

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 77 of 2025

IN THE MATTER OF:

KUNWAR KALI EDUCATIONAL TRUST

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

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DRAWN AND FILED BY


Gaurav Kumar Bansal
Advocate
For
Applicant
A26, Basement
Jangpura Extension
New Delhi – 14
New Delhi

PLACE: NEW DELHI

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**COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 5 –
M/S EKA Wood WORKS FOUNDATION**

MOST RESPECTFULLY SHOWETH:

I Vinod Kumar aged about 48 years, son of Mr. Jai Parkash, resident of 60/1246, Kambal wala bag, Muzaffarnagar, Uttar Pradesh 251002 do hereby solemnly affirm and declare as under:

1. That the deponent is the authorized representative of Respondent No. 5 and as such is well versed with the facts and circumstances of the present case, hence is competent to file the present reply affidavit.
2. That the present Reply is being filed on behalf of the Respondent No. 5, M/s Ekaa Wood Works Foundation, in response to the Original Application filed by the Applicant, Kunwar Kali Educational Trust, wherein unfounded and speculative allegations have been made regarding the

establishment and operation of the Respondent's Common Facility Centre (CFC) at Bijnor under the *One District One Product (ODOP)* Scheme of the Government of Uttar Pradesh.

3. That at the very outset, the Respondent No. 5 denies each and every averment, contention and allegation made in the Original Application, except those which are a matter of record or specifically admitted herein. It is further clarified that no statement shall be deemed to have been admitted merely for want of specific denial, and that the present Reply is being filed to place the true and correct facts before this Hon'ble Tribunal.

4. That the present Reply is being filed to place on record the correct and complete facts, firmly disputing the unfounded and speculative allegations made by the Applicant Trust. It is respectfully submitted that the Original Application is premised on conjecture and speculative apprehensions of future harm rather than any proven pollution or illegality on the ground.

The Applicant has relied upon selective extracts of earlier communications, while overlooking subsequent official letters and clarifications issued by the Uttar Pradesh Pollution Control Board and the Department of Industry and Enterprise Promotion. Those subsequent records categorically establish that the project of Respondent No. 5 falls



under the White Category and is exempt from obtaining Consent to Establish (CTE) and Consent to Operate (CTO). Far from curing any alleged defect, the Original Application only serves to highlight the speculative nature of the grievance and the absence of any material showing present or imminent environmental harm.

PRELIMINARY OBJECTIONS AND SUBMISSIONS:

A. THE ORIGINAL APPLICATION IS BASED ON SPECULATIVE APPREHENSIONS AND IS MISCONCEIVED IN LAW

- i. That the Applicant has filed the present Original Application solely on the basis of unfounded apprehensions that the project being developed by Respondent No. 5 may in the future cause pollution or disturbance to its educational institution. The Application is thus speculative in nature and not founded on any existing or demonstrable environmental injury.
- ii. That the allegations are premised on conjecture, internal letters, and unverified assumptions by certain individuals, none of which have any evidentiary or legal value. It is settled law that mere apprehension of future harm, without



proof of present violation or environmental degradation, cannot be the basis for invoking the jurisdiction of this Hon'ble Tribunal under Sections 14 and 15 of the NGT Act, 2010.

- iii. That the project of Respondent No. 5 is duly approved under the One District One Product (ODOP) Scheme of the Government of Uttar Pradesh, and all permissions and statutory compliances have been ensured in coordination with the concerned departments. The Applicant's attempt to obstruct a public-benefit initiative on speculative grounds is therefore mala fide and contrary to the spirit of sustainable development.

B. THE PROJECT IS A GOVERNMENT-APPROVED COMMON FACILITY CENTRE (CFC) UNDER THE ODOP SCHEME AND NOT A POLLUTING INDUSTRIAL UNIT

- i. That the Respondent No. 5 is the duly constituted Special Purpose Vehicle (SPV) for implementation of a Common Facility Centre (CFC) under the flagship *One District One Product (ODOP)* Scheme of the Government of Uttar



Pradesh, aimed at promoting local craftsmanship and employment generation in the wood-based sector at Bijnor.

