

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

IA No. 514/2025

In

Original Application No. 269/2025

IN THE MATTER OF:

Association of Fly Ash Products

Manufacturers (AFAPM)

.....Applicant

Versus

Ministry of Environment Forest and

Climate Change & Ors.

.....Respondent(s)

NDOH:-17.10.2025

INDEX

S. No.	Contents	Page No.
1	Counter affidavit on behalf of the GNCTD (Respondent No. 24)	1-3

Filed by:

New Delhi:

Dated: 6th.10.2025

Govt. of NCT of Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

IA 514/2025 in

Original Application No. 269/2025

IN THE MATTER OF:

Association of Fly Ash Products

Manufacturers (AFAPM)

.....Applicant

Versus

Ministry of Environment Forest and

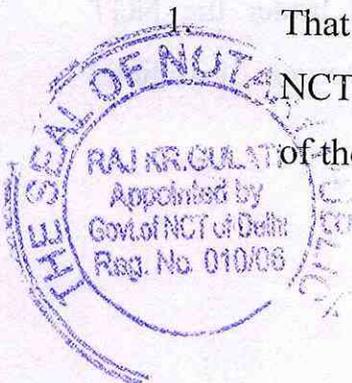
Climate Change & Ors.

.....Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF GOVERNMENT OF NCT OF
DELHI (RESPONDENT NO. 24)**

I, Nigam Agarwal, Director (Environment), Environment Department, Government of NCT of Delhi, having office at 6th level, Delhi Secretariat, ITO, New Delhi, Delhi 110002, aged about 49 years, do hereby solemnly affirm and state as under:

That I am working as Director Environment Department, Govt. of NCT of Delhi and am conversant with the facts and circumstances of the case on the basis of official records.



2. That I am duly authorized to file this counter affidavit on behalf of GNCTD.
3. That the present Original application has been filed challenging some of the provision of the fly ash notification and to implement some of the provision of fly ash notification of 1999 as amended till date.
4. That, in NCT of Delhi, all the three [3] Thermal Power Plants situated at ITO, Rajghat, Badarpur have been closed down in the years 2009, 2015 and 2018 respectively, Thus, no Coal based Thermal Power Plants are operating in Delhi.
5. That the Hon'ble Supreme Court of India on 26.11.1996 in I.A. No. 22/94 in WP (C) 4677/1985 titled as M.C. Mehta Vs. UOI & Ors. directed to close all clay brick kilns operated within the NCT of Delhi. All brick kilns in NCT of Delhi have been closed, in compliance of the order dated 26.11.1996.
6. That it is most respectfully submitted that this Hon'ble Tribunal has lacking the power of judicial review. In TAMIL NADU POLLUTION CONTROL BOARD VERSUS STERLITE INDUSTRIES (I) LTD. AND ORS. [2019 (2) TMI 1938 - SUPREME COURT] it was held that this Hon'ble Tribunal is not a tribunal set up under Article 323-A or Article 323-B of the Constitution but a statutory tribunal constituted under the NGT Act. Therefor this Hon'ble Tribunal has no power of judicial review akin to that of a High Court.



7. Thus, Delhi has neither fly ash generation nor bottom/pond ash from coal-based thermal power plants, nor clay brick kilns, as none of these are functional or operational within the NCT of Delhi.

[Signature]
DEPONENT

VERIFICATION

9 OCT 2025

Verified at New Delhi on this day of _____ October , 2025 that contents of the counter affidavit are true and correct to the best of my knowledge and information derived from the records of the case which I belief to be true.

[Signature]
DEPONENT

9 OCT 2025



[Signature]
ATTESTED
NOTARY PUBLIC
GOVT. OF NCT OF DELHI