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

APPEAL NO. 27 OF 2025

IN THE MATTER OF:

DHANASHREE AGRO PRODUCTS PRIVATE LIMITED

... APPELLANT

VERSUS

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (MOEF & CC) & ANR.

...RESPONDENTS

INDEX

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NEW DELHI
DATED: 07.02.2026

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REJOINDER AFFIDAVIT ON BEHALF OF THE APPELLANT TO THE REPLY DATED 07.11.2025 FILED BY THE RESPONDENT NO. 2/CENTRAL POLLUTION CONTROL BOARD.

I, Arun Krishna Shukla, S/o Late Sh. Shiv Sundar Shukla, aged 61 years working with M/s Dhanshree Agro Products Pvt. Ltd, having Regd. Office at Village Iqbalpur, Tehsil- Bhagwanpur, District- Haridwar, Uttarakhand-247668, and do hereby solemnly affirm and state on oath as under:

1. That I am the Authorized Signatory of the Appellant Company in the instant case and am conversant with the facts of the present case and hence I am competent to swear this rejoinder affidavit.

2. That the present Rejoinder Affidavit is being filed by the Appellant Company in response to the Reply dated 07.11.2025 filed by the Respondent No. 2/Central

Pollution Control Board. At the very outset, the Appellant Company denies all the averments and/or contentions made by the Respondent No. 2 in its Reply in its entirety except to the extent that it may be matter of record or has been specifically admitted hereunder.

3. That the Appellant Company has narrated the facts on the basis of which the present Appeal arises in their Appeal, which is narrative and exhaustive in nature and as such the Appellant crave leave of this Hon'ble Tribunal to refer and rely on the contents thereof, as the same are not repeated herein for the sake of brevity and verbosity. That the contents of the Appeal may kindly be read as a part and parcel of the Rejoinder Affidavit being filed by the Appellant Company.

4. That I have understood the contents of the Reply dated 07.11.2025 filed on behalf of the Respondent No. 2/Central Pollution Control Board (hereinafter referred to as "the Reply dated 07.11.2025" for the sake of brevity) and as such, I am filing reply to the Reply dated 07.11.2025. The submissions made hereunder are in the alternative and without prejudice to each other.

***PRELIMINARY SUBMISSIONS/ OBJECTIONS*:**

5. At the very threshold, the Appellant submits that the Reply filed by Respondent No.2/Central Pollution Control Board ("CPCB") is not a bona fide defence of the impugned action, but an ex post facto attempt to retrospectively legitimise a

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demand which is ex facie without jurisdiction, unsupported by statute, and founded on internal executive policies having no force of law. The Reply, read as a whole, discloses that the CPCB has proceeded on the erroneous assumption that it possesses plenary powers to impose monetary liability upon industrial units, an assumption which is demonstrably incorrect on a plain reading of the Environment (Protection) Act, 1986.

6. The genesis of the present dispute lies in the Direction dated 17/22.05.2019 issued by the CPCB under Section 5 of the Environment (Protection) Act, 1986, demanding payment of so-called "environmental compensation" from the Appellant. The said Direction is placed on record as **Annexure-A-1** to the Appeal. A bare perusal of the said Direction demonstrates that the CPCB has treated Section 5 not as a regulatory provision, but as a source of fiscal power, a course wholly impermissible in law. The Reply does not dispute that the impugned demand emanates solely from Section 5, nor does it point out any other statutory provision conferring power to impose or recover monetary compensation.

7. As a preliminary and foundational objection, it is submitted that Section 5 of the Environment (Protection) Act, 1986, does not authorize the CPCB to levy any monetary charge, compensation, penalty or damages. The provision is strictly confined to issuance of directions for closure, prohibition, regulation, or stoppage of utilities. The

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CPCB's attempt to read into Section 5 a power to impose financial liability amounts to rewriting the statute by executive fiat. The Reply is conspicuously silent on this jurisdictional limitation and proceeds as though the existence of power is self-evident, which it is not.

8. In an attempt to overcome this inherent lack of jurisdiction, the CPCB has placed heavy reliance on its own internal circular dated 15.05.2019 and subsequent "environmental compensation methodologies". These documents, though relied upon, are neither statutory rules framed under the Act nor delegated legislation laid before Parliament. The Appellant submits that internal administrative policies cannot create substantive civil liabilities where the parent statute is silent. The reliance on such documents, therefore, renders the impugned action ultra vires and constitutionally unsustainable.