- ii. That the Department of Industry and Enterprise Promotion, Government of Uttar Pradesh, after detailed scrutiny, granted final approval vide letter dated 20.12.2022 for establishment of the said CFC. The project is therefore an officially sanctioned initiative and forms part of a state-sponsored industrial development programme.
- iii. That the activities proposed within the CFC are mean to increase employment ration in the area. It is important to mention that no process involving chemical treatment, wood seasoning, or use of any boiler is envisaged. Consequently, there is no emission, effluent, or hazardous waste generation from the proposed operations.
- iv. That the Respondent has already furnished a written undertaking vide letter dated 22.04.2025 to the competent authorities affirming that there shall be no boiler installation, no wood seasoning process, and no chemical usage, and that only domestic wastewater, if any, shall arise and will be properly managed.



- v. It is also important to mention that, the project squarely falls under the "White Category" of industries as per the Guidelines of Central Pollution Control Board's classification of industrial sectors under Red, Orange, Green, White and Blue categories. of January 2025, and is therefore exempt from obtaining Consent to Establish (CTE) and Consent to Operate (CTO) from the Uttar Pradesh Pollution Control Board.

**C. THE OFFICIAL RECORDS AND JOINT COMMITTEE FINDINGS
CONFIRM FULL COMPLIANCE BY RESPONDENT NO. 5**

- i. That pursuant to the directions of this Hon'ble Tribunal dated 25.02.2025, a Joint Committee comprising officials of the District Administration, the Uttar Pradesh Pollution Control Board (UPPCB) and other departments conducted a detailed site inspection of the project undertaken by Respondent No. 5.
- ii. The Joint Committee Report clearly records that:

- a. That land conversion has been duly granted to the Respondent No. 5 by the Sub-Divisional Magistrate, Bijnor, authorising non-agricultural use of the plot;
 - b. That the Respondent No. 5 possesses final ODOP approval dated 20.12.2022 issued by the Department of Industry and Enterprise Promotion;
 - c. That Deputy Commissioner (Industries), Bijnor, through letter dated 28.09.2024, requested the UPPCB to issue Consent to Establish (CTE) for the proposed unit; and In response, the UPPCB, vide its communication dated 30.09.2024, confirmed that the proposed unit falls under the White Category of industries and is therefore exempt from obtaining CTE and CTO.
 - d. That the Committee also concluded and recorded the written undertaking dated 22.04.2025 of Respondent No. 5 wherein it was clearly stated that there will be no boiler installation, no industrial discharge, no woods seasoning process and no chemical usage.
- iii. The above findings were reaffirmed in the affidavit filed by the District Magistrate, Bijnor (Respondent No. 3) and



District Commissioner, Industry, Bijnor (Respondent No. 4) before this Hon'ble Tribunal, which confirms that the project of Respondent No. 5 is non-polluting and fully compliant with the applicable environmental norms.

- iv. That, therefore, the official record of the competent statutory authorities completely negates the allegations made by the Applicant and establishes that Respondent No. 5 has acted in conformity with law at every stage.

D. THE ALLEGATIONS OF THE APPLICANT ARE UNSUBSTANTIATED, SPECULATIVE, AND CONTRARY TO THE RECORD

- i. That the entire case of the Applicant rests on speculative apprehensions that the project of Respondent No. 5 *might* cause pollution or disturbance in the future. No material evidence, expert report, or on-site finding has been produced to substantiate any present or potential environmental violation.
- ii. That the Applicant has heavily relied upon internal letters purportedly written by staff members and students of its own



institution, expressing apprehensions about possible future pollution. Such communications, being private and self-serving in nature, have no evidentiary value and cannot be the basis of judicial intervention under environmental jurisdiction.

