

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 46 OF 2025**

IN THE MATTER OF

Sanjaya Kumar Mishra

...APPELLANT

VERSUS

Ministry of Environment, Forest and Climate Change & Ors.

...RESPONDENTS

**COMMON REJOINDER TO REPLIES FILED BY RESPONDENT NOS. 1 to 3 WITH
AFFIDAVIT**

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Place: Gurugram
Dated: 01.01.2026

(FILED BY)

Sanjaya Kumar Mishra
Appellant
(Sanjaya Kumar Mishra)
Contact No. 9818326647

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**COMMON REJOINDER TO REPLIES FILED BY RESPONDENT NOS. 1 to 3 WITH
AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

Most respectfully, Sanjaya Kumar Mishra, the Appellant in this matter, submits Common Rejoinder to the Replies Filed by Respondent Nos. 1 to 3:

REJOINDER TO THE REPLY FILED BY RESPONDENT NO. 1 (Ministry of Environment, Forest and Climate Change)

1. The present Rejoinder is being filed in response to the Counter Affidavit dated 07.10.2025 filed by Respondent No. 1 (MoEF&CC). The general denials and self-serving assertions of procedural compliance are contested. The Rejoinder addresses only the substantive legal and factual inaccuracies in the reply, as the Appellant's case rests on demonstrable flaws in the environmental appraisal, not merely on alleged procedural lapses.

COUNTER TO PRELIMINARY SUBMISSIONS:

2. The MoEF&CC's reply conflates procedural steps with substantive appraisal. While it details the chronology of meetings, deferrals, and submissions, it fails to

demonstrate that the Expert Appraisal Committee (hereinafter “EAC”) deliberated upon the specific, critical, and technical objections relating to baseline data—particularly ambient air quality parameters—and the attendant methodological violations. The meaning of “baseline data,” as sourced from the PARIVESH Portal of the Government of India, has been extracted at paragraph 4 of the Appeal. An environmental clearance is legally untenable if it is granted on the basis of an Environmental Impact Assessment (hereinafter “EIA”) report founded on flawed and unreliable baseline data and rendered non-compliant with the Terms of Reference (hereinafter “ToR”).

SPECIFIC REPLIES TO THE PARAS OF THE MOEF&CC’S COUNTER

AFFIDAVIT:

3. Paragraphs 1 to 6 being introductory and narrative in nature, no reply is required thereto.
4. That in paragraph 7, R-1 has asserted that the Appeal raises no substantive allegation. The said assertion is emphatically denied. At the outset, it is submitted that the EIA in the present Appeal was prepared by Respondent No. 3, a NABET-accredited EIA consultant, for Respondent No. 2, the Project Proponent. The impact assessment is based on flawed, unreliable baseline air quality data and is non-compliant with the approved ToR as well as the settled standards prescribed by the Central Pollution Control Board (CPCB) and the Bureau of Indian Standards (BIS). Consequently, the EIA itself is fundamentally defective.

On the basis of the said defective EIA, the Environmental Management Plan (hereinafter “EMP”) was prepared by Respondent No. 3 for Respondent No. 2. The EIA and EMP were thereafter submitted to R-1 and formed the sole basis for the grant of the impugned Environmental Clearance. The Appeal specifically pleads that the

EIA is based on baseline data that is flawed, ToR-non-compliant (Page 1893, Para 4.2), and technically unsound. Defective baseline data vitiates the entire impact assessment, as the prediction of incremental ground-level concentration of air pollutants (page 2143) is premised on an erroneous foundation. The EMP prepared on such a basis is therefore unsustainable.

The EAC mechanically accepted the said EIA and EMP and recommended for grant of Environmental Clearance without adverting to or addressing the Appellant's detailed and technical objections. The R-1 granted the impugned Environmental Clearance. Hence, the impugned Environmental Clearance is thus arbitrary and liable to be set aside.

5. Paragraph 8 being introductory and narrative in nature, no reply is required thereto.
6. Paragraph 9 being introductory and narrative in nature, no reply is required thereto. However, it is **pertinent to highlight two dots**: stage (2) which relates to **ToR** and the stage (4) **appraisal**. ToR has been said to mean the detailed scope prescribed by the Regulatory Authority for the project for the preparation of the EIA Report. The term "**Appraisal**" as given on [PARIVESH Portal](#) of the Government of India, refers to the Appraisal Committee's detailed examination of the application in the prescribed form(s) and all accompanying documents, including the final EIA report and the outcome of public consultation, prior to the grant of Prior Environmental Clearance.
7. Paragraph 10 being introductory and narrative in nature, no reply is required thereto.
8. That, with reference to paragraph 11, the assertion that the grant of Environmental Clearance is transparent and placed in the public domain is denied, as in the instant case the **Appellant's complaint and objections were not recorded in the Minutes of Meetings placed in the public domain**. The claim of transparency is therefore false.

9. That, with reference to paragraphs 12 and 13, it is evident that the ToR were sought by the Project Proponent (Respondent No. 2) for expansion of the existing project. Accordingly, points 4.1 and 4.2 of the ToR (at page 1893) assume significance. The ToR were granted on 14.12.2023. There is **no record or disclosure of any amendment to the said ToR**. It is further submitted that non-compliance with the ToR constitutes one of the specific grounds raised in the present Appeal.
10. That the statement of R-11 in paragraph 14, granting a clean chit to Respondent No. 2 and Respondent No. 3 by asserting that the EIA Report was prepared in accordance with the ToR, is denied, as the Appellant has clearly identified specific ToR non-compliances.
11. That in paragraphs 15 and 16, R-1 has failed to disclose that, based on public representations, the Minutes of the EAC Meeting dated 12.12.2024 (Page 1943) record serious deficiencies in the EIA, including absence of field monitoring data (air, water, soil, and noise), lack of geo-tagged photographs of sample collection, incorrect and inconsistent baseline data, and improper standards adopted for PM_{2.5} NH₃, Benzene (C₆H₆), Benzo(a)pyrene, and metals including Nickel. Further, at page 1944, the EAC expressly observed that M/s EQMS Private Limited (which is Respondent No. 3) submitted the EC application in a **casual and misleading manner, failed to provide factual information** regarding land requirement and public hearing issues, and was formally warned, with the **EAC taking serious note of the casual approach of the Project Proponent**. These findings constituted substantive grounds for deferral of the EAC's decision, and not a mere deferral for seeking additional information, as incorrectly suggested by R-1.
12. That in paragraph 17, R-1 has relied upon the report of the "EAC Sub-Committee"; however, the said Sub-Committee report does not deliberate upon the baseline air quality data issues raised in this Appeal.

13. That with reference to paragraph 18, it is pertinent to point out that at page 2035, paragraph “iii”, the EAC categorically directed the Project Proponent (Respondent No. 2) to **revisit the entire data submitted in totality and to revise all requisite documents, including the EIA/EMP reports** and presentations, to ensure data consistency. This was one of the three observations that led to the EAC’s decision to defer the matter.

14. That, with reference to paragraphs 19, 20, 21, and 22, the assertion of the EAC that the EIA/EMP is in compliance with the ToR is untenable. Although the EAC records that it deliberated upon the Additional Data Submission (ADS) dated 22.03.2025 uploaded on the PARIVESH Portal on 24.03.2025, a perusal of the **Minutes reveals that reliance was placed predominantly on the undertaking of the Project Proponent that the data and information furnished were true and correct and that any falsehood would entail rejection or revocation of the Environmental Clearance.** Such reliance on an undertaking cannot substitute substantive technical appraisal.

The EAC accepted the reply to point No. 5 (page 2040) **without any justification** in the EIA or the Minutes **for non-monitoring of mercury (Hg) for 104 observations, nor was any amendment to the approved ToR granted.** The EAC further **accepted the claim of 24-hour monitoring for Ammonia (NH₃) in direct contravention of the applicable Indian Standard prescribing 1-hour monitoring,** rendering the baseline data unreliable.

The explanation at serial No. 7 (page 2041), attributing baseline concentrations to domestic fuel use, exposes arbitrariness in the selection of baseline monitoring locations.

Acceptance of point No. 15 (page 2044) is contrary to NABL (National Accreditation

Board for Testing and Calibration Laboratories) Document 133, as the **radiological test reports** dated 18.06.2024 issued by Saturn Quality Certifications Pvt. Ltd., Bahadurgarh fall outside the NABL-accredited scope and are therefore **unverifiable and lack evidentiary value**. The contention that disclosure of test methods is a matter of laboratory discretion is untenable for reasons already submitted in the para 17 of the Appeal. A copy of NABL Document 133 downloaded from [NABL website](#) is being submitted herewith and marked as **Annexure:A/8**.

The acceptance of point No. 16 of the ADS (page 2045) relating to **baseline data on occupational diseases in the study area**, as mandated under ToR condition 7.7 (page 26), does not constitute project-specific baseline data.

Further, paragraph “x” at page 1942 introduces parameters such as CH₄, O₃, and VOCs as relevant baseline air quality parameters. Therefore, the EAC failed to appropriately examine or record findings on baseline data to ensure the principle of sustainable development and precautionary principle are upheld.

15. That the contents of Paragraph 23 is denied, for the reasons already set out in paragraph 14 above.
16. That the contents of paragraph 24 are vehemently opposed on the basis of the reiterated submissions made in paragraph 14 of this Rejoinder.
17. That, in response to paragraph 25, the characterization of Ground No. 3—“Arbitrary and Non-Speaking Clearance for failure to address the objections raised”—as mischievous is emphatically denied. Failure to consider and properly understand the Appellant’s complaint, which is founded on established facts and documents, cannot be cured by mere compilation of voluminous records and is contrary to environmental governance grounded in the principle of sustainable development.
18. That, with reference to paragraph 26, it is strongly reiterated that R-1, including the

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EAC constituted by it, failed to discharge its substantive statutory duty to ensure scientific rigour and proper appraisal, despite fact-based complaints, thereby raising substantial questions relating to the environment. Such conduct by a statutory authority sets an adverse precedent and undermines the principles of sustainable development and precaution.

19. In light of the foregoing, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to reject the submissions of Respondent No. 1 as being contrary to the principles of sustainable development and precautionary principles, and to allow the Appeal by setting aside the impugned Environmental Clearance.