9. The Reply further seeks to draw authority from certain orders passed by this Hon'ble Tribunal, particularly the order dated 31.08.2018 in O.A. No. 593 of 2017 (*Paryavaran Suraksha Samiti & Anr. v. Union of India & Ors.*), which is placed on record as **Annexure-A-8**. A careful reading of the said order reveals that the Tribunal never delegated adjudicatory or punitive powers to the CPCB to unilaterally levy compensation. At best, the order envisages assessment of environmental damage, subject to legal scrutiny. The CPCB's interpretation amounts to self-conferred adjudicatory authority, which is impermissible in

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law and contrary to settled principles of separation of powers.

10. Significantly, the Reply is entirely devoid of any pleading or proof of actual environmental damage caused by the Appellant. No study, impact assessment, quantified loss, or site-specific environmental harm has been pleaded. On the contrary, the Appellant has placed on record accredited laboratory test reports dated 28.12.2018, including ETP inlet analysis and ambient air monitoring, which demonstrate compliance with prescribed standards. These reports form **Annexure-A-11** and **Annexure-A-12** to the Appeal. The CPCB has chosen to ignore these documents altogether. In the absence of demonstrated damage, the levy is purely punitive in character, which the CPCB is not competent to impose.

11. The CPCB's Reply reveals that the alleged compensation has been computed mechanically on the basis of purported non-connectivity or non-operation of OCEMS for certain periods. It is submitted that OCEMS connectivity is, at best, a monitoring tool and not a substantive environmental parameter. Non-connectivity, assuming without admitting, cannot ipso facto establish pollution or environmental harm. The CPCB has failed to correlate the alleged OCEMS issue with any exceedance of discharge norms or deterioration of environmental quality.

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12. The Appellant had, at every stage, responded promptly and transparently to communications issued by the authorities. Detailed replies dated 02.07.2018 (**Annexure-A-6**), 24.07.2018 (**Annexure-A-7**), 20.02.2019 (**Annexure-A-13**), 07.06.2019 (**Annexure-A-19**) and 15.06.2019 (**Annexure-A-20**) were duly submitted, explaining operational facts and compliance status. The CPCB's Reply does not deal with these replies on merits. The deliberate non-consideration of these contemporaneous explanations warrants an adverse inference that the impugned demand was pre-determined.

13. Without prejudice, the Appellant also explained the technical reasons for intermittent OCEMS connectivity through email dated 08.04.2019 (**Annexure-A-16**), vendor correspondence (**Annexure-A-17**) and gate passes evidencing service visits (**Annexure-A-18**). These documents demonstrate that the issue was technical, temporary, and promptly addressed. The CPCB has neither rebutted these explanations nor produced any contrary technical opinion.

14. The Reply's allegation of sustained non-compliance is further demolished by the fact that the Appellant was granted renewed Consent to Operate by the Uttarakhand Environment Protection & Pollution Control Board vide order dated 14.02.2019, valid till 31.03.2019. The said consent is placed on record as **Annexure-A-14**. The subsistence of a valid consent is wholly inconsistent with

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the CPCB's narrative of continuing environmental violations.

15. The CPCB thereafter proceeded to issue a further office order dated 28.06.2019/01.07.2019 levying interest at the rate of 12% per annum, placed on record as **Annexure-A-22**. It is submitted that when the principal demand itself is without authority of law, the imposition of interest is a fortiori illegal and reflects a mechanical and punitive approach.

16. The Appellant was constrained to invoke the writ jurisdiction of the Hon'ble Delhi High Court and thereafter the appellate jurisdiction of the Hon'ble Supreme Court. The interim protection granted by the Hon'ble Delhi High Court vide order dated 05.07.2019 (**Annexure-A-23**) and by the Hon'ble Supreme Court vide order dated 09.08.2019 (**Annexure-A-24**) remained operative throughout. Ultimately, the Hon'ble Supreme Court, vide order dated 24.02.2025 (**Annexure-A-25**), granted liberty to the Appellant to pursue the present remedy before this Hon'ble Tribunal. The continuation of interim protection itself evidences the serious jurisdictional infirmities in the CPCB's action.

