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

APPEAL NO. 13/ 2026

IN THE MATTER OF:

M/s Punahchakran Private Limited …Appellant

Versus

UP SEIAA & Ors. …Respondents

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Place: New Delhi
Date: July, 2026

For **M/s Legal Avenues**

SUMIT BABBAR, Counsel for Respondent No.6
Indotech Waste Solution, CBWTF Plant
Through its Partner, Raman Kumar

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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6

I, Raman Kumar, S/o Shri Krishan Chand, aged about 48 years, Partner/Authorized Signatory of M/s Indo Tech Waste Solution, Respondent No.6 herein, having office at Kheri Bhupani Road, Near Neel City, Sector – 98, Greater Faridabad, presently in Delhi, being duly authorized to swear this affidavit, do hereby solemnly affirm and state as under:

PRELIMINARY SUBMISSIONS

1. At the outset, the answering Respondent respectfully submits that the present Appeal is wholly misconceived, devoid of merit and liable to be dismissed in limine. The challenge is directed against the Environmental Clearance (EC) dated 24.12.2025 granted by the competent Regulatory Authority after completion of a prolonged statutory appraisal under the Environment (Protection) Act, 1986, the Environmental Impact Assessment Notification, 2006, the Bio-Medical Waste Management Rules, 2016 and the applicable environmental regulatory framework. The Appellant has failed to establish any jurisdictional error, procedural illegality or substantive violation of any mandatory statutory provision warranting interference by this Hon'ble Tribunal in exercise of appellate jurisdiction under Section 16 of the NGT Act, 2010.
2. The Appeal is, in substance, an attempt by an existing Common Bio-Medical Waste Treatment Facility (CBWTF) operator – Appellant herein, to prevent establishment of another duly appraised and environmentally approved CBWTF. The dispute projected as an environmental cause is, *in reality*, founded upon commercial considerations relating to market exclusivity and operational competition. The Hon'ble NGT, while exercising appellate jurisdiction under

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Section 16 of the Act, examines the legality of environmental decision-making and not commercial rivalries between competing project proponents.

3. It is respectfully submitted that the EC impugned herein is not the result of a routine administrative approval. The proposal of Respondent No.6 has undergone one of the most exhaustive appraisal processes witnessed in respect of a CBWTF. Since submission of the proposal in the year 2021, the project has been subjected to repeated scrutiny by the State Expert Appraisal Committee, State Environment Impact Assessment Authority, Uttar Pradesh Pollution Control Board, public consultation, multiple rounds of technical appraisal and two separate rounds of judicial scrutiny before this Hon'ble Tribunal. The EC dated 24.12.2025 is thus the culmination of a continuous statutory and judicial process extending over several years and cannot be viewed in isolation.

4. The entire edifice of this Appeal rests upon selective reading of isolated events while consciously ignoring the complete statutory history of the proposal. The Appellant has attempted to portray the EC as though it has been granted notwithstanding repeated findings against Respondent No.6, such portrayal is contrary to the record. Neither the judgment dated 22.03.2024 passed in Appeal No.13 of 2023 nor the judgment dated 21.01.2025 passed in Appeal No.27 of 2024 declared the project environmentally impermissible or held that Respondent No.6 was disentitled to obtain Environmental Clearance. On the contrary, this Hon'ble Tribunal found deficiencies in the administrative decision-making process adopted by SEIAA and remitted the matter for fresh consideration by passing a reasoned order after complying with the principles of natural justice. The Environmental Clearance under challenge is itself the product of such reconsideration.

5. The EC impugned herein has been granted only after repeated appraisal by the State Expert Appraisal Committee, successive consideration by the State Environment Impact Assessment Authority and strict compliance with the remand directions issued by this Hon'ble Tribunal in Appeal No. 13 of 2023 and Appeal No. 27 of 2024. It is pertinent to note that while disposing of Appeal No. 27 of 2024 by judgment dated 21.01.2025, this Hon'ble Tribunal, noticing the irregular manner in which the statutory authorities had dealt with the proposal and the avoidable delay occasioned in the decision-making process, imposed costs of **₹1,00,000/-** upon the

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concerned authorities and directed fresh consideration of the proposal in accordance with law. The said judgment unequivocally demonstrates that the procedural irregularities and consequent delay were attributable to the regulatory authorities and not to Respondent No.6, which had diligently complied with every statutory requirement under the EIA Notification, 2006. Pursuant thereto, the competent authority undertook a fresh and independent appraisal, consciously considered the objections raised by all stakeholders, including the present Appellant, examined the reports and materials placed before it, took into account the earlier rounds of litigation and the applicable statutory and regulatory framework, and thereafter recorded a reasoned satisfaction culminating in the grant of the EC dated 24.12.2025. The environmental satisfaction so recorded by the Expert Appraisal Committee and the Regulatory Authority, after due compliance with the directions of this Hon'ble Tribunal, is entitled to considerable judicial deference and cannot be displaced merely on the basis of a rival interpretation advanced by a competing operator, particularly in the absence of any demonstrated perversity, arbitrariness, mala fides or violation of a mandatory statutory provision.

