

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 81 OF 2025

IN THE MATTER OF:

SATISH KUMAR GOYAL

...APPLICANT

Versus

STATE OF HARYANA & ORS.

...RESPONDENTS

NDOH: 24.07.2025

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PLACE: NEW DELHI

DATE: 21.07.2025

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

ORIGINAL APPLICATION NO. 81 OF 2025

IN THE MATTER OF:

SATISH KUMAR GOYAL

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**OBJECTIONS TO THE JOINT COMMITTEE REPORT DATED
20.05.2025 ON BEHALF OF RESPONDENT NO. 6 I.E. M/S. TREHAN
PROMOTERS & BUILDERS PVT. LTD.**

MOST RESPECTFULLY SHOWETH:

1. That the above-captioned Original Application being O.A. 81/2025 has been filed by Mr. Satish Kumar Goyal (hereinafter referred to as '*Applicant*') against the alleged illegal construction purportedly undertaken by the Respondent No. 6 i.e. M/s Trehan Promoters & Builders (hereinafter referred to as '*Answering Respondent*').
2. That vide order dated 28.02.2025, this Hon'ble Tribunal was pleased to appoint a Joint Committee comprising representatives of Member Secretary, Central Pollution Control Board (CPCB) and RO, MoEF&CC, Chandigarh in order to conduct an inspection of the Answering Respondent's project site and to submit a report of the same before this Hon'ble Tribunal.
3. That in compliance thereof, the Respondent No. 2 formulated a Joint Committee which conducted an inspection of the project site on 04.04.2025 and submitted its report before this Hon'ble Tribunal on 21.05.2025.
4. That at the outset, it is submitted that the observations recorded in the Joint Committee Report do not fully reflect the compliance status of the Answering Respondent, and certain findings therein are based on erroneous assumptions and an incorrect assessment.

For Trehan Promoters & Builders Pvt. Ltd.

Director/ Authorised Signatory

5. That the Answering Respondent had duly applied for the Environment Clearance for its Project which has a built-up area of 168060.56 sq. mtrs. on a plot area of 20558.36 sq. mtrs. The SEAC had recommended Environmental Clearance to the Answering Respondent, thus, there is no violation of EIA Notification, 2006 or any other provision of Environmental Protection Act, 1986.

OBJECTIONS TO THE OBSERVATIONS OF JOINT COMMITTEE REPORT

6. That the aforementioned inspection was conducted on 04.04.2025 and certain observations regarding construction initiated by the Answering Respondent without Environment Clearance and valid Consent to Establish were recorded in Paragraph 4 of the report. The Answering Respondent humbly submits that it had not undertaken any permanent construction at the Project site corresponding to the building plans of the Project as the building plans of the Project have not yet been approved by the concerned authority. Pertinently, the construction which had been undertaken by the Answering Respondent at the Project site corresponds to a '*Temporary Site Office*' which is about 1240.60 sq. mtrs. and is temporary in nature and is subject to demolition prior completion of the Project. The said temporary construction is not part of the main building, which is yet to be constructed by the Answering Respondent and is rather a perishable structure which is destined to be demolished as it will only serve as a site office during the construction of the Project building.
7. Further, as per the EIA Notification, no Environment Clearance is required for construction of the said '*Temporary Site Office*' for the following reasons namely:
- a. The *Temporary Site Office* is a temporary structure and is bound to be demolished prior completion of the main Project building.
 - b. The *Temporary Site Office* is around 1240.60 sq. mtrs in built-up area and therefore not governed by the EIA Notification as there is no requirement of prior EC for structures less than 20000 sq. mts.

For Trehan Promoters & Builders Pvt. Ltd.

Director / Authorised Signatory

- c. Construction of the *Temporary Site Office* is governed by local body laws and not by the EIA Notification.
8. That in order to secure the approval of the local body, the Answering Respondent had submitted the building plans of the '*Temporary Site Office*' to Haryana State Industrial and Infrastructure Development Corporation Ltd. (hereinafter referred to as "*HSI IDC*") for approval and the same were duly approved by HSI IDC on 10.01.2025. Further, even from a *prima facie* perusal of the building plans approved by the HSI IDC it is evident that the space of the '*Temporary Site Office*' is unattached from the Project building plan and is located on a vacant parcel of land and unrelated to the main Project. Hence, the construction undertaken by the Answering Respondent on the Project site pertaining to the '*Temporary Site Office*' is not unauthorised.
9. It is submitted that there exists no requirement for Consent to Establish under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 for the construction of the said '*Temporary Site Office*' as there will be no discharge of sewage or trade effluents during the construction of the said temporary structure. Similarly, there exists no requirement for Consent to Establish under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 for the construction of the said '*Temporary Site Office*' as the said construction do not fall within the definition of Section 21(1) of the Air Act, 1981. However, as per the specific conditions of the SEAC, the Answering Respondent will apply for the required permissions under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 for the expansion Project, if any.

OBJECTIONS TO THE FINDINGS OF JOINT COMMITTEE REPORT

10. That the Joint Committee in its findings had concluded that the issuance of the Environment Clearance to the Answering Respondent from SEIAA is pending and that the Answering Respondent had started the construction without grant of valid Environment Clearance and Consent to Establish. It is submitted that against the proposal of the Answering Respondent for grant of Environment Clearance, the

SEAC on 10.01.2025 had recommended for grant of Environment Clearance under the EIA Notification and the time limit of 45 days as per Clause 8(i) ended on 24.02.2025. Hence, as on date, the Answering Respondent holds deemed Environment Clearance by virtue of Clause 8(iii) of the EIA Notification. Therefore, it is incorrectly stated that the Environment Clearance from the SEIAA is still pending as by virtue of Clause 8(iii) of the EIA Notification and that the Answering Respondent holds deemed Environment Clearance as on date.

