,

For PC GUPTA & CO.

For PC GUPTA & CO.

Proprietor


Proprietor



MOBILE No: update letter

P C Gupta & Co. <pcguptaco@gmail.com>
To: Mining Office <shamliminesofficer@gmail.com>

15 October 2024 at 13:23

pfa

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With Regards,

For, P.C.GUPTA AND COMPANY.



WhatsApp Image 2024-10-15 at 1.20.55 PM.jpeg
93K



Service in P.C. Gupta Vs. SEIAA [Appeal No. 39 of 2025]

1 message

ELDF <eldflegal@gmail.com>

Tue, Sep 16, 2025 at 9:05 PM

To: priyanka swami <advpriyankaswami@gmail.com>

Cc: Shubham Upadhyay <Shubham@eldfindia.com>

Dear Ma'am

Please find attached copy of the Rejoinder filed on behalf of the Appellant in the above mentioned case.

Note:- This email will be treated as a proof of the advance service of the rejoinder. it will be appreciated if the present email may be acknowledged.*Thanks & Regards*

--

Sameer Manher*Clerk**Enviro Legal Defence Firm**29, Presidential Estate LGF,**Nizamuddin East New Delhi – 110013**Ph. No. 011-40573181*

 **Rejoinder.pdf**

1713K