(Appellant)

Place: Gurugram
Dated: 01.01.2026

REJOINDER TO THE REPLY FILED BY RESPONDENT NO. 2 (MEJA URJA NIGAM PRIVATE LIMITED)

MOST RESPECTFULLY SHOWETH:

1. The Appellant files the present Rejoinder to the Reply dated 06.10.2025 filed by Respondent No. 2 (M/s Meja Urja Nigam Private Limited, “MUNPL” or “Project Proponent”). The Reply is replete with evasive, after-the-fact justifications and fails to substantively address the serious methodological and data integrity violations highlighted in the Appeal.
2. That paragraph 1 of the Reply is introductory and narrative in nature, and the Appellant takes notice thereof. No substantive response is required at this stage.
3. That the general denial in paragraph 2 is denied to the extent it seeks to evade the specific, factually substantiated averments in the Appeal. General denials cannot absolve Respondent No. 2 (hereinafter “R-2”) of its duty to address the substantive violations of methodology, baseline data, and ToR compliance highlighted therein.

COUNTER TO PRELIMINARY SUBMISSIONS:

4. That the claim of R-2 in paragraph 3 is misconceived and misleading. As per settled law, an EIA consultant is not accredited by the MoEF&CC. The R-2 has produced **no material evidence to substantiate its claim that the consultant has been accredited by the MoEF&CC**. Further, it is incorrect that the Expert Appraisal Committee (hereinafter “EAC”) duly considered all issues raised by the Appellant, as its reliance was limited to the Additional Details Sought (ADS). Critically, the ADS submitted to the EAC and the reply of R-2 differ with respect to baseline data of air pollutants.

5. That in respect of paragraphs 4 and 5, it is respectfully submitted that the Appellant's grounds address unresolved substantive deficiencies in the EIA/EMP. The claim that the Appeal merely re-agitates issues is misconceived, as fundamental methodological and ToR non-compliances remain unexamined. The assertion that MoEF&CC applied its independent mind in granting the EC is unsubstantiated, as the Ministry's decision is fundamentally dependent on the expert appraisal and recommendations of the EAC. Respondent No. 2 is misrepresenting and misleading this Hon'ble Tribunal. Accordingly, the contents of paragraphs 4 and 5 are denied.
6. It is respectfully submitted that paragraphs 6 and 7 of the Reply are introductory and narrative in nature, and therefore do not call for any substantive response.

COUNTER TO PARA-WISE REPLY:

7. That in paragraph 8, R-2 dismisses the issue of "Fresh EC" versus "Expansion" as baseless, whereas its own ADS (page 2038) indicates an administrative issue. The Appellant has already placed documentary evidence demonstrating this confusion (pages 57 and 61). Further, while R-2 seeks to justify baseline data generation prior to the issuance of Terms of Reference (hereinafter "ToR") by relying on MoEF&CC O.M. dated 08.06.2022, no such reference or disclosure was given in the EIA Report for clarity, nor has R-2 placed any document on record substantiating this claim.
8. That the characterization of the Appellant's allegations as "hyper-technical" and unsustainable is wholly unjustified and denied. An Environmental Impact Assessment is, by its very nature, a technical appraisal. It is well established that Ammonia, in combination with oxides of sulphur and nitrogen—prevalent emissions from thermal power plants—contributes to the formation of PM_{2.5}, a serious air pollutant. R-2 has failed to address the mandatory requirement of 1-hourly monitoring prescribed under IS 5182 (Part 25), while the EIA report reflects 24-hourly monitoring. There is

nothing hyper-technical in insisting upon compliance with standards notified by the Bureau of Indian Standards (BIS). R-2 has produced no documentary evidence to justify the permissibility of typographical or clerical errors in the EIA report. On the contrary, at page 394, the EIA consultant has furnished an undertaking affirming the factual correctness and ownership of the data contained in the EIA report. Accordingly, the reply is denied.

9. That the contents of paragraph 10 are denied, as R-2 has failed to place on record any statement in the EIA explaining the **non-monitoring of mercury (Hg) for 104 observations, as mandated in the ToR**, on the ground of non-detection for three months. Neither is any such reason recorded in the Minutes of Meetings submitted by the MoEF&CC, nor was any amendment to the ToR approved by the EAC to justify the said omission. Accordingly, the reply is denied.
10. That the contents of paragraph 11 fail to address the pivotal issue raised at paragraph 10 of the Appeal, namely whether the actual pollutant concentrations found in the current baseline data, align with the 2008 EIA projections. R-2 has not clearly articulated the actual environmental impact of the project between 2008 and 2023. The assertion of only a marginal increase in PM₁₀ due to traffic and commercial activity is inconsistent with the siting criteria for baseline ambient air quality monitoring. Further, the **claim that CPCB guidelines requiring a minimum one-metre distance between instruments were complied with is unsupported by any documentary evidence**. The assertion regarding the **use of “combo samplers” is equally unsupported by any design approval or certification** from any acclaimed institution such as BIS, CPCB, NPL, or NEERI. The reliance on a two-metre separation norm, applicable only to collocated duplicate samplers, is **misleading and contrary to the material placed on record by the Appellant at page 207**. The statement that the suction inlet height was approximately two metres above ground is

in clear violation of CPCB and BIS monitoring standards. R-2 has also failed to explain the monitoring photographs (page 197) annexed with the EIA report. Also importantly, the ADS submitted (Page 2041-2042) and the reply of R2 to the instant Appeal (Page 381) differ. Accordingly, the reply is denied.

11. That with reference to paragraph 12 of the Reply, the Appellant reiterates the submissions already made at paragraph 8 above. **It is further evident that the final EIA report was uploaded on 16.04.2025, whereas the Minutes of Meeting of the EAC were uploaded on 15.04.2025, which itself reflects the perfunctory nature of the appraisal process, despite pending complaints.** The EAC's reliance on the undertaking of the Project Proponent R-2 that the data and information furnished were true and correct cannot substitute a reasoned and independent technical appraisal. Further, discrepancies in nomenclature and typographical errors in the final EIA report materially diminish its credibility and reliability. Accordingly, the reply is denied.

12. That as stated in Paragraph 13, Saturn Quality Certifications Pvt. Ltd. is a NABL accredited Radioactivity Testing Laboratory. It is pertinent to mention that NABL Document 133 (**Annexure:A/8**), clause 5.1 clearly states that use of NABL symbol is mandatory for the parameters / tests covered under NABL accredited scope on all the test report. Further, clause 6.2 of the said **document stipulates** that use of the NABL symbol is mandatory on all reports, certificates, and documents issued by accredited Conformity Assessment Bodies (CABs) for parameters or tests covered under the NABL-accredited scope. It further prohibits CABs from using the NABL symbol or claiming NABL accreditation in any form for parameters not covered under the accredited scope. Therefore, as the test report neither bears the NABL symbol nor is issued under a valid NABL accreditation claim, it is unverifiable and lacks evidentiary value. The contention that disclosure of test methods is a matter of

laboratory discretion is untenable for the reasons already set out in paragraph 17 of the Appeal. Reliance on such unverifiable documents impedes proper assessment of environmental and public health impacts in the study area and sets an adverse precedent. Accordingly, the reply is denied.

13. That paragraph 14 does not reply to the ToR mandated requirement of the assessment of occupational health and endemic diseases of environmental origin in the study area. Hence, the reply is denied.

14. That in counter to the contents of para 15, the terming of the non-speaking clearance insofar as it fails to address or consider the objections raised. The ADS submitted (Page 2041-2042) and the reply of R2 to the instant Appeal (Page 381) differ. Hence, the reply is denied.

15. It is respectfully submitted in reply to para 16 that the contentions therein are denied, as the same have already been specifically addressed in the earlier paragraphs of the Appeal and the present Rejoinder, which may be treated as part and parcel hereof. R-2 has failed to place on record any design approval or certification from institutions like BIS, CPCB, NPL, or NEERI in respect of the combo PM sampler allegedly used. In the absence of such approvals, the claim that the results obtained from the said sampler are scientifically valid is untenable and liable to be rejected.

COUNTER TO REPLY TO GROUNDS:

16. That the contents of paragraph 17 are based on incorrect and misleading assertions. As already submitted in paragraph 4 above, and as per settled law, an EIA consultant is not accredited by the MoEF&CC. R-2 has placed no material on record to substantiate its claim of MoEF&CC accreditation. The reliance of R-2 on compliance with CPCB guidelines regarding placement and operation of samplers, including the claimed 1-metre separation, is wholly unsubstantiated. In contrast, the Appellant's

assertions are supported by documentary evidence and remain uncontroverted. Significantly, the contents of the ADS (Pages 2041–2042) and the reply of R-2 to the present Appeal (Page 381) are mutually inconsistent. The reliance on *Sterlite Industries* is misconceived, distinguishable on facts, and misapplied. The errors relating to air pollutant monitoring strike at the core of the scientific impact assessment and constitute material non-compliance with prescribed standards and guidelines. Consequently, the EIA, impact predictions, and EMP founded on such flawed baseline data are unsustainable and legally untenable.

17. That the contents of paragraph 18 are denied. It is evident from MoEF&CC MoM ID: EC/MOM/EAC/827904/11/2024 dated 23.12.2024, relating to the EAC meeting held on 12.12.2024 (Page 1944), that the EAC categorically recorded that Respondent No. 3 (EIA consultant) submitted the EC application in a casual manner, failed to provide factual information on land requirements and public hearing issues, and was warned for making misleading representations before the EAC. Further, as recorded in MoEF&CC MoM ID: EC/MOM/EAC/982110/2/2025 dated 06.03.2025, pertaining to the EAC meeting held on 24.02.2025, the EAC noted inconsistencies in the EIA report with respect to land data and the Public Hearing Action Plan, and accordingly directed revision of the entire data and documents to ensure consistency. These contemporaneous findings establish that accuracy and data integrity in the EIA were seriously compromised. Consequently, the omission of mercury (Hg) from the reported datasets and the failure to disclose test methods cannot be trivialised as minor discrepancies, but constitute breaches of mandatory ToR conditions and ISO/IEC 17025 requirements. The resulting prejudice is inherent, as the environmental appraisal was founded on incomplete and non-compliant data.

18. That paragraph 19 is denied. The impugned Environmental Clearance is non-speaking insofar as they fail to address the specific objections raised by the Appellant. Where

the appraisal overlooks material violations of environmental standards, no deference is warranted. The EAC proceedings records no reasoned consideration of core technical issues, including the contradictory ammonia monitoring methodology, violation of prescribed sampler height, and omission of test methods in laboratory reports. A mere reference to consideration of ADS, without addressing these objections, is vague and legally insufficient. Further, the contents of the ADS materially differ from the submissions made by Respondent No. 2 before this Hon'ble Tribunal. Accordingly, the claims of Respondent No. 2 are untenable.

