

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****APPEAL NO. 05 OF 2026****IN THE MATTER OF:**

Rajdarbar Iconic Venture Ltd.

....Appellant

VERSUS

Commission for Air Quality Management in National
Capital Region & Adjoining Areas of India & Ors.

... Respondents

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New Delhi

Dated: 06.04.2026

Filed By


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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****APPEAL NO. 05 OF 2026****IN THE MATTER OF:**

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VERSUSCommission for Air Quality Management in National
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... Respondents

**COUNTER AFFIDAVIT ON BEHALF OF THE COMMISSION FOR AIR
QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION &
ADJOINING AREAS, RESPONDENT NO.1**

I, Shri Ritesh Prasad Gurung aged about 45 Years, s/o Shri Dhruba Gurung, working as Scientist 'E' in the Commission for Air Quality Management in National Capital Region and Adjoining Areas, New Delhi (hereinafter referred to as 'Commission') having office at 17th Floor, Jawahar Vyapar Bhawan, STC Building, Tolstoy Marg, New Delhi – 110001, do hereby, in my official capacity, solemnly affirm and state as under:

1. That I, in the capacity of Scientist 'E' of the Commission for Air Quality Management in National Capital Region and Adjoining Areas, am fully conversant with the facts of the case and competent to swear this affidavit on behalf of respondent no. 1.

That the appellant in the present appeal has challenged the closure direction No. 794/ C&D dated 12.12.2025 issued by the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as "Commission"). The appellant has further alleged that the



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राष्ट्रीय वायुमयता नियंत्रण आयोग, नए दिल्ली
Commission for Air Quality Management in NCR & Adjoining Areas
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illegal construction and polluting activities are confined to a small portion of the site, but the direction extends to the entire land of the appellant.

3. That with respect to the allegations of the appellant it is humbly submitted that Graded Response Action Plan (hereinafter referred to as "GRAP") stage-III was invoked on 11.11.2025. A complaint was received on 13.11.2025 stating that construction activities were going on the site during GRAP III was enforced. In view of the complaint, the construction site of Rajdarbar Iconic Venture Ltd., Khasra no. 446/1/1, 461, 465, 466, Galleria Market road, near Hamilton court area, Sector 27, Gurugram was inspected on 19.11.2025 by the flying squad to verify the compliance of directions / orders issued by Commission.
4. That during the inspection, the project site was found under following violations:
 - a. That the plot size is more than 500 m² and the project is not registered on the web portal of HSPCB which is a non-conformity to the Commission's Direction dated 11.06.2021.
 - b. That covering of construction material was not observed at the site.
 - c. That despite enforcement of GRAP Stage-III, highly dust generating activities like levelling of site through JCB & digging of foundation were being undertaken at site on which construction has been done.
 - d. That 2 DG sets of 250 KVA each were found non-compliant and no action has been initiated which is a violation of Commission's Direction No. 76 dated 29.09.2023 (as amended).
5. It is further submitted that analyzing the violations of the site and concerns on air quality in the NCR, the Commission issued the closure direction No. 794/ C&D dated 12.12.2025 for the site.



R. Prasad Gurung

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 वैज्ञानिक - ई / Scientist - E
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6. It is humbly submitted that subsequent to the closure direction, a representation dated 15.01.2026 was received from appellant seeking clarification in respect of the scope and applicability of the closure direction. The appellant *vide* its representation submitted that the violations cited in the closure direction are not attributable to the appellant but are being carried out by illegal and unauthorized occupants against whom legal proceedings are already pending and further these illegal construction activities are being carried out only on a portion of the subject site and not on the entire land. The copy of the appellant's representation dated 15.01.2026 is annexed herein as **ANNEXURE-I**.