PRELIMINARY OBJECTIONS

6. The Appeal does not disclose any legally sustainable ground for interference with the EC dated 24.12.2025 under Section 16 of the NGT Act. It is settled that appellate jurisdiction of this Hon'ble Tribunal is directed towards examining whether the decision-making process suffers from illegality, perversity, arbitrariness, procedural impropriety or violation of statutory provisions. The challenge raised by the Appellant is not founded upon any demonstrated environmental injury. Significantly, the Appeal nowhere establishes that establishment of the proposed Common Bio-Medical Waste Treatment Facility would result in deterioration of ambient air quality, adverse impact upon ecology, violation of prescribed emission standards, improper handling of biomedical waste or any threat to public health. The absence of any pleaded environmental consequence demonstrates that the Appeal is directed against the establishment of a competing facility rather than against any environmental concern recognized under law.

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7. The Hon'ble Supreme Court has consistently held that appraisal of environmental projects is entrusted by Parliament to expert statutory bodies possessing the requisite scientific and technical expertise. Judicial review in environmental matters is concerned with the legality of the decision-making process and not with re-appreciation of technical merits. Unless the decision suffers from perversity, mala fides, patent arbitrariness or violation of mandatory statutory provisions, judicial interference with technical appraisal is unwarranted. The EC impugned herein has been granted after repeated appraisal by the Expert Appraisal Committee, consideration by SEIAA and compliance with the remand directions issued by this Hon'ble Tribunal in the earlier proceedings/ litigation and the applicable statutory framework before arriving at its satisfaction. Such satisfaction, recorded by expert statutory authorities, carries considerable weight and cannot be displaced merely on the basis of a rival interpretation advanced by a competing operator.

8. The Appeal further proceeds upon an erroneous assumption that every executive Office Memorandum issued by the Ministry of Environment, Forest and Climate Change has the same legal force as delegated legislation framed under Section 3 of the Environment (Protection) Act, 1986. This assumption is fundamentally flawed. Executive Office Memoranda are administrative instructions issued to facilitate implementation of the EIA Notification, 2006 and cannot either amend the statutory Notification or introduce substantive conditions resulting in automatic extinguishment of vested statutory rights unless the parent Notification itself so provides. Even otherwise, the principal grounds urged in the Appeal concerning alleged expiry of the Terms of Reference, invalidity of baseline environmental data and alleged automatic lapse of the proposal are founded entirely upon an incorrect interpretation of executive Office Memoranda dated 29.08.2017 and 08.06.2022. Neither of the said Office Memoranda stipulates that a proposal validly submitted within the subsistence of the Terms of Reference automatically lapses merely because appraisal by the statutory authorities continues thereafter. Acceptance of the Appellant's interpretation would lead to manifestly arbitrary consequences whereby every environmental proposal would perish solely because statutory

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authorities, judicial proceedings or remand orders consumed additional time beyond the control of the project proponent.

9. Needless to point out, that the initial delay occurred on account of the decision of the Regulatory Authority to withhold the EC, and this Hon'ble Tribunal on 22.03.2024, vide its order in Appeal No. 13/2023, ***set aside*** the orders/ minutes of the meetings dated 11.05.2023, 04.04.2023 and 07.04.2023 of SEIAA, UP and directed to reconsider the application of the Respondent No.6 herein and pass fresh reasoned speaking order by complying the Principles of Natural Justice. At this juncture it is important to reproduce here relevant paras of the order dated 22.03.2024 passed by this Hon'ble Tribunal in Appeal No. 13/2023:

> *9. Learned Counsel appearing for **SEIAA UP has fairly submitted that since the orders under challenge are cryptic in nature**, therefore, the application submitted by the appellant is required to be considered afresh.*
>
> *10. Learned Counsel appearing for the SEIAA UP fairly accepts that all the above issues need to be kept in mind while deciding the application of the appellant afresh.*
>
> *11. On the basis of the above submission of Learned Counsel for the SEIAA, UP, impugned orders/minutes of the meetings dated 11.05.2023, 04.04.2023 and 07.04.2023 are set aside with a direction to SEIAA, UP, to reconsider the application of the appellant and pass fresh reasoned speaking order by complying the Principles of Natural Justice.*
>
> *12. Let application submitted by the appellant be decided afresh within a period of six weeks from today.*

10. Thereafter, the proposal again underwent reconsideration before the competent authorities, followed by further proceedings before this Hon'ble Tribunal. That on 21.01.2025 this Hon'ble Tribunal, vide its order in Appeal No. 27/2024, set aside the orders/minutes of the meetings dated 17.05.2024, of SEIAA, UP and directed to reconsider the application of the Respondent No.6 herein and pass fresh reasoned speaking order by complying the Principles of Natural Justice. At this juncture it is important to reproduce here relevant paras of the order dated 21.01.2025 passed by this Hon'ble Tribunal in Appeal No. 27/2024:

> *8. A perusal of the order also reveals that SEIAA U.P has simply accepted the report of the **Three-Member Committee of the Regional Office without even***

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applying its mind. *Therefore, the direction of the Tribunal to pass a reasoned speaking order has also not been complied with.*

9. On account of such careless conduct of SEIAA, the appellant has been forced to come to the Tribunal for the second time, challenging an unsustainable order that was passed by completely ignoring the direction of the Tribunal in the earlier round of litigation.

10. Hence, we allow the appeal with cost and set aside the impugned order dated 17.05.2024. The cost of litigation is determined as ***Rs. 1 Lakhs which will be payable by SEIAA UP to the appellant within two weeks****. The SEIAA will duly consider the direction of the Tribunal contained in the order dated 22.03.2024 passed in Appeal No. 13/2023 and will pass a fresh reasoned speaking order after duly complying with the Principles of Natural Justice within two months.*

11. As there was delay in implementation of the directions issued by this Hon'ble Tribunal, Respondent No.6 was constrained to institute Execution Application No.47 of 2025 seeking compliance of the judgment dated 21.01.2025. It is apposite to note that the present Appellant was throughout represented by learned counsel in the said execution proceedings, filed detailed objections and actively contested the grant of EC by raising substantially the very same objections which now constitute the foundation of the present Appeal, including the issues relating to the appraisal process, Gap Analysis, validity of the environmental studies and compliance with the earlier remand directions. Upon hearing all concerned parties, including the Appellant herein, this Hon'ble Tribunal, by order dated 19.12.2025, recorded its satisfaction that the directions contained in the judgment dated 21.01.2025 had been duly complied with and accordingly disposed of the Execution Application. Having unsuccessfully opposed the matter at every stage of the statutory and judicial process, the Appellant cannot now be permitted to reagitate substantially the same issues by merely recasting them as fresh grounds in the present statutory appeal. Such a course is contrary to the settled principles governing finality of judicial proceedings and amounts to an abuse of the process of this Hon'ble Tribunal.

12. The Environmental Clearance dated 24.12.2025 is itself the outcome of such reconsideration. Having participated throughout the statutory process and previous

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litigation, the Appellant cannot now seek to reopen issues already remitted and duly considered by the competent authority by presenting an incomplete factual narrative. For all the aforesaid reasons, the Appeal deserves dismissal at the threshold.

LEGAL SUBMISSIONS

I. Scope of Jurisdiction under Sec.16 of the NGT Act, 2010

13. The scheme of the Environment (Protection) Act, 1986 read with the EIA Notification, 2006 consciously entrusts environmental appraisal to expert bodies possessing multidisciplinary scientific expertise. The role of the Expert Appraisal Committee and the Regulatory Authority is not merely administrative but quasi-technical, requiring evaluation of environmental data, project characteristics, mitigation measures, public consultation proceedings and applicable regulatory norms. Unless the decision-making process is demonstrated to be arbitrary, mala fide, contrary to statutory mandate or unsupported by any material whatsoever, judicial interference with such expert determination is unwarranted.

14. The Hon'ble Supreme Court in *Lafarge Umiam Mining Pvt. Ltd. v. Union of India*, (2011) 7 SCC 338, has authoritatively held that environmental governance under the EIA regime is founded upon institutional decision-making by expert bodies and that judicial review is concerned with the legality of the process rather than substitution of technical satisfaction by judicial opinion. Likewise, in *Hanuman Laxman Aroskar v. Union of India*, (2019) 15 SCC 401, while emphasizing informed environmental decision-making, the Hon'ble Supreme Court reiterated that the Court examines whether relevant environmental considerations have been duly evaluated and not whether another view on scientific material is possible.