19. It is respectfully submitted that paragraph 20 is vague, baseless, and misleading, and is therefore denied. The EIA was conducted on the basis of flawed and non-compliant baseline datasets, rendering both the EIA and EMP unacceptable. Consequently, the Environmental Clearance granted on the basis of such EIA/EMP is legally unsustainable.

It is respectfully submitted that, in view of the foregoing, the reply of Respondent No. 2 is denied and ought to be disallowed. Exemplary costs may be imposed for the inconsistent positions taken by Respondent No. 2 between the ADS submitted to the EAC and the present reply. It is most respectfully prayed that the submissions of this Rejoinder be kindly taken on record.


(Appellant)

Place: Gurugram
Dated: 01.01.2026

REJOINDER TO THE REPLY FILED BY RESPONDENT NO. 3 (M/s EQMS GLOBAL PVT. LTD., EIA Consultant in the impugned EC)

MOST RESPECTFULLY SHOWETH:

1. The Appellant above-named files the present Rejoinder in response to the Reply dated 06.10.2025 filed by Respondent No. 3 (M/s EQMS Global Pvt. Ltd., hereinafter “the EIA Consultant”). The contents of the said Reply are denied as inconsistent with the facts, law, and the material on record, except those specifically admitted herein.

REPLY TO THE SPECIFIC PARAGRAPHS OF THE RESPONDENT NO. 3’s REPLY:

2. In response to Paragraph 1, the Appellant respectfully submits that the EIA Consultant’s claim of being a “professional environmental consulting organization” accredited by NABET. However, accreditation does not confer immunity from scrutiny. The statement “The Respondent, appointed herein through a transparent tendering process like many others, has no commercial or vested interest in the project itself, nor in the grant or refusal of Environmental Clearance, its role being confined to providing environmental technical assistance including preparation of the EIA report for consideration of the statutory authorities.” According to page No. 394 the Undertaking dated 10.08.2024, which is an integral part of the EIA report based on which the impugned EC has been granted, clearly states that the Respondent No. 3 (hereinafter “R-3”) has prepared the EIA and EMP report for the Respondent No. 2. It is pertinent to note that the PARIVESH Portal of the Government of India in [FAQ section](#) has mentioned that *'Environment Impact Assessment (referred to as 'EIA') Report' is the document prepared by the project proponent through an ACO*

(Accredited Consultant Organization) for the proposed project based on the Terms of Reference prescribed by the Regulatory Authority and as per the generic structure given in Appendix-III of EIA Notification, 2006, with subsequent amendments made therein from time to time. Therefore, Respondent's preparation of the EIA report is not merely an environmental technical assistance. However, regarding confinement to providing other environmental technical assistance, the Respondent No. 3 has not provided any supporting document.

3. That the contents of paragraph 2 relate to internal authorization and require no response.
4. That the Respondent's blanket denial in Paragraph 3 is vague and legally insufficient. All specific averments in the Appeal stand reiterated, and the Respondent is put to strict proof of its assertions. The generic traverse does not rebut the Appellant's detailed pleadings.
5. That the contention in paragraph 4 that no relief is sought against the Consultant and that it has no role in granting clearance is legally untenable. The EIA report prepared on flawed and ToR-non-compliant baseline data relating to ambient air quality and occupational health in the study area, which was relied upon while granting the impugned EC, despite the Appellant's complaints. R-3 has prepared the EIA report and bears responsibility for the data and information contained therein. The paragraphs No. 22 and 23 of the Appeal clearly mentioned about EIA Consultant, which is R-3.

It is further pertinent to mention that the Appellant relies upon the provisions of Sections 9.3 and 9.4 of the document titled "[Scheme for Accreditation of EIA Consultant Organisations \(Version 3\)](#)" issued by the National Accreditation Board for Education and Training (NABET), which deal with

“Suspension/Cancellation/Debarment of Accreditation” and “Actions for Misconduct/Fraudulent Activities” respectively. Relevant pages downloaded from the NABET website https://nabet.qci.org.in/eiafile/EIA_Scheme.pdf are appended hereto and marked as **Annexure A/9**.

The Appellant has already submitted a formal Complaint and Objection to the Re-Accreditation of Respondent No. 3 under the NABET Scheme. A copy of the said complaint is appended and marked as **Annexure A/10**.

In the course of pursuing the said complaint, the Appellant also became aware that R-3 has failed to disclose vital information in the EIA report under challenge, which is mandatorily required under Section 9.1(g) of the NABET Scheme. The said provision stipulates that *“EIA reports prepared by accredited consultants must mention the total cost of the EIA and the cost of monitoring for baseline data at the beginning of the report in Chapter 1.”* Relevant pages downloaded from the NABET website https://nabet.qci.org.in/eiafile/EIA_Scheme.pdf are appended and marked as **Annexure A/11**.

The Appellant respectfully craves leave of this Hon’ble Tribunal to file the complete document, if so directed.

6. It is respectfully submitted that the contents of Paragraph 5 are vague and partly self-contradictory. While an EIA consultant may have no statutory role or authority in granting or refusing Environmental Clearance, it materially influences the decision-making process. R-3 has misled this Hon’ble Tribunal by claiming its role is limited to providing technical assistance to the Project Proponent. As already submitted, the Undertaking dated 10.08.2024 (Page 394), forming part of the EIA report upon which the impugned EC was granted, clearly states that R-3 prepared the EIA and EMP report for Respondent No. 2. Accordingly, the inclusion of Respondent

No. 3 as a party is both justified and necessary.

7. In response to Paragraph 6, the claim that the EIA report “does not confer any rights nor does it bind the statutory authorities” is misleading. The Consultant cannot escape scrutiny by relying on the ultimate discretion of the authorities. As recorded at Page 1944, paragraph “vi”, the EAC observed that Respondent No. 3 submitted the EC application in a casual and misleading manner, and failed to provide factual information on land requirements and public hearing issues. Further, at Page 2035, paragraph “iii”, the EAC directed Respondent No. 2 to revisit the entire dataset and revise all requisite documents, including the EIA/EMP and presentations, to ensure data consistency. These findings underscore that the accuracy and integrity of the EIA report are central to the decision to grant Environmental Clearance. The claim is therefore negated.
8. In response to Paragraph 7, the Appellant submits that the EAC’s Minutes of Meeting do not address the specific technical objections raised on 17.03.2025. Merely seeking “Additional Details” and a claimed reply by Respondent No. 2 does not constitute a proper appraisal, especially when no evidence on core issues, including non-reporting of ToR-mandated heavy metals, was shared. The claim is therefore denied.
9. It is respectfully submitted that R-3’s claim in Paragraph 8 is belied by the record. The non-compliance with CPCB and IS 5182 sampling requirements, and ToR violations show a failure to act accurately. These parameters are critical for impact assessment and EMP formulation, affecting human health and local flora and fauna. Non-compliance with Section 9.1(g) of the NABET Scheme Document raises questions about R-3’s fairness. The claim of no stake is untenable, as the Undertaking dated 10.08.2024 confirms it owns the EIA data and contents, which materially influence the appraisal outcome.

- 10.** In response to Paragraph 9, it is submitted that the EIA report by R-3 is vitiated due to materially incorrect and unscientific baseline data on ambient air quality, undermining informed environmental decision-making under the EIA Notification, 2006, upon which the impugned EC was granted. The independent response of R-3 to the email complaint (Para 22 of the Appeal) itself demonstrates that the sufficiency and reliability of the data were not treated as matters solely within the domain of the MoEF&CC and the EAC. The assertion that the report alone could determine the clearance outcome is misconceived; the record shows that report of R-3 materially influenced the grant of the impugned EC, even after the Appellant's complaint.
- 11.** It is respectfully submitted that the assertion of R-3 in Paragraph 10—that discretion regarding data adequacy, methodological acceptability, and report sufficiency vests solely with the statutory authorities—is misconceived and unsupported. R-3 has furnished an undertaking dated 10.08.2024 affirming compliance with the prescribed ToR and certifying that the data submitted is factually correct, while expressly owning the contents, information, and data of the EIA report. Any attempt to disclaim responsibility is therefore untenable and has necessitated the present Appeal.
- 12.** The Respondent's repeated assertions of good faith and technical competence are contradicted by the factual record already detailed in the Appeal and the preceding paragraphs of this Rejoinder. As demonstrated therein, the EIA suffers from multiple objective non-compliances with applicable standards, guidelines, and ToR conditions. These deficiencies are not matters of opinion but of record. Further, as already noted, the EAC itself has recorded adverse observations regarding the casual and misleading manner in which the EC application was submitted and has directed comprehensive revision of the EIA/EMP to ensure data consistency. In view of these admitted and recorded deficiencies, the claim of good faith and technical competence is untenable.
- 13.** That in counter to Para 12, the R-3 is justifiably arrayed as a party in a proceeding and

it has fastening liability based on its own undertaking dated 10.08.2024 of the EIA report based on which the impugned EC has been granted.

14. That in response to Paragraph 13, the request for discharge is denied. R-3, as the EIA Consultant, bears liability arising from its undertaking dated 10.08.2024. Excluding R-3 would impede a full examination of the flawed data and hinder the judicial process.

In light of the foregoing, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to reject the Reply filed by Respondent No. 3 (M/s EQMS Global Pvt. Ltd., EIA Consultant), including its prayer for discharge from the array of parties, and hold that Respondent No. 3 is a proper and necessary party to the present proceedings.


(Appellant)

Place: Gurugram
Dated: 01.01.2026

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 46 OF 2025**

IN THE MATTER OF:-

Sanjaya Kumar Mishra

...APPELLANT

VERSUS

Ministry of Environment, Forest and Climate Change & Ors.

...RESPONDENTS

AFFIDAVIT

I, Sanjaya Kumar Mishra, son of Shri Nilamani Mishra, do hereby solemnly affirm and declare as under:

- 1) That I am the Appellant in the present Appeal challenging the Environmental Clearance dated 30th April 2025 bearing Identification No. EC24A0601UP5108639N granted by the Ministry of Environment, Forest and Climate Change to M/s Meja Urja Nigam Private Limited for expansion of project located at Village- Kohdar, Mai Khurd & Patai Dandi, Tehsil Meja, District Prayagraj, Uttar Pradesh.
- 2) That I am fully conversant with the facts of the case and, therefore, competent to swear to the contents of this Affidavit.
- 3) That I have drafted the accompanying Common Rejoinder with reference to the Replies submitted by the Respondent No. 1, Respondent No. 2 and Respondent No. 3, and I hereby declare that its contents are true and correct to the best of my knowledge and belief.
- 4) That the contents of the accompanying Common Rejoinder shall be deemed to form part of this Affidavit and are not being repeated herein for the sake of brevity.