- iii. That the complaint dated 21.06.2024 and subsequent correspondences relied upon by the Applicant only reveal a presumption of future harm, without any proof of actual emissions, effluent discharge, or ecological impact from the Respondent's site. Even at the time of inspection by the Joint Committee, no polluting activity was found to be carried out at the premises.
- iv. It is further submitted that the Applicant has selectively omitted the most material documents, namely, the letter dated 30.09.2024 issued by UPPCB declaring the unit under *White Category*, which completely contradict the Applicant's allegations.
- v. That it is a settled principle that environmental jurisdiction cannot be invoked merely on the basis of assumptions or imagined injury, and that speculative fears do not constitute

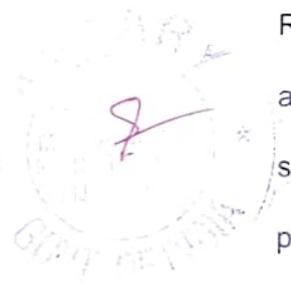


a "substantial question relating to the environment" within the meaning of Section 14 of the NGT Act, 2010.

- vi. That the present Original Application therefore lacks both factual foundation and legal tenability, and is liable to be dismissed.

PARAWISE REPLY

1. That the contents of paragraph 1 of the Original Application are a matter of record so far as they relate to the existence and operation of the Applicant Trust and its educational institutions at Bijnor. The Respondent No. 5 has no dispute regarding the legal status or academic activities of the Applicant. However, it is respectfully submitted that the same has no bearing on the issues raised in the present proceedings, as the mere existence of a college in the vicinity cannot confer any right to obstruct a duly approved and non-polluting project established under a Government scheme.
2. That the contents of paragraphs 2 and 3, insofar as they describe the statutory roles and functions of the Ministry of Environment, Forest and Climate Change, the Uttar Pradesh Pollution Control Board, and the



District Administration, are a matter of record and need no specific response from the answering Respondent.

3. That contents of paragraph 4 are denied. It is specifically submitted that Respondent No. 5 is not constructing any illegal factory, but is lawfully developing a Common Facility Centre (CFC) approved under the One District One Product (ODOP) Scheme of the Government of Uttar Pradesh, on land duly converted for non-agricultural use. The project is non-polluting and falls under the White Category as per UPPCB classification, and therefore the allegation of "illegal construction" is baseless and incorrect.

4. That the contents of paragraph 5 are denied as misconceived and incorrect. It is specifically denied that any sawmill or wood factory with a boiler is being constructed by Respondent No. 5. The project is a Common Facility Centre (CFC) under the One District One Product (ODOP) Scheme, duly approved by the Department of Industry and Enterprise Promotion, and does not involve installation of any boiler or polluting process. The statement attributed to on-site workers is hearsay and factually incorrect, having no evidentiary value.



5. That the contents of paragraph 6 are partly admitted to the extent that the Applicant Trust filed a complaint dated 21.06.2024 before the Regional Office of the Uttar Pradesh Pollution Control Board, Bijnor. However, the allegations made therein were based on incorrect assumptions and speculative fears, as unit proposed is the White Category Unit and the same has now also been clarified and confirmed by the Uttar Pradesh State Pollution Control Board.

6. That the contents of paragraph 7 and 8 are matter of record to the extent that the Uttar Pradesh Pollution Control Board (UPPCB) issued a communication dated 22.06.2024 and 04.07.2024 stating that permission/consent had not been granted to the unit at that point of time. It is submitted, however, that the said letter merely reflected the position prior to subsequent correspondence and clarification issued by the UPPCB itself. Thereafter, vide letter dated 30.09.2024, the UPPCB has itself confirmed that the proposed unit of Respondent No. 5 falls under the White Category and is exempt from obtaining Consent to Establish (CTE) and Consent to Operate (CTO). Hence, reliance on the earlier letter dated 22.06.2024 is misleading and incomplete.