7. It is humbly submitted that, in view of the representation dated 15.01.2026, the Commission issued clarification to the closure direction no. 794/C&D dated 12.12.2025 on 19.02.2026 which, inter alia, states as under:

"4. The mandate of the Commission under the CAQM Act, 2021 is to take all such measures, issue directions and entertain complaints, as it deems necessary or expedient, for the purpose of protecting and improving the quality of the air in the National Capital Region and adjoining areas and also have the duty to take all such measures as may become necessary for protecting and improving the quality of air in the National Capital Region and adjoining areas. In furtherance of this statutory mandate, immediate stoppage of C&D activities at the site in question was directed as a preventive measure. However, consequent to the Closure Direction, it was apprised through a representation that the site under question is disputes/under litigation. Any dispute regarding identity of the actual violators requires verification by the concerned authorities for the purpose of fixing responsibility for punitive action.



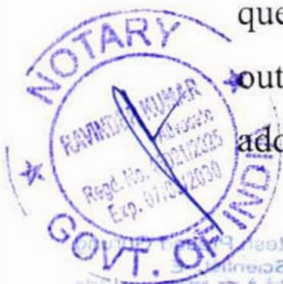
रितेश प्रसाद Ritesh Prasad Gurung
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5. *The Closure Direction contemplates preventive, corrective and punitive measures, including immediate closure of ongoing C&D activities compliance with statutory environmental safeguards, imposition and realization of Environmental Compensation (EC), and initiation of prosecution under Section 14 of the CAQM Act, 2021 for past violations. It has been represented that the construction/demolition activities were being carried out on a disputed/under-litigation portion of land and that responsibility for such activities is contested. In such circumstances, punitive action shall be undertaken against the persons/entities found, upon due inquiry, to be actually responsible for carrying out or permitting the violative activities. The concerned authority may conduct appropriate verification/investigation, including examination of videographic and photographic evidence, to identify the actual violators and fix liability accordingly.*

6. *Questions relating to title, possession, or legality of occupation of land fall outside the scope of environmental regulatory jurisdiction and shall be addressed by the competent authorities under applicable law."*

The copy of the clarification to the closure direction no. 794/C&D dated 12.12.2025 issued by the Commission on 19.02.2026 is herein annexed as **ANNEXURE-II.**

8. It is humbly submitted that the Commission clarified the issue stating that questions relating to title, possession, or legality of occupation of land fall outside the scope of environmental regulatory jurisdiction and shall be addressed by the competent authorities under applicable law.



R.P. Gurung

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- 9. It is humbly submitted that the closure direction was enforced strictly with respect to polluting C&D activities at the identified site and disconnection of electricity supply, if required, is restricted only to the construction site for the purpose of preventing continuation of violative activities. It is further submitted that, the imposition of Environmental Compensation will also be levied upon the actual violators once identified and any action under Section 14 of the CAQM Act, 2021 shall be initiated against the entities or individuals found to be responsible for the violations after due identification by the concerned authorities.
- 10. That in view of the aforesaid facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass such appropriate order(s) as it deems fit and necessary.

R. P. Gurung
DEPONENT

रितेश प्रसाद गुरुंग / Ritesh Prasad Gurung
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VERIFICATON

Verified at New Delhi on this 06th day of April, 2026 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

IDENTIFIED BY
Abhinav Jain, CA&M



ATTESTED

NOTARY PUBLIC
 GOVT. OF INDIA

06 APR 2026

R. P. Gurung
DEPONENT

रितेश प्रसाद गुरुंग / Ritesh Prasad Gurung
 वैज्ञानिक-ई / Scientist - E
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 17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
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15.01.2026

To,

The Member-Secretary,

Commission for Air Quality Management in NCR and Adjoining Areas (CAQM)

17th Floor, Jawahar Vyapar Bhawan (STC Building),

Tolstoy Marg, New Delhi – 110001

Subject: Representation seeking clarification in respect of Closure Direction No. 794/C&D dated 12.12.2025 concerning the construction site at Khasra No. 446/1/1, 461, 465, 466, Galleria Market Road nearby Hamilton Court area, Sector 27, Gurugram, Haryana.

Reference: Closure Direction No. 794/C&D dated 12.12.2025 bearing F.NO 16014/13/2021-MERD/C&D/CLOSURE/18549-54 issued by CAQM addressed to the Construction Site of Rajdarbar Iconic Venture Ltd.