II. Statutory Scheme of the EIA Notification, 2006

15. The EIA Notification, 2006 is a piece of delegated legislation issued under Sections 3 and 6 of the Environment (Protection) Act, 1986 and has statutory force. The Notification comprehensively prescribes the procedure governing grant of Environmental Clearance and provides distinct stages consisting of Screening (where applicable), Scoping, Public Consultation and Appraisal. The statutory

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obligations cast upon a project proponent are confined to obtaining Terms of Reference, undertaking environmental studies, conducting public consultation wherever required and submitting a complete proposal for appraisal before the competent authority. Once a complete proposal together with the Environmental Impact Assessment Report and requisite documents is submitted during the subsistence of the Terms of Reference, the responsibility for appraisal shifts exclusively to the Expert Appraisal Committee and the Regulatory Authority. Neither the Environment (Protection) Act, 1986 nor the EIA Notification, 2006 provides that a proposal validly submitted shall automatically lapse merely because the statutory authorities require additional time for appraisal or because the matter undergoes reconsideration pursuant to judicial directions. The statutory framework deliberately distinguishes between the obligations of the Project Proponent and the functions of the Regulatory Authorities. Any interpretation which penalizes a diligent project proponent for administrative delay, prolonged expert scrutiny or judicial remand would defeat the object of the Notification and introduce a consequence not contemplated by delegated legislation itself.

III. Legal Status of Office Memoranda vis-à-vis the EIA Notification | Validity of the Terms of Reference and Office Memorandum dated 29.08.2017 | Baseline Environmental Data and Office Memorandum dated 08.06.2022

16. One of the principal errors underlying the Appeal is the assumption that the Office Memoranda dated 29.08.2017 and 08.06.2022 possess overriding statutory force and are capable of amending or supplementing the EIA Notification, 2006. Such assumption is legally unsustainable. It is settled that executive instructions issued by the Ministry are intended to facilitate implementation of the statutory Notification. They cannot override the statutory Notification or create substantive disqualifications not contemplated therein.

17. Even otherwise, the Appellant seeks to read into the said Office Memorandum's a consequence of automatic lapse of the Environmental Clearance. Such consequence is conspicuously absent from both Office Memoranda and is equally absent from the EIA Notification itself. Appellant in the present appeal is trying to

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read into executive instructions consequences which the executive has consciously not incorporated.

18. The Terms of Reference granted on 11.06.2021 governed the scope of environmental studies required to be undertaken by Respondent No.6. The environmental studies were duly completed, public consultation was conducted on 06.06.2022 and the application for Environmental Clearance accompanied by the Environmental Impact Assessment Report was submitted on 01.08.2022, well within the subsistence of the Terms of Reference. Once the statutory proposal stood validly submitted, the purpose for which the Terms of Reference had been issued stood fully accomplished. Thereafter, the proposal entered the appraisal stage governed by Clause 7 of the EIA Notification, 2006. Neither the Notification nor the Office Memorandum requires a project proponent to obtain fresh Terms of Reference merely because the statutory authorities continue the appraisal process or because judicial proceedings intervene or the rival parties filing frivolous litigations to delay the process.

19. The interpretation advanced by the Appellant effectively attributes retrospective extinction to a proposal lawfully submitted in accordance with the prevailing statutory regime. Such interpretation has neither statutory foundation nor judicial recognition and therefore deserves rejection.

20. Equally misconceived is the contention that the Environmental Clearance automatically became illegal because the baseline environmental data collected during the EIA process became older than three years by the time the Environmental Clearance was ultimately granted. The Office Memorandum dated 08.06.2022 regulates the freshness of environmental baseline data at the stage when a proposal is placed before the Regulatory Authority for appraisal. It is intended to prevent reliance upon obsolete environmental studies while initiating environmental appraisal. It does not prescribe that an otherwise valid proposal automatically lapses if the statutory appraisal extends over a prolonged period for reasons beyond the control of the Project Proponent.

21. The interpretation canvassed by the Appellant completely ignores the sequence of events in the present case. The proposal was duly submitted together with the Environmental Impact Assessment Report after completion of the prescribed

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studies. Infact in the present case the permission was granted on 14.11.2022, which was later scrutinized and finally EC Certificate was loaded on 24.12.2025 by the authorities with detailed explanation.