7. That the contents of paragraph 9 are matter of record to the extent that the Deputy Commissioner (Industries), District Industries Promotion and Entrepreneurship Development Centre, Bijnor, issued a communication dated 22.08.2024 requesting Respondent No. 5, being the SPV under the ODOP Scheme, to obtain necessary permissions and No Objection Certificates from the concerned departments. It is respectfully submitted that the said letter was advisory in nature and formed part of the procedural coordination among departments. Pursuant thereto, the Deputy Commissioner (Industries), Bijnor, vide subsequent letter dated 28.09.2024, specifically requested the Uttar Pradesh Pollution Control Board (UPPCB) to issue Consent to Establish (CTE) to Respondent No. 5, and in response, the UPPCB, vide its letter dated 30.09.2024, clearly stated that the project of Respondent No. 5 falls under the White Category and is exempt from obtaining CTE and CTO. Hence, the Applicant's reliance on the letter dated 22.08.2024, without reference to the later official correspondence, is misleading and incomplete.
8. That the contents of paragraph 10 are denied as false, misleading, and devoid of any factual basis. No industrial operation or activity capable of causing health hazards or environmental impact has ever been



carried out by Respondent No. 5. The construction undertaken pertains only to a Common Facility Centre (CFC) under the ODOP Scheme, and no boiler, furnace, or polluting process exists at the site. The alleged complaints by students and staff are self-generated and speculative, based merely on apprehensions rather than actual harm.

9. That the contents of paragraphs 11 and 12 are matter of record to the extent that the Applicant filed an RTI application dated 04.11.2024, and received a reply dated 09.11.2024 from the Uttar Pradesh Pollution Control Board (UPPCB). However, the said RTI reply merely reflected the position as on that date and did not take into account the subsequent communication of the UPPCB dated 30.09.2024, wherein it had already clarified that the project of Respondent No. 5 falls under the White Category of industries and is exempt from obtaining Consent to Establish (CTE) and Consent to Operate (CTO). It is further submitted that no Environmental Clearance (EC) is required for the said activity, as the project is neither listed in the Schedule to the EIA Notification, 2006, nor involves any process generating pollution or effluents. Hence, the Applicant's reliance on the RTI reply is misplaced and misleading, being contrary to the updated official record.



10. It is further submitted that the Central Pollution Control Board (CPCB), vide its revised guidelines titled "Classification of Sectors into Red, Orange, Green, White and Blue Categories – 2025" issued in January 2025, has clearly provided that White Category units, having negligible pollution potential, are exempt from obtaining Consent to Establish (CTE) and Consent to Operate (CTO). The project of Respondent No. 5, being a Common Facility Centre (CFC) under the ODOP Scheme and involving no boiler, chemical treatment, or industrial discharge, squarely falls within this White Category, as also confirmed by the UPPCB's letter dated 30.09.2024. Hence, the requirement of CTE/CTO does not arise.

11. That the contents of paragraphs 13 and 14 are denied as misconceived and incorrect. The letter dated 09.11.2024 addressed by the Applicant's Secretary to the Hon'ble Chief Minister was based on false assumptions and unverified claims that Respondent No. 5 was constructing a polluting factory without requisite permissions. In fact, the project is a Common Facility Centre (CFC) duly approved under the ODOP Scheme, and the competent authority, the Uttar Pradesh Pollution Control Board (UPPCB), has already clarified vide letter dated 30.09.2024 that the unit falls under the White Category, exempt from



obtaining CTE and CTO. The subsequent communication dated 02.12.2024 from the Deputy Secretary merely directed the concerned department to act as per rules, which does not imply any irregularity or adverse finding against Respondent No. 5.

12. That the contents of paragraph 15 are denied as false and baseless. It is specifically denied that the project of Respondent No. 5 violates any siting norms or distance criteria. The project site is located on duly converted non-agricultural land. The alleged proximity to the Applicant's institution does not render the activity unlawful, particularly when the project is non-polluting and non-industrial in nature.