Respected Sir,

1. By way of the referred Closure Direction, you have observed that certain activities in violation of the CAQM directions were being carried out at the "*Construction Site of Rajdarbar Iconic Venture Ltd., Khasra No. 446/1/1, 461, 465, 466*" (hereinafter the "subject Site"). You have directed, inter alia, to close all construction related activities/ operations on the subject Site, directed UHBVNL to temporarily disconnect electrical power supply to the subject Site, and directed HSPCB to initiate action for prosecution under Section 14 of the CAQM Act. Certain obligations have also been cast on the 'Project Proponent'.
2. On behalf of Rajdarbar Iconic Venture Ltd., I state that the referred Closure Direction was issued without issuance of any Show Cause Notice to us, and has issued sweeping directions without due consideration of the necessary relevant facts, which is causing grave prejudice to us.
3. Accordingly, we are filing this representation to respectfully seek a clarification regarding the scope and applicability of referred Closure Direction. The purpose of this communication is to provide essential context, demonstrating that the violations cited in the Closure Direction are not attributable to us but are, in fact, being carried out by illegal

and unauthorized occupants against whom legal proceedings are already pending. Moreover, these illegal construction activities are being carried out only on a portion of the subject Site, and not on the entire land.

4. Thus, it is imperative to clarify that the Closure Direction is confined only to the concerned illegal actions being carried out by the illegal occupants, and the same should not have a bearing on the legitimate functioning and operations of our Company.

Background of the Land and Unauthorized Occupation

5. We are the rightful owners of the subject Site. However, on a portion of the subject Site, Mr. Dalbir Singh Yadav and Mr. Charan Singh @ Charanpal have unlawfully constructed and leased out multiple commercial establishments, including car workshops, eateries, and building material vendors, without any statutory approvals. These constructions have been found to be illegal by the L.d. Civil Judge (Junior Division), Gurugram, in judgment dated 05.04.2025 in CS No. 1755 of 2021.

A copy of the judgment dated 05.04.2025 passed by the L.d. Civil Judge (Junior Division), Gurugram, in CS No. 1755 of 2021, titled “*Dalbir Singh & Anr. v. District Town Planner (Enforcement) & Ors.*” is annexed herewith.

6. These unauthorized operations by Mr. Dalbir Singh Yadav and Mr. Charan Singh, and the unlawfully functioning tenants, are the sole source of the pollution and violations noted in the referred Closure Direction.

Pending Proceedings before the Hon'ble National Green Tribunal

7. It is pertinent to mention that these severe environmental violations by the illegal occupants are already the subject matter of proceedings before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in “*Shiv Kumar Dubey v. Union of India & Ors.*”, O.A. No. 285 of 2025, which seeks to halt the very pollution-causing activities mentioned in the Direction.
8. It is specifically clarified that the violations identified in the referred Closure Direction are a direct result of the activities of the aforementioned illegal occupants and their tenants:
 - a. **Non-registration on HSPCB Portal and Dust-Generating Activities:** The referred Closure Direction notes that the plot is not registered on the HSPCB web

portal and that highly dust-generating activities like site leveling and digging were observed. We clarify that we have not carried out any construction or demolition project on the subject Site in violation of the applicable legal norms. These activities are being undertaken exclusively by the illegal occupants and their tenants, particularly the building material vendors, who operate without any safeguards.

b. **Non-Compliant DG Sets:** The Direction notes the presence of two non-compliant DG Sets of 250 KVA each. These DG sets do not belong to us. They have been installed and are operated by the illegal occupants.