11. Further, as previously stated, the construction undertaken by the Answering Respondent at the Project site corresponds to a '*Temporary Site Office*' which is about 1240.60 sq. mtrs. on a vacant parcel of land and is temporary in nature and therefore not governed by the EIA Notification as there is no requirement of prior EC for structures less than 20000 sq. mts. Importantly, the construction of the *Temporary Site Office* is governed by local body laws which have been duly approved by HSIIDC on 10.01.2025.
12. The Answering Respondent had not undertaken any permanent construction at the Project site corresponding to the building plans of the Project as the building plans of the Project have not yet been approved by the concerned authority.

OBJECTIONS TO THE RECOMMENDATIONS OF JOINT COMMITTEE REPORT

13. The Joint Committee vide its report had recommended that the Answering Respondent may be directed to immediately stop the construction activity till the grant of valid Environment Clearance and Consent to Establish and that the Answering Respondent shall take all measures for dust mitigation like use of anti-smog guns and water sprinkling, covering of construction material etc. at the project site.
14. It is humbly submitted that, as on date, the Answering Respondent holds deemed Environment Clearance by virtue of Clause 8(iii) of the EIA Notification and has not undertaken any permanent construction at the project site. That any adverse order based on the findings of the Joint Committee Report would have severe

financial implications upon the Answering Respondent and shall cause significant operational disruptions to the Answering Respondent.

15. Therefore, in view of the above, the Answering Respondent humbly prays that the findings in the Joint Committee be reconsidered, as they are based on mere assumptions rather than the actual facts. The Answering Respondent submits that preventive measures for dust mitigation such as anti-smog guns, water sprinkling, covering of construction material etc. are already in place and operational, ensuring ongoing compliance with all applicable environmental laws.
16. That in light of the foregoing submissions, the Answering Respondent categorically denies undertaking any illegal construction and submits that the findings of the Joint Committee Report and the subsequent conclusion that the Answering Respondent do not holds Environment Clearance as non-factual. The Answering Respondent has consistently adhered to prescribed environmental norms, holds valid statutory permissions, and has taken proactive measures to ensure compliance of environment guidelines and norms in place.
17. The Answering Respondent remains committed to environmental sustainability, regulatory compliance, and responsible operations and humbly prays for a just and fair assessment of its compliance.
18. The Answering Respondent further reserves its right to file additional pleadings or affidavits, if necessary, in response to any subsequent developments in the present proceedings.

For Trehan Promoters & Builders Pvt. Ltd.

Director / Authorised Signatory

**M/S. TREHAN PROMOTERS & BUILDERS PVT. LTD./
RESPONDENT NO. 6**

FILED BY:



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...RESPONDENTS

AFFIDAVIT

I, Goutam Patra, S/o Late Shri Dhananjoy Patra, aged about 35 years, Authorised Representative of Sky High Technobuild Pvt. Ltd., R/o J-4/30B, First Floor, DDA Flats, Kalkaji, New Delhi – 110019, do hereby solemnly affirm, state and declare as under:-

1. That I am the Authorised Representative of M/s Trehan Promoters & Builders Pvt. Ltd and am well conversant with the facts and circumstances of the case and hence competent to swear the present affidavit.
2. That I have read and understood the contents of the present Objections which has been drafted by the counsel under my instructions and I state that the facts stated therein are true and correct to my knowledge based on records, contents whereof are not repeated for the sake of brevity and may be read as part and parcel of this affidavit. No part of it is false and nothing material has been concealed therefrom.



For Trehan Promoters & Builders Pvt. Ltd.

Director / Authorised Signatory
DEPONENT

VERIFICATION:

Verified at New Delhi on this 27 day of July, 2025 that the contents of paragraphs stated above are true and correct to my knowledge. No part of it is false and nothing material has been suppressed or concealed therefrom.

For Trehan Promoters & Builders Pvt. Ltd.
[Signature]
Director / Authorised Signatory
DEPONENT

[Signature]
DA 268/2019
I identify the deponent who has signed in my presence.



CERTIFIED THAT THE DEPONENT
Sr./Smt./Km. *Nawar Gattar*
S/o.W/o.D/o.....
Identified by Shri/Smt. *Nawar Gattar*
has solemnly affirmed before me at Delhi
on..... No. *76*
that the contents of the affidavit which
have been read & explained to him are
true and correct to his knowledge *(R)*
Oath. Commissioner, Delhi

27 JUL 2025

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Objections to the Joint Committee Report - OA-81/2025 - Satish Kumar Goyal vs. State of Haryana & Ors.

From Harsh Gattani <harshgattani@outlook.com>**Date** Mon 21-Jul-25 6:46 PM**To** psenv2016@gmail.com <psenv2016@gmail.com>; secy-moef@nic.in <secy-moef@nic.in>; hspcbms@gmail.com <hspcbms@gmail.com>; scy.seachr@gmail.com <scy.seachr@gmail.com>; seiaa-21.env@hry.gov.in <seiaa-21.env@hry.gov.in>; info@ralo-associates.com <info@ralo-associates.com>

1 attachment (1 MB)

Objections:JCR.pdf;

Greetings,

Kindly find attached the objections on behalf of Respondent No. 6. The same is being served as advance service.

Warm Regards,

GATTANI & COMPANY
Advocates

New Delhi | Jaipur | Jabalpur | Indore | Prayagraj

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