13. That the contents of paragraph 16 are matter off record to the extent that certain individuals from nearby areas are stated to have submitted a complaint dated 29.01.2025 to the Uttar Pradesh Pollution Control Board and the District Magistrate, Bijnor. However, the said complaint was general in nature and based on apprehensions rather than facts. Upon receipt, the competent authorities duly examined the matter, and no irregularity or violation was found at the project site. The complaint, therefore, has no bearing on the legality or compliance of the project established by Respondent No. 5 under the ODOP Scheme.



14. That the contents of paragraph 17 are denied as false, exaggerated, and unsupported by any credible evidence. The construction undertaken by Respondent No. 5 is of a non-polluting Common Facility Centre (CFC) under the ODOP Scheme and does not generate emissions, dust, or noise beyond normal permissible limits. No machinery or boiler capable of causing air or noise pollution has been installed at the site. The alleged complaints of health issues are speculative and self-serving, not corroborated by any inspection report or medical record.

15. That the contents of paragraph 18 and its sub-paragraphs (A to K) are wholly denied as false, speculative, and without any factual foundation. It is emphatically denied that the project of Respondent No. 5 involves or will ever involve any activity that generates sawdust emissions, uses chemical treatments, or operates a boiler. The Respondent has already furnished a written undertaking dated 22.04.2025 before the competent authorities clearly stating that there shall be no industrial discharge, no seasoning or chemical treatment of wood, and no installation of any boiler. The construction pertains solely to a Common Facility Centre (CFC) under the Government-approved One District One Product



(ODOP) Scheme, which has been categorised by the Uttar Pradesh Pollution Control Board (UPPCB) as a White Category unit under the CPCB Classification Guidelines of January 2025, thereby confirming that it is a non-polluting activity exempt from CTE/CTO.

16. The detailed allegations regarding air pollution, chemical contamination, fire hazards, or boiler explosions are imaginary scenarios with no connection to the Respondent's project. No such risk-creating activity exists at the site. The Joint Committee inspection report, the affidavit filed by the District Magistrate, Bijnor and , the affidavit filed by the Deputy Commissioner (Industries), Bijnor all confirm full compliance and absence of any polluting source. The assertions of future environmental or safety hazards are therefore conjectural, alarmist, and contrary to record, and deserve outright rejection.

17. That the contents of paragraph 19 are denied as baseless and incorrect. It is specifically denied that the land allocation or approvals for the project were obtained in violation of any environmental or zoning regulations or by suppression of facts. The land on which the project is established has been duly converted for non-agricultural use by the



Sub-Divisional Magistrate, Bijnor, and the project has received final approval dated 20.12.2022 from the Department of Industry and Enterprise Promotion under the ODOP Scheme. All relevant authorities, including the Deputy Commissioner (Industries) and the Uttar Pradesh Pollution Control Board (UPPCB), were kept fully informed at every stage. The allegation of concealment or regulatory breach is therefore entirely unfounded and contrary to the official record.

18. That the contents of paragraph 20 are denied as misconceived and contrary to the statutory scheme. It is specifically denied that the project of Respondent No. 5 requires Environmental Clearance (EC) under the EIA Notification, 2006, as the same is not listed in the Schedule thereto and does not involve any activity attracting environmental impact assessment. The project is a Common Facility Centre (CFC) under the One District One Product (ODOP) Scheme, which neither uses hazardous substances nor generates industrial effluents or emissions.

19. It is further submitted that the Uttar Pradesh Pollution Control Board (UPPCB), vide its letter dated 30.09.2024, after due examination, categorised the unit under the "White Category" in accordance with the



CPCB Guidelines of January 2025, and therefore held it to be exempt from obtaining Consent to Establish (CTE) and Consent to Operate (CTO) under Section 25 of the Water Act, 1974, and Section 21 of the Air Act, 1981. The allegation of violation of these provisions is therefore without basis and contradicted by official records.