9. The Haryana State Pollution Control Board (HSPCB) is fully aware of this matter. In its reply filed before the Hon'ble NGT in O.A. No. 285 of 2025, the HSPCB has confirmed that following an inspection on 27.06.2025, it has already initiated action by issuing Show Cause Notices for closure, prosecution, and levy of Environmental Compensation against three of the polluting units operating on the site. This substantiates our position that the violations are being committed by the tenants of the illegal occupants, and not by the Company. **A copy of the reply dated 28.07.2025 filed by the HSPCB before the Hon'ble National Green Tribunal in O.A. No. 285 of 2025 is enclosed herewith.**

Impact of the referred Closure Direction on us

10. It is respectfully submitted that we welcome the referred Closure Direction insofar as it takes actions against the illegal occupants for their unlawful construction related activities and operations. We are, however, concerned with the fact that the Closure Direction is worded in very broad terms and is sought to be applied to the entire subject Site, without any identification of areas that are in default.
11. It is critical to note that the illegal constructions and polluting activities are confined to a portion of the total subject Site owned by us.
12. Applying the Closure Direction to the entire land parcel would unjustly penalize us for violations by illegal occupants that are already subject matter of challenge before the Hon'ble National Green Tribunal. More particularly, the electricity connection to the portion on which the illegal activities are being carried out is not in the name of Rajdarbar Iconic Venture Ltd. Thus, a direction to suspend the electricity connection on the entire subject Site, and specifying our name as the addressee, has the deleterious impact of shutting down electricity connection on the entire subject Site, including for non-

construction activities. This results in grave prejudice being caused to us, despite there being no fault on our part.

13. Similarly, the directions qua the initiation of action for prosecution under Section 14 of the CAQM Act should be confined to the illegal occupants and their tenants, and their unlawful actions should not result in Rajdarbar being embroiled in any prosecution.
14. It is also imperative that the reference to the term 'Project Proponent' throughout the Closure Direction be clarified to refer to the illegal occupants and their tenants who are responsible for the unlawful actions on the subject Site.
15. We wish to assure the Commission that we are a law-abiding entity and are in full compliance with all applicable environmental laws, including the C&D Waste Management Rules, 2016, and the various CAQM. We undertake to continue ensuring strict adherence to all statutory and regulatory norms in any and all future activities carried out on our land.

Prayer

16. In light of the facts and circumstances detailed above, we respectfully request the Commission to:
 - a. Take cognizance of the ongoing proceedings before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in "*Shiv Kumar Dubey v. Union of India & Ors.*", O.A. No. 285 of 2025, and the established fact that the environmental violations are being committed by illegal and unauthorized occupants; and
 - b. Issue a clarification or a supplementary direction to specify that the Closure Direction No. 794/C&D dated 12.12.2025 bearing F.NO 16014/13/2021-MERD/C&D/CLOSURE/18549-54 is applicable **only** to the unauthorized constructions and polluting activities being carried out by Mr. Dalbir Singh Yadav, Mr. Charan Singh, and their tenants on the specific portion of the land under their illegal occupation;
 - c. Clarify that the directions for closure of construction and disconnection of power supply shall not be enforced against Rajdarbar Ionic Venture Ltd. or the larger land parcel owned by it, which is not the site of the said violations; and

- d. Clarify that the directions for initiation of action for prosecution under Section 14 of the CAQM Act shall not be enforced against Rajdarbar Iconic Venture Ltd., and shall be applicable only to Mr. Dalbir Singh Yadav, Mr. Charan Singh, and their tenants.

17. We are prepared to provide any further information or documentation as may be required and offer our full cooperation to the Commission.

Thank you for your consideration.

DHIRENDRE SINGH
Yours faithfully,

For Rajdarbar Iconic Venture Ltd.

(Authorised Signatory)

**COMMISSION FOR AIR QUALITY MANAGEMENT
in NCR & ADJOINING AREAS**

17th Floor, Jawahar Vyapar Bhawan (STC Building),
Tolstoy Marg, New Delhi-110001

F. No. 16014/13/2021-MERD/794/C&D

19th February 2026

To,

The Member Secretary
Haryana State Pollution Control Board
Panchkula, Haryana

Subject: Clarification to Closure Direction No. 794/C&D dated 12.12.2025 – reg.