Sanjaya Kumar Mishra
DEPONENT

VERIFICATION:

Verified at Gurugram on this ____ day of January, 2026, 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 therefrom.

This document has been registered

at Sr. No. 1025.....Book No. 71.....

Page No. 199.....On Dated..... 01/01/26

Sanjaya Kumar Mishra
DEPONENT



ATTESTED
RAM NIWAS MALIK, ADVOCATE
NOTARY PUBLIC, GURUGRAM, HARYANA

Accreditation Documents

Document No.	Document Title	Issue No.	Issue Date	Last Amendment No.	Last Amendment Date	View Document
NABL 015	Duties and Responsibilities of NABL Staff	06	12/03/2021	00		Free Download
NABL 100A	General Information Brochure	01	23/11/2022	03	22/10/2025	Free Download
NABL 100B	Accreditation Process & Procedure	01	23/11/2022	03	27/08/2025	Free Download
NABL 111	Procedure for Recognition of Sample Collection Centre/ Facility declared by Medical Laboratories (CABs)	01	20/06/2018	01	24/01/2024	Free Download
NABL 112 A	Specific Criteria for Accreditation of Medical Laboratories	01	18/12/2024	00		Free Download
NABL 112B	Guidance document: Medical Laboratories	01	18/12/2024	01	04/11/2025	Free Download
NABL 120	Guidance for Classification of Product Groups in Testing & Calibration Field	01	12/02/2019	06	22/12/2025	Free Download
NABL 126	Specific Criteria for Calibration of Medical Devices	01	02/01/2018	03	01/06/2021	Free Download
NABL 127	Procedure for Integrated Assessment & Additional Requirements of Regulatory Body(ies) For Testing Laboratories	02	06/01/2023	03	28/11/2025	Free Download
NABL 128	Criteria and Procedure for NABL Medical (Entry Level) Testing Labs {NABL M(EL)T Labs} Recognition Program	03	30/07/2020	02	20/08/2025	Free Download
NABL 129	Specific Criteria for Accreditation of Calibration Laboratories (Mechanical, Fluid Flow, Radiological, Electro-Technical & Thermal Calibration)	01	02/04/2019	01	01/11/2021	Free Download
NABL 130	Specific Criteria for Site Testing and Site Calibration Laboratories	06	06/02/2020	00		Free Download
NABL 131	Terms & Conditions for Obtaining and Maintaining NABL Accreditation	08	16/07/2020	03	17/11/2025	Free Download
NABL 132	Procedure for Dealing with Complaints	09	02/03/2020	01	03/06/2020	Free Download
NABL 132A	Procedure for Dealing with Complaints related to NABL and its activities/ services	01	06/07/2020	00		Free Download
NABL 133	Policy for Use of NABL Symbol and / or Claim of Accreditation by Accredited Conformity Assessment Bodies (CAB) & NABL Accredited CAB Combined ILAC MRA Mark	09	13/12/2019	03	03/09/2024	Free Download
NABL 134	Procedure for Dealing with Appeals against Adverse Decisions Taken by NABL	06	03/03/2023	01	30/09/2025	Free Download
NABL 135	Specific Criteria for Accreditation of Medical Imaging – Conformity Assessment Bodies	01	09/05/2019	03	24/01/2024	Free Download
NABL 136	Specific Criteria for Accreditation of Quality Assurance Testing Facilities for Diagnostic Radiology X-Ray Equipment	02	24/08/2021	01	04/04/2025	Free Download
NABL 137	Specific Criteria for Accreditation of Software & IT System Testing Laboratories	01	14/10/2019	01	10/02/2020	Free Download
NABL 138	Specific Criteria for Air Quality Monitoring Equipment Calibration Laboratories	01	22/01/2020	02	03/11/2025	Free Download
NABL 139	Criteria for NABL Recognition for Government Drinking Water Testing Laboratory at Block Level / Sub-Divisional Level	01	13/09/2021	00		Free Download
NABL 141	Guidelines for Estimation and Expression of Uncertainty in Measurement	04	10/02/2020	00		Free Download
NABL 142	Policy on Metrological Traceability of Measurement Results	07	11/01/2021	00		Free Download
NABL 143	Policy on Calibration and Measurement Capability (CMC) and Measurement Uncertainty in Calibration	04	26/03/2021	00		Free Download



National Accreditation Board for Testing and Calibration Laboratories (NABL)

Policy for Use of NABL Symbol and / or Claim of Accreditation by Accredited Conformity Assessment Bodies (CAB) & NABL Accredited CAB Combined ILAC MRA Mark

AMENDMENT SHEET

S. No.	Page No.	Clause No.	Date of Amendment	Amendment	Reasons	Signature QA Team	Signature of Competent authority
1.	15	Appendix A, S. No. N	10-Feb-2020	Typographical error corrected	Typographic error	-Sd-	-Sd-
2.	5	5.1	30-Apr-2020	Clarification in Policy for use of NABL symbol	Comments received from CABs during lab conclave, through various emails and meeting at secretariat.	-Sd-	-Sd-
3.	5	5.3		Included the information regarding applicability of ILAC MRA Mark and condition when permission will not be granted.	In line with requirements of ILAC R7		
4.	6	6.2		Clarification in Policy for use of NABL symbol	Comments received from CABs during lab conclave, through various emails and meeting at secretariat.		
5.	6	6.7		Clarification included about symbol not permitted	Comments received from CABs during lab conclave, through various emails and meeting at secretariat.		
6.	9	8.6		NABL activity shifted to clause 5.3	In line with requirements of ILAC R7		
7.	11	10		'NABL' word included	Internal review		
8.	14	Appendix A, condition B		Following statement deleted 'NABL Accredited CAB shall use NABL Accredited CAB Combined ILAC MRA Mark in economies where the ILAC MRA Mark is registered, or where an application for registration has been lodged and registration is pending	In line with requirements of ILAC R7		
9.	3	1		03-Sep-2024	Updated the reference of latest ILAC P8	In line with latest publication of ILAC P8	-Sd-
10.	3	2		Reference to digital endorsement of reports/ certificates is added			

National Accreditation Board for Testing and Calibration Laboratories				
Doc. No.: NABL 133	Policy for Use of NABL Symbol and / or Claim of Accreditation by Accredited Conformity Assessment Bodies (CAB) & NABL Accredited CAB Combined ILAC MRA Mark			
Issue No.: 09	Issue Date: 13-Dec-2019	Amend. No.: 03	Amend Date: 03-Sep-2024	Page No.: 1 of 15

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1. Introduction

An accredited Conformity Assessment Body {Testing Laboratory / Medical testing Laboratory / Calibration Laboratory / Proficiency Testing Provider (PTP) / Reference Material Producer (RMP)} can make reference to its accreditation status in the test report / certificate, medical test report / certificate, calibration certificate / report, PT report and RM document.

Accreditation entitles the CABs to endorse the relevant document by using the NABL symbol and / or claim of accreditation, in accordance with NABL policy. Such endorsed documents can enjoy wide acceptance nationally and also internationally through the APAC and / or ILAC Mutual Recognition Arrangement (MRA).

Endorsed reports or certificates means reports and certificates bearing NABL symbol and/or by using appropriate words referencing the CAB's accreditation in accordance with prescribed procedures and rules and irrespective of the mechanism used for applying the 'endorsement' (e.g. digital, stamp, etc).

Use of the Accredited CAB Combined ILAC MRA Mark on endorsed CAB reports reinforces such acceptance. ILAC is the owner of the ILAC MRA Mark and has licensed the use of the ILAC MRA Mark to NABL in accordance with the terms of the ILAC MRA Mark Agreement, pursuant to which NABL has developed the NABL Accredited CAB Combined ILAC MRA Mark.

2. Scope

This document specifies NABL policy and the Instructions for–

- 2.1 Use of NABL Symbol and / or Claim of Accreditation by NABL Accredited Conformity Assessment Bodies. The policy has been established in line with ILAC-P8:11/2023 'ILAC Mutual Recognition Arrangement (Arrangement): Supplementary Requirements for the Use of Accreditation Symbols and for Claims of Accreditation Status by Accredited Conformity Assessment Bodies". This document sets out the conditions for the use of NABL Symbol and also details NABL policy on any claim of accreditation by CABs apart from the use of NABL symbol.
- 2.2 Use of NABL Accredited CAB Combined ILAC MRA Mark developed in line with ILAC-R7:05/2015 "Rules for the Use of the ILAC MRA Mark".

3. NABL Logo

3.1 Pictorial representation of NABL logo is depicted below:



3.1.1 NABL logo is confined for the use by NABL only.

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4. NABL Symbol

4.1 **For Testing Laboratory:** Pictorial representation of NABL symbol to be used by NABL accredited testing laboratory is depicted below, where TC-XXXX is the Accreditation Certificate Number:



TC- XXXX

4.2 **For Calibration Laboratory:** Pictorial representation of NABL symbol to be used by NABL accredited Calibration laboratory is depicted below, where CC-XXXX is the Accreditation Certificate Number:



CC- XXXX

4.3 **For Medical Testing Laboratory:** Pictorial representation of NABL symbol to be used by NABL accredited medical testing laboratory is depicted below, where MC-XXXX is the Accreditation Certificate Number:



MC- XXXX

4.4 **For Proficiency Testing Provider (PTP):** Pictorial representation of NABL symbol to be used by NABL accredited PTP is depicted below, where PC-XXXX is the Accreditation Certificate Number:



PC- XXXX

4.5 **For Reference Material Producers (RMP):** Pictorial representation of NABL symbol to be used by NABL accredited RMP is depicted below, where RC-XXXX is the Accreditation Certificate Number:

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RC- XXXX

Note: Accreditation Certificate number shall be provided by NABL to accredited CAB.

5. POLICY

5.1 For use of NABL Symbol

Use of NABL symbol is mandatory for the parameters / tests covered under NABL accredited scope on all the test report / certificate, medical test report / certificate, calibration certificate / report, PT report and RM document issued by NABL Accredited CAB. Narrative reference to accredited status in place of NABL symbol is not acceptable in test reports / calibration certificates / PT report / RM document.