20. That the contents of paragraph 21 are denied as incorrect and misleading. It is specifically denied that any law, notification, or binding direction mandates a 500-meter buffer distance for White Category or non-polluting units such as the Common Facility Centre (CFC) established by Respondent No. 5 under the ODOP Scheme. The guidelines cited by the Applicant pertain to polluting industrial categories like red or orange category industries and have no application to a CFC involving no emissions, effluents, or hazardous processes. The project has been duly sanctioned on legally converted non-agricultural land, and its proximity to the Applicant's institution does not amount to any violation of siting norms or environmental law.

21. That the contents of paragraph 22 are denied as baseless and misconceived. It is submitted that Respondent No. 5 has acted in full conformity with the principles of sustainable development and



precautionary safeguards embodied under Articles 21 and 48A of the Constitution of India. The project has been conceived under the Government of Uttar Pradesh's ODOP Scheme to promote sustainable livelihood opportunities while ensuring environmental protection. No polluting activity, boiler, or chemical process is involved, and the Uttar Pradesh Pollution Control Board has classified the unit as White Category, confirming its non-polluting nature. The allegation of violation of constitutional or environmental principles is therefore unfounded and contrary to record.

22. That the contents of paragraph 23 are denied in toto as false, misleading, and contrary to the official record. It is denied that any "factory" involving machines, boiler operations, or sawdust emissions is being constructed or operated by Respondent No. 5. The project is a Common Facility Centre (CFC) under the One District One Product (ODOP) Scheme of the Government of Uttar Pradesh, which is non-polluting in nature and has been categorised as White Category by the Uttar Pradesh Pollution Control Board (UPPCB) vide its letter dated 30.09.2024, in line with the CPCB Guidelines of January 2025. Consequently, it is exempt from obtaining Consent to Establish (CTE). The RTI reply dated 09.11.2024 relied upon by the Applicant merely



reflected the position prior to the said clarification and thus has no evidentiary value. The allegation that the project poses environmental or health hazards is imaginary and unsubstantiated.

23. That the contents of paragraph 24 are denied as misconceived. The present case does not disclose any violation of a Schedule I enactment under the National Green Tribunal Act, 2010, nor does it raise any substantial question relating to the environment as contemplated under Section 14 thereof. The project of Respondent No. 5 is a non-polluting Common Facility Centre (CFC) under the ODOP Scheme, duly recognised as a White Category unit by the Uttar Pradesh Pollution Control Board (UPPCB) and hence exempt from CTE and CTO requirements. There exists no contravention of any statutory provision or environmental law, and therefore, the invocation of the jurisdiction of this Hon'ble Tribunal under Sections 14 and 15 of the NGT Act, 2010 is unwarranted and without cause of action.

24. That the contents of paragraph 25 are denied as incorrect and misleading. It is specifically denied that Respondent No. 5 or any of its contractors have undertaken any illegal construction activity or acted without permission of the competent authorities. The construction being



carried out pertains only to a Common Facility Centre (CFC) duly approved by the Department of Industry and Enterprise Promotion under the One District One Product (ODOP) Scheme, on land lawfully converted for non-agricultural use. All relevant authorities, including the Deputy Commissioner (Industries) and the Uttar Pradesh Pollution Control Board (UPPCB), have been duly informed and have confirmed the project's compliance. Hence, the allegation of illegality is unfounded and contrary to record.