Sir,

Please refer to Closure Direction No. 794/C&D dated 12.12.2025 bearing F. No. 16014/13/2021-MERD/C&D/CLOSURE/18549-54 issued in respect of violations during GRAP Stage–III relating to construction and demolition (C&D) activities at the construction site of Rajdarbar Iconic, identified through specific latitude and longitude coordinates.

2. A representation has been received seeking clarification regarding the scope and applicability of the aforesaid Closure Direction. In this regard, it is clarified that the Closure Direction dated 12.12.2025 is site-specific and activity-specific, being confined strictly to the construction/demolition activities observed at the location identified by the latitude and longitude mentioned therein. The said Direction shall not be construed as applicable to the entire larger land parcel, but only to the construction site where violations were recorded.

3. The Direction mandates immediate stoppage of C&D activities at the identified site as a preventive measure. It shall be ensured that closure is enforced strictly with respect to the polluting C&D activities at the identified site and that disconnection of electricity supply, if required, is restricted only to the construction site for the purpose of preventing continuation of violative activities. Non-polluting or unrelated activities outside the identified construction area shall not be adversely affected.

4. The mandate of the Commission under the CAQM Act, 2021 is to take all such measures, issue directions and **entertain complaints**, as it deems necessary or expedient, for the purpose of **protecting and improving the quality of the air** in the National Capital Region and adjoining areas and also have the duty to take all such measures as may become necessary for **protecting** and improving the quality of air in the National Capital Region and adjoining areas. In furtherance of this statutory mandate, immediate stoppage of C&D activities at the site in question was directed as a preventive measure. However, consequent to the Closure Direction, it was apprised through a representation that the site under question is disputes/under litigation. Any

dispute regarding identity of the actual violators requires verification by the concerned authorities for the purpose of fixing responsibility for punitive action.

5. The Closure Direction contemplates preventive, corrective and punitive measures, including immediate closure of ongoing C&D activities, compliance with statutory environmental safeguards, imposition and realization of Environmental Compensation (EC), and initiation of prosecution under Section 14 of the CAQM Act, 2021 for past violations. It has been represented that the construction/demolition activities were being carried out on a disputed/under-litigation portion of land and that responsibility for such activities is contested. In such circumstances, punitive action shall be undertaken against the persons/entities found, upon due inquiry, to be actually responsible for carrying out or permitting the violative activities. The concerned authority may conduct appropriate verification/investigation, including examination of videographic and photographic evidence, to identify the actual violators and fix liability accordingly.

6. Questions relating to title, possession, or legality of occupation of land fall outside the scope of environmental regulatory jurisdiction and shall be addressed by the competent authorities under applicable law.

7. This clarification is being issued in continuation of the Closure Direction dated 12.12.2025 to ensure proper, targeted and legally sustainable enforcement in furtherance of the mandate of the Commission under the CAQM Act, 2021 to protect and improve air quality in the National Capital Region and adjoining areas.

8. This issues with the approval of competent authority.

Yours faithfully,
Digitally signed by
Gyanendra Kumar Yadav
Date: 19-02-2026
15:45:41 (Gyanendra Yadav)
Under Secretary

Copy to:

1. The Deputy Commissioner, Gurugram – for necessary action
2. The Managing Director, **Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL)** – for compliance regarding site-specific electricity disconnection, if required.
3. M/s Rajdarbar Iconic Venture Ltd. Khasra No. 446/1/1, 461, 465, 466, Galleria Market Road, nearby Hamilton Court Area, Sector-27, Gurugram – for information.




Counter Affidavit on behalf R-1 in Appeal No.5 of 2026 - Rajdarbar Iconic Venture Ltd. Vs. CAQM

From Faheem Ahmad <ansari_faheem47@hotmail.com>

Date Mon 4/6/2026 1:02 PM

To advdakshkadian@gmail.com <advdakshkadian@gmail.com>

 1 attachment (3 MB)

Counter Affidavit in Appeal No. 05 of 2026.pdf;

Madam /Sir,

Kindly accept the service in the above subject matter on behalf of CAQM from Dr. Abhishek Atrey Advocate.

Faheem Ahmad

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