NABL accreditation is location specific. The accreditation claim shall be related only to the specific CAB location that is covered under the NABL scope of accreditation, and not with any other non-accredited locations.

Separate report/certificate be issued for non-accredited parameters. Asterisk mark or any other symbol is not allowed / not permitted to use in the report / certificate containing accredited parameters. (The intent of the para is to avoid misuse of NABL symbol and not to mislead customers about accreditation status. So, NABL symbol was not allowed/ not permitted in pages and/or part of a report/certificate where non accredited parameters occur).

5.2 For Claim of accreditation

Accredited CAB can claim accreditation in narrative reference also. Where the claim of accreditation is made in a narrative reference to accredited status in publicity material, it shall be accompanied by the 'Accreditation Certificate number'.

For example, in case of testing laboratory, it shall be as

- NABL accredited testing laboratory vide certificate number TC-XXXX
- Accredited by NABL vide Certificate number TC-XXXX
- ISO/IEC 17025 Accredited Testing Laboratory by NABL vide Certificate number TC-XXXX

The claim of accredited status is not to be done on any report / certificate / document which contains non-accredited parameters.

5.3 For use of NABL Accredited CAB Combined ILAC MRA Mark

NABL Accredited CAB {Testing Laboratory / Medical testing Laboratory / Calibration Laboratory / Proficiency Testing Provider (PTP)} wishing to use 'NABL Accredited CAB Combined ILAC MRA Mark' shall obtain approval in writing from NABL and agree to the rules for the use of the Accredited CAB Combined ILAC MRA Mark.

The NABL accredited CAB shall use the NABL Accredited CAB Combined ILAC MRA Mark only after getting written permission from NABL. If any NABL accredited CAB wishes to use the NABL Accredited CAB Combined

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ILAC MRA Mark, they shall need to fill in the Appendix 'A'- Agreement for use of NABL Accredited CAB Combined ILAC MRA Mark and submit it to NABL.

NABL shall only grant permission to use 'NABL Accredited CAB Combined ILAC MRA Mark' to NABL accredited CABs established in economies where the ILAC MRA Mark is registered, or where an application for registration has been lodged and registration is pending.

NABL shall not permit the use of NABL Accredited CAB Combined ILAC MRA Mark to the CAB, if there is any on-going complaint against the that particular CAB,

6. Instructions for use of NABL Symbol and / or Claim of Accreditation

- 6.1 The CAB shall have a documented procedure for -
 - a) Use of NABL Symbol, and
 - b) Claiming NABL accreditation in narrative reference.
- 6.2 Use of NABL symbol is mandatory in all the reports / certificates / documents issued by accredited CABs for the parameters / tests covered under NABL accredited scope. CABs are not allowed to use NABL symbol or claim NABL accreditation status in any form for the parameters which are not covered under NABL accredited scope. The non-accredited parameters shall not be a part of the report / certificate intended to be issued under NABL symbol, if it is not clearly identified and / or segregated and kept away. Asterisk mark or any other symbol or another accreditation body symbol/logo is not allowed / not permitted to use in the report / certificate containing accredited parameters. (CABs are encouraged to include those non-accredited parameters in the accredited scope so that the customers are not mislead about accreditation status).
- 6.3 The certificates and / or reports issued by the NABL accredited CAB under the valid accredited scope shall meet the relevant requirements of ISO/IEC 17025 and/or ISO 15189 and/or ISO/IEC 17043 and/or ISO 17034 and of NABL (e.g. authorization by person declared to NABL as responsible for review, report and authorization of results).
- 6.4 NABL accredited CABs shall not authorize the use of NABL Symbol by their customers, sub-contractors or any other third party. It is the responsibility of each NABL accredited CAB to describe their accredited status in a manner that does not imply accreditation in areas that are outside their actual scope of accreditation or for other testing / calibration / PTP / RMP facilities not covered under NABL accreditation and to minimize the risk of a customer / general public being misled.
- 6.5 The NABL Symbol and / or claim of accreditation shall not be used by a CAB or its franchisee / subcontractor which are not accredited by NABL.
- 6.6 The NABL Symbol and / or claim of accreditation shall only be used by NABL accredited CABs during the period when it holds valid accreditation.
- 6.7 While claiming NABL accreditation, CAB shall use NABL symbol and / or narrative reference to the claim of NABL accreditation only. Use of any other Accreditation Body symbol or mark is not permitted to be used along with NABL symbol.
- 6.8 The NABL Symbol and / or claim of accreditation shall be used by NABL accredited CAB only under the name and address, on which it holds valid accreditation.

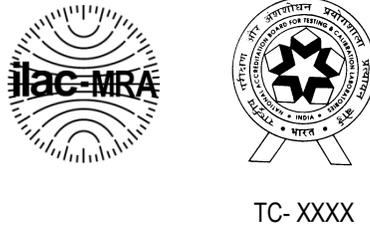
National Accreditation Board for Testing and Calibration Laboratories				
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- 6.9 When providing proof of accreditation, NABL accredited CAB shall use the Accreditation Certificate along with the scope of accreditation (i.e., to be presented in full).
- 6.10 NABL Logo or NABL Symbol or any claim of accreditation shall not be placed on the products or items, which a CAB has tested / calibrated or produced.
- 6.11 NABL Symbol and / or any claim of accreditation shall not be used in such a way as to imply that NABL accepts responsibility for activities carried out under the scope of accreditation.
- 6.12 Where the claim of accreditation is used by NABL accredited CABs in a narrative reference to accredited status, it shall always be accompanied by the 'Accreditation Certificate number', granted by NABL.
- 6.13 There shall be nothing in report and/or certificate or in any attachment or other material, which implies or may lead any user of the results or any interested party to believe / made to believe, that the work is accredited when in fact it is not.
- 6.14 Accredited Calibration laboratory shall not issue a calibration certificate for an Equipment / Assembly / Set up / Device, until and unless it is explicitly mentioned in its scope of accreditation. In other case, where the accreditation is granted to the calibration laboratory for the 'parameters' only, the Calibration certificate issued by the calibration laboratory shall have a clear demarcation for 'Parameter calibrated' and for the 'Equipment / Assembly / Set up / Device'. In no way, it should mislead the customer that the whole Equipment / Assembly / Set up / Device is calibrated.

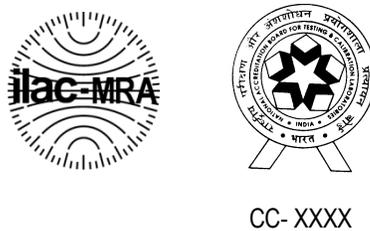
National Accreditation Board for Testing and Calibration Laboratories				
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7. NABL Accredited CAB Combined ILAC MRA Mark

7.1 **For Testing Laboratory:** Pictorial representation of NABL Accredited CAB Combined ILAC MRA Mark to be used by testing laboratory is depicted below, where TC-XXXX is the Accreditation Certificate Number:



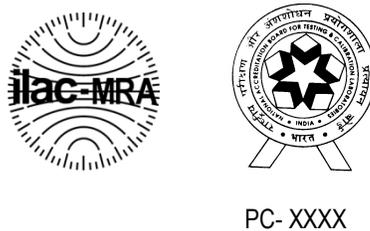
7.2 **For Calibration Laboratory:** Pictorial representation of NABL Accredited CAB Combined ILAC MRA Mark to be used by calibration laboratory is depicted below, where CC-XXXX is the Accreditation Certificate Number:



7.3 **For Medical Testing Laboratory:** Pictorial representation of NABL Accredited CAB Combined ILAC MRA Mark to be used by medical testing laboratory is depicted below, where MC-XXXX is the Accreditation Certificate Number:



7.4 **For Proficiency Testing Provider (PTP):** Pictorial representation of NABL Accredited CAB Combined ILAC MRA Mark to be used by PTP is depicted below, where PC-XXXX is the Accreditation Certificate Number:



Note: Accreditation Certificate number shall be provided by NABL to accredited CAB.

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8. Instructions for use of NABL Accredited CAB Combined ILAC MRA Mark on its test report, calibration certificate and PT report

'NABL Accredited CAB Combined ILAC MRA Mark' is the ILAC MRA Mark used in combination with the NABL Symbol, which NABL accredited CAB is entitled to use.

Use of 'NABL Accredited CAB Combined ILAC MRA Mark' is voluntary and shall only be used by accredited Testing laboratory, Medical testing laboratory, Calibration laboratory and Proficiency Testing Provider (PTP) on its test report/certificate, calibration certificate/report and PT report only.

- 8.1 NABL Accredited CAB {Testing laboratory, Medical testing laboratory, Calibration laboratory and Proficiency Testing Provider (PTP)} shall have a documented procedure for use of NABL Accredited CAB Combined ILAC MRA Mark.
- 8.2 NABL Accredited CAB wishing to use 'NABL Accredited CAB Combined ILAC MRA Mark' shall obtain approval in writing from NABL and agree to the rules for the use of the NABL Accredited CAB Combined ILAC MRA Mark.
- 8.3 'NABL Accredited CAB Combined ILAC MRA Mark' shall be used on the report / certificate which contains only accredited scope. Any non-accredited scope shall not be part of the said report / certificate.
- 8.4 NABL Accredited CAB may use 'NABL Accredited CAB Combined ILAC MRA Mark' only on Report / Certificate issued by accredited CAB.
- 8.5 NABL accredited CAB are entitled to use 'NABL Accredited CAB Combined ILAC MRA Mark' together with the certificate number of the accredited CAB.
- 8.6 NABL accredited CABs can use 'NABL Accredited CAB Combined ILAC MRA Mark' for activities undertaken outside the economy in which they are established.
- 8.7 'NABL Accredited CAB Combined ILAC MRA Mark' shall only be used by NABL accredited CABs during the period when it holds valid accreditation.
- 8.8 NABL accredited CAB shall allow NABL to observe the use of 'NABL Accredited CAB Combined ILAC MRA Mark'.
- 8.9 NABL accredited CAB shall not use 'NABL Accredited CAB Combined ILAC MRA Mark' in any way that would bring ILAC and/or NABL into disrepute.
- 8.10 NABL accredited CAB shall strictly ensure that 'NABL Accredited CAB Combined ILAC MRA Mark' shall not be used by their customers, sub-contractor or any other third party.
- 8.11 NABL accredited CAB shall not use the ILAC MRA Mark in any form other than as part of a 'NABL Accredited CAB Combined ILAC MRA Mark'.
- 8.12 'NABL Accredited CAB Combined ILAC MRA Mark' shall not be placed by any means on the products or items, which a CAB has tested / calibrated.
- 8.13 'NABL Accredited CAB Combined ILAC MRA Mark' shall not be used on any other item other than Report and / or Certificate.