REPLY TO GROUNDS

- A. That the contents of Ground A are denied as false, misleading, and contrary to the official record. It is specifically denied that any "factory" involving boiler operations or sawdust emissions is being constructed or operated by Respondent No. 5. The project pertains solely to a Common Facility Centre (CFC) established under the One District One Product (ODOP) Scheme of the Government of Uttar Pradesh, duly approved by the Department of Industry and Enterprise Promotion. The Uttar Pradesh Pollution Control Board (UPPCB), vide its letter dated 30.09.2024, after due examination, classified the unit under the White Category in accordance with the CPCB Guidelines of January



2025, and consequently held it exempt from obtaining Consent to Establish (CTE). The RTI reply dated 09.11.2024 relied upon by the Applicant reflects an earlier position and is therefore outdated and incomplete. The allegation of environmental or health hazards is imaginary, speculative, and unsupported by any scientific or factual basis.

B. That the contents of Ground B are partly admitted to the limited extent that the Uttar Pradesh Pollution Control Board (UPPCB), vide its letter dated 22.06.2024, had stated that permission/consent had not been granted to the unit at that point in time. However, this was merely a status communication reflecting the position prior to subsequent clarification. The same authority, UPPCB, later, vide letter dated 30.09.2024, categorically held that the project of Respondent No. 5 falls under the White Category in accordance with the CPCB Classification Guidelines of January 2025, and is therefore exempt from obtaining Consent to Establish (CTE) and Consent to Operate (CTO). Hence, reliance on the earlier letter dated 22.06.2024, without reference to the subsequent clarification, is misleading and devoid of legal effect.



- C. That the contents of Ground C are matter of record to the extent that the Uttar Pradesh Pollution Control Board (UPPCB), vide its letter dated 04.07.2024, reiterated its earlier communication of 22.06.2024 stating that permission/consent had not been granted as of that date. However, the said correspondence was issued before the UPPCB's subsequent clarification dated 30.09.2024, wherein it was categorically stated that the project of Respondent No. 5 falls under the White Category in terms of the CPCB Guidelines of January 2025, and is exempt from the requirement of Consent to Establish (CTE) and Consent to Operate (CTO). The Applicant's reliance on the outdated communication dated 04.07.2024 is therefore misconceived and incomplete, failing to reflect the current legal and regulatory position.
- D. That the contents of Ground D are partly admitted to the extent that the Deputy Commissioner (Industries), District Industries Promotion and Entrepreneurship Development Centre, Bijnor, vide letter dated 22.08.2024, advised Respondent No. 5 (the SPV) to obtain permissions or NOCs from concerned departments. It is respectfully submitted, however, that the said communication was procedural in nature and did not record any irregularity or violation. In fact, pursuant to this, the Deputy Commissioner (Industries) subsequently issued a



letter dated 28.09.2024 to the Uttar Pradesh Pollution Control Board (UPPCB) requesting issuance of Consent to Establish, whereupon the UPPCB, vide its letter dated 30.09.2024, confirmed that the project of Respondent No. 5 falls under the White Category in accordance with the CPCB Guidelines of January 2025 and is exempt from CTE/CTO. Hence, the Applicant's reliance on the earlier letter dated 22.08.2024, while ignoring subsequent official clarification, is misleading and incomplete.

E. That the contents of Ground E are denied as false, baseless, and contrary to record. It is specifically denied that Respondent No. 5 is creating or is capable of creating any pollution affecting students, staff, or nearby villagers. The project is a non-polluting Common Facility Centre (CFC) under the One District One Product (ODOP) Scheme and has been categorised as White Category by the Uttar Pradesh Pollution Control Board (UPPCB), in line with the CPCB Guidelines of January 2025. No boiler, chemical process, or industrial discharge exists or will be undertaken at the site. The allegations of pollution are therefore imaginary, speculative, and unsupported by any scientific or inspection report.