22. Acceptance of the Appellant's interpretation would produce manifestly unreasonable consequences. Every environmental proposal, irrespective of its merits, would automatically perish if litigation, remand proceedings or prolonged appraisal extended beyond three years. Such an interpretation would defeat the very purpose of environmental regulation by rewarding obstruction and penalizing compliance. Statutory provisions must receive a purposive construction which advances, rather than frustrates, the object of the legislation.

IV. Gap Analysis and the Revised CBWTF Guidelines, 2016

23. The submissions relating to Gap Analysis are equally devoid of merit and proceed upon a misconception. The issue of Gap Analysis was specifically examined and considered by the competent authorities during reconsideration, and the Appellant cannot substitute its own commercial assessment for the satisfaction recorded by expert statutory bodies. The Regulatory Authority was fully conscious of the previous litigation, the reports placed before it, the observations of UPPCB and the objections raised by the stakeholders before arriving at its final decision.

24. Even otherwise, said contention deliberately ignores the fact that the issue of Gap Analysis applies equally to the Appellant herein and in that sense the EC issued to appellant in its own submission is invalid and the entire appeal lacks locus and the appellant does not have the legal right or standing.

V. Effect of Earlier Orders Passed by this Hon'ble Tribunal

25. The Appellant has consistently proceeded on the erroneous premise that the earlier judgments of this Hon'ble Tribunal foreclosed the grant of Environmental Clearance to Respondent No.6. The record demonstrates precisely the contrary. As already submitted, by order dated 22.03.2024 in Appeal No.13 of 2023, this Hon'ble Tribunal set aside the impugned administrative decision and directed reconsideration by passing a fresh reasoned order after following the principles of natural justice. Likewise, by order dated 21.01.2025 in Appeal No.27 of 2024, the

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competent authority was again directed to reconsider the matter in accordance with law and also imposed cost of Rs.1,00,000/- for deliberate injustice.

26. The Environmental Clearance dated 24.12.2025 represents compliance with the very directions issued by this Hon'ble Tribunal. Consequently, the present Appeal is in substance an invitation to revisit the merits of a fresh statutory decision rendered pursuant to judicial remand, without demonstrating any independent illegality in the reconsideration process itself.

VI. Absence of Environmental Prejudice

27. That the Appellant has not produced any scientific material to show that the proposed facility would violate environmental standards or adversely affect public health. In the absence of any demonstrated environmental prejudice, the challenge deserves to be rejected.

PARA-WISE REPLY TO THE APPEAL

Without prejudice to the Preliminary Submissions, Objections and Legal Submissions made hereinabove, and without admitting any of the averments contained in the Appeal except those specifically admitted herein, the answering Respondent submits the following consolidated reply to the pleadings contained in the Appeal. Wherever several paragraphs raise identical issues or substantially overlap, the same are replied to together to avoid unnecessary repetition. Any allegation not specifically admitted shall be deemed to have been specifically denied.

28. That the contents of paragraphs 1 to 3 and 4.1 to 4.7 of the Appeal are matters of record to the extent borne out therefrom. The remaining averments, inferences, and allegations are denied. The preliminary submissions and objections and legal submissions hereinabove are reiterated and may be read as part of this reply.

29. The contents of paragraphs 4.8 to 4.17 of the Appeal, insofar as they narrate the chronology of the statutory proceedings, consideration by SEAC, SEIAA, UPPCB and the previous rounds of litigation, are matters of record. However, the conclusions sought to be drawn therefrom by the Appellant are specifically denied. It is denied that the chronology narrated by the Appellant establishes any illegality in the grant of Environmental Clearance. The preliminary submissions and

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objections and legal submissions hereinabove are reiterated and may be read as part of this reply.

30. That the contents of paragraphs 4.18 to 4.24 alleging non-compliance with the EIA Notification, 2006, the BMW Rules, 2016, the Revised CBWTF Guidelines, 2016, invalidity of the appraisal process, and non-application of mind are specifically denied. The said issues have already been dealt with in the preliminary submissions, objections and legal submissions, which are reiterated herein.

REPLY TO GROUNDS

31. That the contents of Grounds 1 to 17 relating to alleged expiry of Terms of Reference, validity of the EIA Report, baseline environmental data, Office Memoranda dated 29.08.2017 and 08.06.2022, absence or inadequacy of Gap Analysis, alleged violation of the 75 km criterion, suppression of facts, arbitrariness, and non-compliance with directions of this Hon'ble Tribunal are denied.