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9. Instructions for Reproduction of NABL Symbol and / or NABL Accredited CAB Combined ILAC MRA Mark

- 9.1 "NABL Symbol" shall be legible and displayed only in the appropriate form and proportion. The image of NABL Symbol can be obtained from NABL secretariat.
- 9.2 Electronic reproduction of "NABL Symbol" is permitted provided that the requirements of this document are met, integrity of NABL symbol is maintained and distortion of graphic is avoided.
- 9.3 NABL accredited CABs {Testing laboratory, Medical testing laboratory, Calibration laboratory and Proficiency Testing Provider (PTP)} are entitled to use NABL Symbol as well as "NABL Accredited CAB Combined ILAC MRA Mark".
- 9.4 NABL symbol shall be positioned such that it is not combined with any other logo / symbol / mark. The ILAC MRA Mark shall be positioned such that the NABL symbol shall be on right side of the ILAC MRA Mark, but shall appear in close proximity to each other.
- 9.5 NABL symbol and/or "NABL Accredited CAB Combined ILAC MRA Mark" shall be reproduced in black and white color only. Embossed, relief, or die-stamped versions are allowable.
- 9.6 NABL symbol and/or ILAC MRA Mark shall always be used in its original, designed proportions. As a general guideline, one dimension of the NABL symbol, preferably the height, should be within approximately 5% of the size of the ILAC MRA Mark.
- 9.7 NABL symbol and/or ILAC MRA Mark shall not be distorted or stretched in any way.
- 9.8 NABL symbol and/or ILAC MRA Mark shall not appear in size that is unreadable.
- 9.9 ILAC MRA mark shall be maintained in similar proportions to the NABL symbol (within the Accredited CAB Combined ILAC MRA Mark).
- 9.10 NABL symbol and/or ILAC MRA Mark shall only be used in its normal horizontal orientation and not be rotated.
- 9.11 NABL symbol and/or ILAC MRA Mark shall be used on a background that will not impede readability.
- 9.12 NABL symbol and/or ILAC MRA Mark photocopies from other documents shall not be used.

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10. Instructions for use of NABL Symbol and / or Claim of Accreditation for Subcontracted Result

NABL allows subcontracting of Test and / or Calibration to an NABL accredited CAB only. NABL accredited CAB may include the results of subcontracted tests or calibrations in its endorsed report and / or certificate only if:

- a) The accredited CAB takes full responsibility for the subcontracted test and / or calibration.
- b) The accredited CAB shall take approval from the subcontractor to report excerpts from the subcontractor's report and / or certificate.
- c) The subcontracted calibration and/ or test result shall be clearly and unambiguously identified.

11. Instructions for use of NABL Symbol and / or Claim of Accreditation on Calibration Labels

11.1 Calibration labels containing the "NABL Symbol" may be affixed only on the equipment that has been calibrated by NABL accredited calibration laboratory as per their scope of accreditation. Calibration labels containing NABL symbol shall not give the impression that NABL has approved or calibrated the equipment.

11.2 Calibration labels containing the "NABL Symbol" shall include at least the following information:

- a) The name of accredited calibration laboratory,
- b) The instrument identification,
- c) The date of current calibration'
- d) Cross-reference to the calibration certificate/report issued with respect to this calibration.

11.3 Calibration labels containing the accreditation symbol shall only be used for the equipment which have been calibrated using calibration methods covered by NABL accredited scope of the accredited calibration laboratory.

12. Instructions for use of NABL Symbol and / or Claim of Accreditation on Reference Material Documents and Labels

NABL accredited RMP shall use NABL symbol in such a way that Reference Material (RM) certificate and / or RM label containing the accreditation symbol shall not give the impression that NABL has approved or produced the RM. In addition to the information required in ISO 17034, RM label shall include the following:

- a) The name and Accreditation Certificate number of the accredited Reference Material Producer,
- b) Designation of the product and batch number, and
- c) Cross reference to the Reference Material document.

13. Instructions for use of NABL Symbol and / or Claim of Accreditation on Proficiency Testing Reports

NABL accredited PT provider shall use NABL symbol on the reports related to the PT schemes covered by the accredited scope of the PT provider.

National Accreditation Board for Testing and Calibration Laboratories				
Doc. No.: NABL 133	Policy for Use of NABL Symbol and / or Claim of Accreditation by Accredited Conformity Assessment Bodies (CAB) & NABL Accredited CAB Combined ILAC MRA Mark			
Issue No.: 09	Issue Date: 13-Dec-2019	Amend. No.: 03	Amend Date: 03-Sep-2024	Page No.: 11 of 15

14. Instructions for use of NABL Symbol and / or Claim of Accreditation for Advertising and Publicity

- 14.1 NABL Accredited CABs may use “NABL Symbol” and / or claim NABL accreditation in publicity and/or advertising materials for promotional purposes, including brochures, business reports & stationery, technical literature, websites or on proposal / quotation for testing, calibration, PT and RMP work.
- 14.2 The accreditation claim by accredited CAB shall be related to or associated only with the services for which it is accredited by NABL, and not with any other activities in which the CAB or its parent organization is involved.
- 14.3 NABL accreditation is location specific. The accreditation claim shall be related only to the specific CAB location that is covered under the NABL scope of accreditation, and not with any other non-accredited location. Once the accredited CAB shifts the premises, they shall immediately stop the use of NABL Symbol and / or any claim of NABL accreditation at the new premises till NABL verifies and approve the suitability of new premises.
- 14.4 In brochures, proposal or quotation, the accredited CAB shall distinguish scope that is covered under NABL Accreditation from those that are not covered.
- 14.5 Where “NABL Symbol” and / or Claim of Accreditation is printed on letterhead and/or other corporate stationery, such stationery shall not be used for work proposal or quote, nor for reporting the results exclusively outside the NABL Scope of Accreditation, or for certifying a product or item, However, in case of (C)RM, the RMP may use the printed letterhead for the product or item certified by them as per the scope of accreditation.

15. Situations for not to use “NABL Symbol” and / or NABL Accreditation Status and / or NABL Accredited CAB Combined ILAC MRA Mark

- 15.1 In the event of CAB being placed under suspension / withdrawal / expiry of accreditation, the CAB shall immediately cease to issue certificate and report displaying the "NABL Symbol"; or any claim of accreditation; and shall cease publishing and/or distribution of documents (including advertisement, website, letter head etc.) containing the “NABL Symbol” or reference to NABL accreditation.
- 15.2 CAB shall not make any claim of NABL accreditation outside accredited scope which includes reporting a test method not appearing in the scope of accreditation, reporting a value outside accredited range, reporting uncertainty smaller than CMC etc.

16. Actions for Misuse of NABL Symbol / NABL Accredited CAB Combined ILAC MRA Mark

- 16.1 Any false claim of NABL accreditation in the form of use of NABL Symbol on the certificates for the unaccredited test/calibration/PT/RM, Statements like 'Accredited by NABL' in the certificates of unaccredited test/ calibration/PT/RM or any claims of other means will be treated as misuse of NABL accreditation and adverse decision as per NABL 216 shall initiated against the CAB.
- 16.2 In case a CAB is found to be violating the instructions for use of NABL Accredited CAB Combined ILAC MRA Mark, or misusing the same, adverse action will be initiated as per NABL 216 and the accreditation will be withdrawn.

National Accreditation Board for Testing and Calibration Laboratories				
Doc. No.: NABL 133	Policy for Use of NABL Symbol and / or Claim of Accreditation by Accredited Conformity Assessment Bodies (CAB) & NABL Accredited CAB Combined ILAC MRA Mark			
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17. Authorizing the test report / certificate, medical test report/ certificate, calibration certificate/ report, PT report and RM document

The test report / certificate, medical test report / certificate, calibration certificate / report, PT report and RM document issued under the accredited scope shall be authorized by the person who has been declared to NABL as responsible for review, report and authorizing the results.

National Accreditation Board for Testing and Calibration Laboratories				
Doc. No.: NABL 133	Policy for Use of NABL Symbol and / or Claim of Accreditation by Accredited Conformity Assessment Bodies (CAB) & NABL Accredited CAB Combined ILAC MRA Mark			
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Agreement for use of NABL Accredited CAB Combined ILAC MRA Mark

CAB Name:

CAB ID & Certificate Number:

Validity of the Accreditation Certificate.....

Address:

.....

.....

Terms and Conditions for Use of NABL Accredited CAB Combined ILAC MRA Mark

- A. The accredited CAB shall use the NABL Accredited CAB Combined ILAC MRA Mark only after this agreement has been signed by NABL accredited CAB and NABL.
- B. Accredited CABs can use the NABL Accredited CAB Combined ILAC MRA Mark for activities undertaken outside the economy in which they are established.
- C. The accredited CAB shall ensure that, at all times, its use of the NABL Accredited CAB Combined ILAC MRA Mark does not breach any requirements of NABL 133.
- D. NABL Accredited CAB Combined ILAC MRA Mark shall only be reproduced in the manner prescribed in Section 9 of NABL 133.
- E. The ILAC MRA Mark shall be positioned at the left side of the NABL symbol, but shall appear in close proximity to each other.
- F. NABL accredited CAB shall not use the NABL Accredited CAB Combined ILAC MRA Mark in any way that would harm the reputation of ILAC and/or NABL.
- G. NABL accredited CAB shall allow NABL to observe the use of the Accredited CAB Combined ILAC MRA Mark.
- H. NABL accredited CABs are entitled to use of the NABL Accredited CAB Combined ILAC MRA Mark together with the certificate number of the accredited CAB.
- I. NABL accredited CAB shall not use the ILAC MRA Mark in any form other than as part of a NABL Accredited CAB Combined ILAC MRA Mark.
- J. Upon the termination of this agreement, the accredited CAB no longer has the right to use the NABL Accredited CAB Combined ILAC MRA Mark and stop all such use.

