

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
REVIEW APPLICATION OF 14 OF 2019
IN
ORIGINAL APPLICATION NO. 317 OF 2015**

In the matter of:

UTTAR PRADESH STATE INDUSTRIAL
DEVELOPMENT AUTHORITY

----- APPLICANT

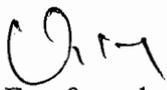
Vs.

RASHID ALI WARSI AND ORS

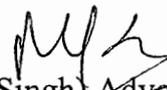
----- RESPONDENTS

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For & on behalf
Of Respondent no.4

Through


(M. K. Singh) Advocate

Ch.No.03, C K Daphtari

Block, opposite Supreme Court OF
India, New Delhi-110001

Mobile No.9810763787

mksingh141113@gmail.com

Delhi
Dated. 03.12.2025

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VS

RASHID ALI WARSI AND ORS ----- RESPONDENTS

PRELIMINARY OBJECTIONS TO THE REVIEW APPLICATION

A. Instant Review Application filed by the UPSIDA is misconceived and abuse of provisions of Review as such the applicant is manipulating the words in the impugned Order so that to suit them and failed to show how the Applicant suffers from the impugned Order due to the alleged errors on the record. Further, it is not shown how the impugned order has apparent error as per the record of the Hon'ble Tribunal in the matter.

It is submitted herein that sole reliance for seeking review is placed is on Hon'ble S.C. Order dated 10.08.2018 and not on any other

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error/findings/observations/documents in the matter before this Tribunal in the OA.

- B. Filing of the Review Application after much delay and deliberately avoiding the Hon'ble Bench that passed the Order and that too after complying the said impugned Order, Hence it is not maintainable and has become infructuous and without any real purpose.
- C. Instant Review application failed to show intent and purpose of the Review after compliance of the same hence, it seems to have hidden intention and objectives.
- D. Order dated 10.08.2018 of the Hon'ble Supreme Court suffers from error and it is incumbent upon the Applicant to clarify and to get it corrected.
- E. Instant Review Application is not maintainable at the outset, as the words in the said Order of the Hon'ble Supreme Court as appearing at page no. 44 & 45 of the Review Application required to be corrected before relying on the same for seeking Review of the Order passed while disposing of the OA NO.317/2015 before this Hon'ble Tribunal.

It is humbly submitted that said order dated 10.08.2018 passed by Hon'ble Supreme Court reads as *(arising out of impugned final judgment and order dated 12.06.2017 in OA No. 317/2015 passed by*

the National Green Tribunal) whereas it is apparent that order dated 12.06.2017 passed by the Hon'ble Green Tribunal was interlocutory/interim order and not judgment or final order of this Hon'ble Tribunal. The reliance placed by the applicant on Supreme Court may would have passed by error or misleading as it is against the established principle of justice and it amounts to interference in the jurisdiction of Hon'ble Tribunal as such the Hon'ble Supreme Court vide Order dated 10.08.2018, while disposing the SLP against interlocutory/interim order, can't restrict or dictate the Hon'ble NGT to pass the Judgment/final order dated 13.11.2018 in certain way i.e. liability of the Applicant/UPSIDA was fixed up to Rs. 1.56 Crore only. And therefore, the Applicant cannot justify the relied upon said Order of the S.C. and first required to seek the review/correction of said order from the Hon'ble Supreme Court.

Precise Reply to the Review Application on merit:

1. That it is submitted herein that vide impugned order dated 13.11.2018, the Hon'ble Tribunal imposed the penalty not only due to damage to the environment but also due to storage of hazardous waste illegally and vide reasoned judgment as per the documents/reports held both the applicant and respondent no.4 liable and responsible on account of the

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same and imposed the penalty in equal proportion and applicant has not shown how there is error as per record.

2. That before passing the impugned order, an Order dated 18.09.2018 was passed by the Hon'ble Tribunal, and some of the relevant part is reproduced herein under:

"The matter has been considered by the Hon'ble Tribunal on several dates in the last 3 years. It has been observed in several orders that CETP was not properly functional. A joint inspection was got conducted in view of the deficiencies found, the UPSIDA which was running the CETP was required to explain the position. On 25.05.2018, it was observed that there was no substantial improvement in the functioning of the CETP"

Further as per the observations in the report of the UPPCB, it was held ----- *"the actual capacity of CETP as per information of UPSIDC is found to 1.8 MLD. Hence, the effluent being discharge is more than the capacity of CET. Hence, overflow of effluent was found around the CETP area"*

It is further submitted that the as per Clause 12 of the Order dated 18.09.2018 which reads as:

“12. It is made clear that UPSIDC will be liable to pay environmental damage as already directed at the rate of Rupees two lakhs per day for 77 days in terms of the order of the Hon'ble Supreme Court dated 10.08.2018 within 4 weeks from today. ^{Conveyance} Convenience system has not been rectified. Other steps have not been taken, as required, on the part of the UPSIDC. It is made clear that the Managing Director of UPSIDC will be personally responsible for the failure.”