F. That the contents of Ground F are denied as incorrect and misconceived. It is specifically denied that Respondent No. 5 was required to obtain Environmental Clearance (EC) or No Objection Certificate (NOC) for the present project. The activity pertains to a Common Facility Centre (CFC) established under the One District One Product (ODOP) Scheme, which is not covered under the Schedule of the EIA Notification, 2006, and hence no EC is applicable. Further, the Uttar Pradesh Pollution Control Board (UPPCB), after due scrutiny, vide its letter dated 30.09.2024, classified the project under the White Category as per the CPCB Guidelines of January 2025, and therefore held it exempt from the requirement of Consent to Establish (CTE) and Consent to Operate (CTO). The allegation of construction without mandatory approvals is thus contrary to the regulatory record and devoid of merit.

G. That the contents of Ground G and H are denied in entirety as being incorrect, baseless, and contrary to record. It is specifically denied that Respondent Nos. 2 to 4 have permitted or failed to regulate any illegal construction activity. The land has been legally converted for non-agricultural use by order of the Sub-Divisional Magistrate, Bijnor, and all construction activities are within the sanctioned layout. Further, the



Joint Committee constituted pursuant to the Hon'ble Tribunal's order dated 25.02.2025 has inspected the site and confirmed full compliance with applicable norms. Hence, the allegation of illegal or uncontrolled construction is factually incorrect and unsustainable.

- H. That the contents of Ground I are denied as being contrary to the factual and legal position. It is respectfully submitted that Uttar Pradesh Pollution Control Board (UPPCB), vide its communication dated 30.09.2024, has categorically classified the said project under the "White Category" as per the CPCB's Guidelines of January 2025, thereby expressly exempting it from the requirement of obtaining Consent to Establish (CTE). Accordingly, no violation of Section 25 of the Water Act arises, and the Applicant's contention is misconceived and untenable in law.
- I. That the contents of Ground J are denied to the extent they suggest the existence of any substantial question of environment within the meaning of Sections 14 and 15 of the National Green Tribunal Act, 2010. It is respectfully submitted that the present matter arises out of misconceptions and speculative apprehensions of the Applicant, rather than any actual or apprehended environmental harm. The project of



Respondent No. 5 has been duly sanctioned by the competent authorities under the One District One Product (ODOP) Scheme, and stands classified as a White Category, non-polluting activity by the UPPCB, as per CPCB Guidelines of January 2025. There being no environmental discharge, chemical process, or air/water pollution component, no substantial environmental issue arises for adjudication under Sections 14 or 15 of the NGT Act.

J. That the contents of Ground K are denied as wholly irrelevant and misconceived in the present context. It is emphatically submitted that the land allotted to Respondent No. 5 is not forest land, nor does it fall within any notified forest area, deemed forest, or protected area under the provisions of the Forest (Conservation) Act, 1980 or any related notification. The land was duly converted for non-agricultural use by the Sub-Divisional Magistrate, Bijnor, and the Department of Industries and Enterprise Promotion, Government of Uttar Pradesh, granted its final approval on 20.12.2022 for establishment of the Common Facility Centre (CFC). Hence, the principle that "construction does not alter the character of forest land" is inapplicable to the present case.



In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the present Original Application filed by the Applicant as being misconceived, speculative, and devoid of any cause of action against Respondent No. 5. It is further prayed that this Hon'ble Tribunal may be pleased to impose exemplary costs upon the Applicant for filing a frivolous and vexatious application based solely on presumptions and speculative apprehensions. The Respondent No. 5 also prays that this Hon'ble Tribunal may be pleased to pass such other or further order(s) as may be deemed just, fit, and proper in the facts and circumstances of the present case.



For EKAAWOODWORKS FOUNDATION

[Signature]
DIRECTOR
DEPONENT

VERIFICATION

Verified on 11th day of November 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, and nothing material has been concealed thereof.

For EKAAWOODWORKS FOUNDATION

[Signature]
DIRECTOR
DEPONENT

Rahul Agarwal
Adv

11.11.25
by *Vinod Kumar*
who has been identified by... *Rahul Agarwal Adv.*
who is personally known to me
(whose signature is) here appended.

[Signature]
Mahesh Chandra Advocate
Notary, Bijnor (U.P.)