National Accreditation Board for Testing and Calibration Laboratories				
Doc. No.: NABL 133	Policy for Use of NABL Symbol and / or Claim of Accreditation by Accredited Conformity Assessment Bodies (CAB) & NABL Accredited CAB Combined ILAC MRA Mark			
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- K. The accredited CAB's rights under this agreement shall automatically and immediately be suspended during any period where the accredited CAB either voluntary withdraws its Accreditation or the accreditation status of the CAB is under "Voluntary Withdrawal" or "Suspension" or "Forced Withdrawal" or "Debarred" category.
- L. NABL has the right to terminate this agreement by giving a written notice if the accredited CAB is found violating the terms and conditions of this agreement.
- M. This agreement will automatically terminate when CAB Acquisition, Merger, De-Merger, Take over/ Purchase and Selling of CAB has been initiated as informed to NABL.
- N. This agreement will automatically terminate when ILAC MRA status of NABL has been suspended, terminated or not renewed by ILAC.
- O. In case, there is any on-going complaint against the accredited CAB, NABL shall not permit the use of NABL Accredited CAB Combined ILAC MRA Mark to the particular CAB.
- P. All disputes, if any, arising out of this contract, that remain unresolved through mechanism provided by NABL are subject to the exclusive jurisdiction of the Courts at New Delhi and none other.

Declaration

I declare that, undersigned is authorized to sign this agreement on behalf of _____ which is accredited by NABL in the field of _____ (Testing / Calibration / Medical / PTP).

This agreement is entered on the date stated at the end of it and will terminate on the expiry of the CAB's accreditation.

**Signature of CAB Head
(Date, Name & Designation)**

**Signature on behalf of NABL
(Date, Name & Designation)**

National Accreditation Board for Testing and Calibration Laboratories				
Doc. No.: NABL 133	Policy for Use of NABL Symbol and / or Claim of Accreditation by Accredited Conformity Assessment Bodies (CAB) & NABL Accredited CAB Combined ILAC MRA Mark			
Issue No.: 09	Issue Date: 13-Dec-2019	Amend. No.: 03	Amend Date: 03-Sep-2024	Page No.: 15 of 15

National Accreditation Board for Testing and Calibration Laboratories (NABL)

NABL House
Plot No. 45, Sector44,
Gurugram – 122003, Haryana
Tel.: +91-124 4679700
Fax: +91-124 4679799
Website: www.nabl-india.org

A new candidate may be proposed as an EC or a FAE for assessment at any time. However, for a person already assessed and not approved may be proposed only after a gap of 3 months enabling her/him to address the shortfall.

Applications (as per **Annexure IE**) proposing replacement or new candidates should accompany requisite application fee as per **Appendix D**.

9.2.2 Change in scope of accreditation:

Requests for modification/expansion in scope of accreditation may be included with the applications of SA or RA. No additional fee is to be paid for the purpose apart from the applicable application fee for SA or RA as mentioned in **Appendix D**.

Separate applications may also be made at any point of time accompanied with the requisite fees as detailed in **Appendix D**.

Assessment fees for expansion/modification in the scope, if made in a separate application, are as per the initial assessment process. All necessary documents, as required for initial assessment, are to be submitted along with the application for change in scope.

9.3 Suspension/cancellation/debarment of accreditation

NABET may suspend or cancel an accreditation or even debar an organization on account of any or more grounds during accreditation process or after, but not limited, to the following:

- a. Non-compliance or violation of the NABET's requirements and conditions of accreditation and deviation from facts as stated in application and enclosures
- b. In case an approved expert leaves the organization, the ACO is required to inform NABET of the same within one month and get a replacement approved within the next two months, if s/he was the only expert in that sector or functional area. In case of EC, if the replacement expert fails to get approved, accreditation to specific sector/sectors is cancelled.
- c. Submission of false or misleading information in the application or in subsequent submissions
- d. Improper use of NABET's accreditation mark, letter of accreditation from NABET or the QCI/NABET logo
- e. Carrying out changes in EIA coordinators/experts for accredited sectors without NABET's approval
- f. Failure to report any major legal (mandatory compliance) changes and evident conflict of interest
- g. Using fraudulent practices by the ACO in respect of its submission/interaction with NABET which include, but not limited to, deliberate concealment and/or submission of false or misleading information, suppression of information, falsification of records or

data, unauthorized use of accreditation, and non-reporting of completed EIAs to NABET. The fraudulent practices covering the above aspects would also include the consultant organization's interaction with the project proponent and the EIA reports prepared by them.

- h. Non- payment of applicable fees.
- i. Violation of the Code of Conduct for the consultant organizations (see Section 12.0)
- j. Any other condition deemed appropriate by NABET.

The decision for the suspension/cancellation/debarment is taken by the NABET accreditation committee.

In case of concealment of facts or misrepresenting facts in EIA reports by an ACO that has been confirmed by statutory bodies, courts, National Green Tribunal (NGT) and other such authorities, appropriate action is taken against the ACO by accreditation committee. Same applies if any feedback/complaint is received by a stakeholder about work related to an EIA project carried out by an ACO is brought to the notice of NABET. A clarification may be sought and put up to the accreditation committee for final decision on the matter.

9.4 Actions for misconduct/fraudulent activities

Submission of false or misleading information or use of fraudulent practices, an AO/ACO may be disqualified for up to one year, to be decided by the accreditation committee depending on the seriousness of the action. Such AO/ACO will be able to re-apply only after expiry of the disqualification period. The application is to be accompanied with an undertaking from the CEO of the organization that, if such practices are repeated, it will render the organization ineligible to participate in the NABET accreditation scheme any further. The same approach is applicable for individual experts (ECs and FAEs) as well.

9.5 Confidentiality

All information, documents and reports submitted by an AO/ACO to NABET are utilized by the NABET, assessors, members of accreditation and technical committees for the purpose of assessment and accreditation. These may also be used for research purpose or shared with MoEFCC, Govt. of India and other members of the International Personnel Certification Association. However, the identity of the accredited EIA consultant organizations would be masked for sensitive information related to business whenever it is called for/appropriate. In case an AO/ACO wants the information to be kept confidential, a communication must be sent to NABET citing reasons for the same. NABET reserves the right to take appropriate decision in this regard. NABET also reserves the right of taking appropriate action against an ACO for deliberate breach of confidentiality.

The ACO is required to have adequate arrangements consistent with applicable laws to safeguard confidentiality of all information provided by its clients. These arrangements are extended to include organizations or individuals acting on its behalf and as its representatives.

Complaint and Objection to Re-Accreditation of EQMS GLOBAL Pvt. Ltd./EQMS India Pvt. Ltd. under NABET Scheme – Urgent Consideration Required

1 message

Sanjaya Kumar Mishra <sanjayakmishra@gmail.com>
To: nabet@qcin.org, ceo.nabet@qcin.org

21 October 2025 at 11:54

To**The CEO**

National Accreditation Board for Education and Training (NABET)

Quality Council of India

World Trade Centre, K 100, Block K, Nauroji Nagar,

New Delhi – 110029

Tel: 011 – 42600800

Email: nabet@qcin.org, ceo.nabet@qcin.org**Subject:** Complaint and Objection to Accreditation/Re-Accreditation of EQMS GLOBAL Pvt. Ltd./EQMS India Pvt. Ltd. under NABET Scheme – Urgent Consideration Required

Sir/Madam,

This is in reference to the EIA consultant / Accredited Consultant Organization namely **EQMS GLOBAL PVT. LTD. (henceforth referred as “EQMS”)**, having its office address as 304–305, 3rd Floor, Plot No. 16, Rishabh Corporate Tower, Community Centre, Karkardooma, Delhi – 110092, and holding **NABET Certificate No.: NABET/EIA/2225/RA 0303**, valid up to **23.11.2025**, as per document bearing MoM ID: [EC/MOM/EAC/542354/3/2025 dated 15.04.2025](#), issued by the Ministry of Environment, Forest and Climate Change (henceforth referred as “MoEF&CC”) and available at PARIVESH Portal of Government of India.

This communication is a formal complaint and **objection to NABET's consideration of accreditation/re-accreditation** or continued accreditation of EQMS GLOBAL Pvt. Ltd./EQMS India Pvt. Ltd. and to **request that the process of accreditation and/or re-accreditation be stayed or denied**, in light of following grounds:

1. **That Appeal No. 46/2025** in the matter of *Sanjaya Kumar Mishra vs. Ministry of Environment, Forest and Climate Change & Ors.* is pending **before the Hon'ble National Green Tribunal. EQMS has been arrayed as Respondent No. 3** in the matter filed by the undersigned and under active consideration by Hon'ble NGT.
2. That **EQMS has prepared the EIA Report in the instant matter**, accompanied by an **Undertaking dated 10.08.2024**, stating that the data submitted is factually correct and that it owns the contents (information and data) of the EIA. The Undertaking has been duly signed by the Director of EQMS under the company seal.
3. That the undersigned is the Appellant in the Appeal No. 46/2025 as stated above.
4. That the appeal is grounded on **flawed and unreliable baseline data on air pollution**, as well as **non-compliance with the Terms of Reference (hereinafter referred to as “ToR”)**, which was

duly approved by the MoEF&CC. EQMS has misinterpreted and misrepresented facts and information published by CPCB. The **EIA report stands vitiated** due to materially incorrect and unscientific baseline data concerning ambient air and water quality, thereby defeating the objective of informed environmental decision-making under the EIA Notification, 2006.