32. That the judgments and precedents relied upon by the Appellant are matters of record to the extent borne out therefrom, but the inferences sought to be drawn are misconceived and do not support the Appellant's case. None of the cited authorities lays down that the Environmental Clearance granted to Respondent No. 6 is legally unsustainable.

33. That the Appellant's attempt to reopen issues already considered during the statutory process and earlier proceedings deserves rejection. The competent authority has granted the impugned Environmental Clearance after due consideration of all relevant material, including the objections raised by the Appellant.

34. Likewise, the judgments and precedents relied upon by the Appellant have been selectively extracted and are sought to be applied dehors the factual matrix and the ratio decidendi laid down therein. None of the said decisions lays down the propositions canvassed by the Appellant, nor do they support the contention that the Environmental Clearance granted to Respondent No.6 suffers from any statutory or legal infirmity. The answering Respondent reiterates the submissions

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contained in the preliminary submissions, objections and legal submissions under the respective headings, which are not repeated herein to avoid unnecessary prolixity.

35. The present appeal also suffers from a jurisdictional defect because it seeks to convert a commercial dispute into an environmental one. The Hon'ble Supreme Court has recently clarified that disputes relating to commercial premises, building plans, or land-use controversies do not become NGT matters merely because environmental language is used. The Hon'ble Tribunal must examine whether there is a substantial environmental question; if the core controversy is commercial, jurisdiction is not properly attracted.

36. As recently as on 20th January, 2026, in the case of *Raj Singh Gehlot & Ors. v. Amitabha Sen & Ors. (2026 INSC 77)*, Hon'ble Supreme Court addressed the jurisdictional limits of the Hon'ble National Green Tribunal. It was categorically asserted that for the Hon'ble NGT to lawfully exercise jurisdiction under the NGT Act, 2010, the dispute must present a *"substantial question relating to the environment"* that arises directly out of the implementation of the specific central environmental statutes listed under the Act. Parties cannot manufacture jurisdiction simply by casting a conflict in "environmental vocabulary", as is the case in the present appeal where infact there is no environmental issue.

37. The conduct of the Appellant throughout the proceedings further disentitles it to any discretionary relief. The Appellant, through its learned counsel, participated in the proceedings before this Hon'ble Tribunal in Execution Application No. 47 of 2025 and specifically opposed the compliance of the directions issued in Appeal No. 27 of 2024 by advancing substantially the same objections that have now been reiterated in the present Appeal. This Hon'ble Tribunal, after hearing all concerned parties, including the present Appellant, recorded that the directions issued under judgment dated 21.01.2025 stood complied with and accordingly disposed of the execution proceedings. The present Appeal is therefore nothing but a second attempt to reopen issues which have already been examined while considering the question whether the statutory authorities had complied with the earlier directions of this Hon'ble Tribunal. Such repetitive challenges undermine the doctrine of finality of judicial proceedings and constitute a misuse of the appellate jurisdiction

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of this Hon'ble Tribunal. The Appeal is therefore liable to be dismissed not merely because it lacks legal merit but also because it seeks to convert environmental regulation into an instrument for preventing legitimate competition between operators. The environmental regulatory framework exists to ensure environmentally sound management of bio-medical waste and not to preserve commercial monopolies.

38. In view of the foregoing facts and circumstances, it is respectfully submitted that the present Appeal is wholly misconceived, devoid of any factual or legal merit and fails to disclose any ground warranting interference with the well-reasoned Environmental Clearance granted by the competent statutory authority. The Appeal, being founded upon erroneous interpretation of the statutory framework and an impermissible re-agitation of issues already considered during the statutory appraisal, deserves to be dismissed with exemplary costs.

39. The answering Respondent craves leave to rely upon and refer to the records of the competent authorities, the proceedings before this Hon'ble Tribunal and such additional documents as may be necessary at the time of hearing.

The above facts are being placed for kind consideration of this Hon'ble Tribunal.

For INDOTECH WASTE SOLUTION

DEPONENT

PARTNER

Verification

I, the deponent abovenamed, do hereby verify that the contents of the above counter affidavit are true and correct to my knowledge and belief derived from the official records and nothing material has been concealed therefrom. No part of the same is false and nothing material has been concealed therefrom.

For INDOTECH WASTE SOLUTION

Verified at Delhi on this ___ day of July' 2026

DEPONENT

PARTNER

ATTESTED
NOTARY PUBLIC
DELHI (INDIA)

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