The above part of the order clearly reflects that in any case Order dated 10.08.2018 of the Hon'ble S.C. was duly considered and the penalty of Rs:1.56 Crore was imposed on account of environmental damage only till that date and not for illegally storing hazardous waste as it appears in the impugned and final order dated 13.11.2018. Due to gravity of the lapses on the part of the UPSIDA the Hon'ble Tribunal imposed the 50% of penalty on the applicant.

3. That is further humbly submitted that as per the report dated 15.10.2018 submitted by the team of 7 members by CPCB & UPPCB, it was found that the hazardous waste was stored in CETP premises in unscientific manner. It was recommended that effluent conveyances

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should be maintained. OCEMS should be installed, hazardous waste be scientifically stored and consent to operate should be obtained by CETP Association.

Hence it is apparent that applicant was having liability and responsibility for sludge lying their which was generated accumulated before the coming in to the existence and operation of the answering respondent no.4 i.e. Tronica City CETP association.

4. That the applicant dishonestly shifting all its responsibility on the respondent no.4 by submitting the agreement vide letter dated 14.09.2017 and the dated 30.10.2017 when the CETP took the charge. The order of the penalty passed by the Hon'ble Tribunal vide impugned order dated 13.10.2018 is reasoned and as per the findings of the scientific report and therefore order of the penalty passed in 50% each because Hon'ble Tribunal found both the applicant and respondent no.4 liable and responsible. The agreement itself is being not signed as required in law hence same is not legally reliable and enforceable deed ~~answering~~ against respondent no.4.
5. That the respondent no.4 took all steps to remove and dispose the sludge as per the directions and the applicant was responsible for the

storage of hazardous waste / sludge much before the coming into responsibility of respondent no.4.

6. That it is clear from the order dated 13.11.2018 that permission for disposal of hazardous waste was never taken by applicant/UPSIDA and as such all the sludge so generated was of even before the handover dated 30.10.2017 which was lying/stored in the CETP Campus as substantial part of the sludge being mentioned at the time of imposition of penalty on 13.11.2018. On the instructions of Hon'ble NGT, membership to dispose off hazardous waste was taken by the SPV in Nov.2018 and after that the sludge was scientifically removed from the site. This fact was also reported by in the compliance report filed by the SPV before committee appointed by Hon'ble NGT to overlook the compliance of impugned order dated 13.11.2018.
7. That the Order under review is reasoned judgment and the Hon'ble Tribunal passed the same as per the report submitted by the CPCB and UPPCB and don't suffer from any apparent error as required for seeking Review and further same does not suffer from any defect in fact or law.

PRAYER:

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It is, therefore in the above facts and circumstances, humbly requested that this Hon'ble Tribunal may kindly be pleased to dismiss the present review application and may further be pleased to impose exemplary cost to meet the ends of justice.

Prayed accordingly

0117
Respondent no.4

Through



(M. K. Singh) Advocate
Ch.No.03, C K Daphtari
Block, Supreme Court OF
India, New Delhi-110001.
Mobile No.981076378
mksingh_advocate@yahoo.co.in

Delhi/ Dated: 03.12.2025

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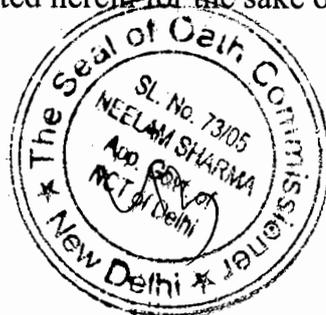
----- RESPONDENTS

AFFIDAVIT

Affidavit of Shri Vinod Tiwari aged about _____ years, Authorized Representative of Respondent no.4 at plot no.B-11, Sector A-1, Tronica City, Ghaziabad-201103, presently at Delhi.

I, the above named deponent do hereby solemnly affirm and declare as under:-

1. That I am authorized representative the Respondent no.4 in the above noted case and well conversant with the facts & circumstances of the case and as such, I am competent to swear this affidavit.
2. That the reply to the accompanying review application has been drafted by my counsel under my instructions and same is read over and understood by me, which are true and correct to my knowledge. The contents of the same may please be read as part and parcel of this affidavit and the same are not being repeated herein for the sake of brevity.



Vinod Tiwari
Deponent

(10)

VERIFICATION:

- 3 DEC 2025

I, the above-named deponent, state on solemn oath and affirmation that the contents of my above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed there from.

M.K.
(M.K. SINGH)
Adv.

[Signature]
Deponent

I identified the deponent who has signed in my presence



Solemnly sworn before me read over & explained to the deponent Admitted to be correct

[Signature]
Oath Commissioner, New Delhi

- 3 DEC 2025