- a. The monitoring methodology for ambient air quality demonstrates **critical non-compliance with applicable standards and guidelines**. Consequently, the impact assessment, predictive modelling, and environmental management plans based on such data are rendered unreliable and unacceptable.
 - b. Ambient air quality monitoring **data submitted in the EIA Report** did not include legally mandatory parameter Mercury (as Hg) for the complete period, as per the requirement under the approved ToR, and thus **constitutes a violation of the ToR**.
 - c. The use of **test reports from an unaccredited laboratory**, or from a laboratory that issues **reports without any claim of accreditation** and provides incomplete or methodless documentation, constitutes a violation of applicable ISO/IEC standards.
5. That as per Section 4.0 of the document "Scheme for Accreditation of EIA Consultant Organizations (Version 3)" (**hereinafter referred to as "Scheme Document"**) published by the National Accreditation Board for Education and Training (**henceforth referred as "NABET"**) and available on the NABET website, the Scheme of Accreditation for EIA Consultant Organizations was made mandatory by the MoEF&CC through an [Office Memorandum dated 2nd December 2009](#). **Accreditation is, therefore, a regulatory obligation and An ACO (here read as EQMS) must adhere to the highest standards of professional conduct, accuracy and reliability.**
 6. That as per the provision of **Section 9.3 under the heading "Suspension/cancellation/debarment of accreditation" of the Scheme Document**, NABET may suspend or cancel an accreditation or even debar an organization on account of any or more grounds during the accreditation process or after, including but not limited to the following: The last paragraph reads that *"In case of concealment of facts or misrepresenting facts in EIA reports by an ACO that has been confirmed by statutory bodies, courts, National Green Tribunal (NGT), and other such authorities, appropriate action is taken against the ACO by the accreditation committee. Same applies if any feedback/complaint is received by a stakeholder about work related to an EIA project carried out by an ACO and is brought to the notice of NABET. A clarification may be sought and put up to the accreditation committee for final decision on the matter."*
 7. That as per provision of **Section 12.2** of the Scheme Document, **the ACO must have undertaken to act professionally, accurately**, and in an unbiased manner, and to be truthful, **accurate**, and fair to the assigned work, without any fear or favor.
 8. **As per Section 9.1.g. of the NABET Scheme Document** - "EIA reports prepared by accredited consultants **must mention the total cost of the EIA and the cost of monitoring for baseline data** in the beginning of the report in Chapter 1." However, no such information has been given by EQMS in the EIA Report under challenge in the above said Appeal. **This is an act of concealment of necessary facts and information and requires action as per Scheme Document Section 9.3 under the heading "Suspension/cancellation/debarment of accreditation" of the Scheme for Accreditation.**
 9. As recorded in MoEF&CC MoM ID: EC/MOM/EAC/827904/11/2024 Dated 23.12.2024 ([document link](#)), with reference to the meeting held on 12.12.2024, under Paragraph 16.1.18, the Expert Appraisal Committee of MoEF&CC for Thermal Sector projects (**henceforth referred as "EAC"**) observed that **the EQMS had submitted the EC application in a very**

casual manner. The consultant failed to provide factual information with respect to land requirements of the project and public hearing issues, which were asked during the EAC meeting. The EAC warned the consultant for submitting misleading information in the presentation made before the EAC with respect to the public hearing issues. The EAC took serious note of the casual approach of the project proponent. This act of EQMS is a clear concealment of necessary facts and information and requires action as per Scheme Document **Section 9.3** under the heading "**Suspension/cancellation/debarment of accreditation**".

10. As recorded in MoEF&CC MoM ID: EC/MOM/EAC/982110/2/2025 Dated 06.03.2025 ([document link](#)), with reference to the meeting held on 24.02.2025, under Paragraph 20.1.20 that the EIA report prepared by the EQMS was not consistent with land data and the Public Hearing Action Plan. The EAC directed that the entire data submitted for the proposal in totality and all the requisite documents, such as the EIA/EMP report and presentation, etc., shall be revised to ensure consistency of the data. This is a failure in the part of EQMS to meet the **Section 12.2** of the Scheme Document and also an act of concealment of necessary facts and information, hence, necessitates action as per Scheme Document **Section 9.3** under the heading "**Suspension/cancellation/debarment of accreditation**".
11. The undersigned had earlier published an article in the weekly environmental newspaper *Enviro Annotations* (Issue No. 36, Vol. 36, dated 31 July–6 August 2019), identifying material deficiencies in the EIA Report prepared by M/s EQMS India Pvt. Ltd. (now EQMS Global Pvt. Ltd.) for the proposed expansion of the API and Bulk Drugs Production Unit (25 MTPM) at SP-3, 10 & 11, RIICO Industrial Area, Village Keshwana Rajpoot, Kotputli (Rajasthan) by M/s Otsuka Chemical India Pvt. Ltd. The deficiencies highlighted were as follows:
 - a. **Discrepancy in Boiler Data:** The EIA Report inconsistently records the existing boiler capacity as 10 TPH, whereas the Environmental Clearance (EC) specifies 18 TPH, in addition to two proposed 18 TPH coal-based boilers. This inconsistency vitiates the credibility of the air pollution modeling and emission estimates.
 - b. **Fly Ash Generation:** The EIA Report's claim of *no fly ash generation* is technically untenable, as coal-based boilers invariably generate fly ash. No substantiating data or reasoning was provided.
 - c. **Groundwater Quality Data:** The groundwater analysis shows unsatisfactory cation–anion balance. Further, the EIA fails to declare adherence to the “Uniform Protocol on Water Quality Monitoring Order, 2005” (S.O. 2151 dated 17 June 2005).
 - d. **Sewage and Sludge Management:** Contradictions exist between Sections 2.1.1, Table 5.4, and Table 5.8 regarding sewage generation (4 KLD), treatment (through ETP of 101 KLD), and allocation of budget for ETP/STP. The report omits any data or plan for sewage sludge management.
 - e. **Environmental Monitoring Costs:** Under Table 5 (Environmental Management Plan Budget), it is unclear whether costs for installation, operation, and maintenance of continuous online monitoring systems have been included—despite such obligation being mandatory for red category industries.
 - f. **Waste Quantification and Budget Transparency:** The report lacks quantified data and cost estimates for solid and hazardous waste generation and disposal. The clubbing of unrelated heads such as “greenbelt” and “rainwater harvesting” compromises financial transparency.

- g. **Excavated Soil Management:** Section 8.4 vaguely states that excavated soil will be reused “to the extent feasible” but provides no plan for disposal of excess soil or its ecological impact.
- h. **Energy Audit:** No discussion has been made regarding energy audit or compliance with prior EC conditions.
- i. **Hazardous, E-waste, and Plastic Waste Management:** While the list of hazardous wastes is detailed, it lacks clarity on agreements with authorized TSDFs or oil re-refining facilities. The report is silent on e-waste and plastic waste management obligations.

In light of the foregoing and the serious and substantiated grounds outlined herein, it is respectfully submitted that the **accreditation/ re-accreditation of EQMS Global Pvt. Ltd. must not be granted or considered**, pending the final adjudication of Appeal No. 46/2025 before the Hon’ble National Green Tribunal, New Delhi. The appeal directly challenges the accuracy, integrity and reliability of the EIA report prepared by the EQMS, raising grave concerns of misrepresentation, procedural violations, and non-compliance with statutory obligations. Granting accreditation and/or re-accreditation under such circumstances would not only undermine the credibility of the accreditation process but may also amount to regulatory impropriety.

It is, therefore, requested that the accreditation/re-accreditation process be stayed or denied until the matter is conclusively resolved by the appropriate judicial and regulatory authorities.

This complaint is submitted in good faith, in the larger public interest, with the objective of strengthening environmental governance and enhancing the quality and credibility of Environmental Impact Assessments in India. It is further affirmed that this submission is made bona fide, without any personal, pecuniary, or ulterior motive, and with no hidden agenda whatsoever.

Yours faithfully,

--

Sanjaya Kumar Mishra, Advocate
Environmental Lawyer | NGT Litigator | Revisionary Applications under MMDR Act
Mobile No. 9310326647

Odisha Communication: West Wing, 1st Floor, Priya Nilayam, Masjid Chowk, Tikrapara, Balangir 767001

NCR Communication: 115, Sagar Enclave, Sector - 104, Near Daulatabad Road MGF Toyota,

Gurugram (Gurgaon) 122006, Delhi NCR

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Sanjaya Kumar Mishra, Advocate
Advocate | Environmental Lawyer | NGT Litigator | Revisionary Applications under MMDR Act | Legal Advice on environmental matters and MMDR matters
Mobile No. 9310326647

Odisha Communication: West Wing, 1st Floor, Priya Nilayam, Masjid Chowk, Tikrapara, Balangir 767001

NCR Communication: 115, Sagar Enclave, Sector - 104, Near Daulatabad Road MGF Toyota,

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In case of delay in payment of applicable fees at any stage beyond one month from the date of issuance of NABET's invoice, penalty @1.5% per month of delay is applicable.

Failure to pay the applicable dues by the deadline given in invoices may result in removal of sectors against the ACOs' name. This may be followed by cancellation of accreditation if the dues remain unpaid.

9.0 GRANT OF ACCREDITATION

Results of the accreditation committee meeting are uploaded on the QCI/NABET website within a month of the AC meeting in which the relevant case is discussed. A formal letter from NABET is sent within one month from the date of approval by the accreditation committee mentioning the approved sectors with category, experts approved with category, detailed conditions of accreditation and NCs and Obs., if any. NABET's certificate of accreditation is issued on successful closure of all NCs and Obs.

9.1 Maintaining accreditation

Accreditation of an EIA consultant organization is subject to compliance to the requirements of the QCI – NABET Scheme. These include, but are not limited to:

- a. Implementation of systems/procedures documented in the QMS manual of the ACO including the corrective and preventive actions for the NCs and Obs. of IA, SA, RA, as applicable.
- b. ACOs are encouraged to prepare their own 'EIA preparation manual' detailing the procedures followed right from the time of placing quotes for the work to completion of the project.
- c. Timely replacement of experts - in case any approved EC or FAE leaves the ACO, s/he needs to be replaced with in a specific time mentioned in Section 9.2.1.
- d. Intimation of changes – in case of any change in the organization related to systems, procedures, laboratory and other facilities, the same is to be intimated to NABET in the within one month.
- e. Payment of fees, as applicable, to NABET as per the terms of accreditation and detailed in **Appendix D**.
- f. At the beginning of the EIA reports prepared by the ACO a declaration is to be given by the ACO in the prescribed format as given in **Annexure VII** mentioning the names of the EC and FAEs involved. This form must be duly signed by them and countersigned by the CEO of the organization.
- g. EIA reports prepared by accredited consultants must mention the total cost of the EIA and the cost of monitoring for baseline data in the beginning of the report in Chapter 1.
- h. Familiarity with the site conditions is a fundamental requirement for preparing an EIA. The concerned EC and relevant FAEs are expected to visit the site for appropriate



APPEAL NO. 46 OF 2025 | COMMON REJOINDER TO REPLIES FILED BY RESPONDENT NOS. 1 to 3 WITH AFFIDAVIT

From Sanjaya K. Mishra <sanjayakmishra@hotmail.com>

Date Thu 2026-01-01 6:01 PM

To pandeylegal@gmail.com <pandeylegal@gmail.com>; adarsht912003@gmail.com <adarsht912003@gmail.com>

 1 attachment (4 MB)

Rejoinder in Appeal No. 46 of 2025.pdf;

Dear Sir,

Please be in receipt of the Common Rejoinder with respect to the Replies filed by Respondent Nos. 1 to 3.

Regards,

Sanjaya Kumar Mishra

Appellant

Mobile: 9818326647, 9310326647

115, Sagar Enclave, Sector - 104, Near Daulatabad Road MGF Toyota,
Gurugram (Gurgaon) 122006, Delhi NCR