17. It is respectfully submitted that the levy of environmental compensation in the present case is fundamentally misconceived and unsustainable in law. The Hon'ble Supreme Court, in *Delhi Pollution Control Committee v.*

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Lodhi Property Company Ltd. [(2025) SCC OnLine SC 1601], has unequivocally held that environmental compensation is **compensatory and restorative in nature**, and is not punitive. The object of environmental compensation is to restore the environment to its original position and to compensate for actual environmental damage caused due to proven violations. In the present case, there is no finding, assessment, or material on record to establish that any environmental damage has occurred on account of the Appellant's operations. On the contrary, the Appellant has placed on record valid Consent Orders, inspection reports, compliance communications, and documentary evidence demonstrating adherence to prescribed environmental norms during the relevant period. In the absence of any proven environmental harm, rendering the very foundation for levy of environmental compensation is non-est. It is therefore respectfully submitted that where no environmental damage has been shown to have occurred, there arises no question of restoration, and consequently no basis for compensation. The impugned levy of environmental compensation, without establishing what damage is sought to be compensated for or what restoration is contemplated, is arbitrary, mechanical, and contrary to the settled principles laid down by the Hon'ble Supreme Court.

18. That the entire action of Respondent No.2/CPCB in first imposing an environmental compensation of Rs. 76,80,000/- vide direction dated 22.05.2019 and

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thereafter reducing the same to Rs. 19,80,000/- vide subsequent direction dated 17.03.2020, without any explanation, reasoning, disclosure of methodology or reassessment parameters, is ex facie arbitrary, irrational and suffers from the vice of non-application of mind. The drastic downward revision of nearly 75% of the originally imposed amount demolishes the very foundation of the earlier computation and renders the same non-est in the eyes of law.

19. That Respondent No.2/CPCB has failed to explain as to which factual, technical or legal parameters were found to be incorrect in the earlier notification dated 22.05.2019, what data was re-evaluated, what formula was altered, or which statutory guideline warranted such a massive recalculation. In absence of any disclosed basis, the subsequent direction dated 17.03.2020 exposes the earlier computation as a mere conjectural figure, arrived at on whims and fancies rather than on any scientific or statutory foundation. It is most humbly submitted that an authority exercising regulatory powers cannot be permitted to oscillate between figures at its own imagination without recording cogent reasons.

20. That it is a settled principle of administrative law that where an authority revises, modifies or supersedes an earlier decision, it is under a strict obligation to record reasons justifying such departure. The reply of

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Respondent No.2/CPCB is conspicuously silent on this aspect and does not even attempt to reconcile the two contradictory figures. The absence of reasons vitiates both the notifications and renders the exercise arbitrary, violative of Article 14 of the Constitution of India, and hit by the doctrine of reasoned decision-making.

21. That the conduct of Respondent No.2/CPCB further demonstrates that even according to its own assessment, the computation made vide direction dated 17.05.2019 was fundamentally flawed, excessive and unsustainable. It is pertinent to mention here that once the very authority admits, by its subsequent conduct, that the original figures were erroneous, the entire basis of levy collapses. Moreover, Respondent No.2/CPCB has not only approbated but reprobated by first imposing an exorbitant penalty and then silently scaling it down without accountability, transparency or procedural safeguards.

22. That the impugned recalculation also violates the principles of natural justice, as at no stage was the Appellant put to notice regarding the methodology adopted either in the first or second direction. It is pertinent to mention here that no opportunity of hearing, representation or explanation was afforded before fastening punitive consequences of such magnitude. It is humbly submitted that environmental compensation must be based on objective criteria such as duration of

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alleged violation, extent of environmental damage, pollution load, carrying capacity and proportionality. In the present case, none of these factors have been demonstrated, quantified or even pleaded with specificity. The unexplained reduction from Rs. 76,80,000/- to Rs. 19,80,000/- conclusively establishes that the computation was neither scientific nor proportionate, but purely arbitrary.

23. That Environmental Compensation (EC) imposed by the Respondent No.2/CPCB suffers from extreme arbitrariness. That the direction dated 22.05.2019 imposing a staggering EC of Rs. 76,80,000/- (Rupees Seventy-Six Lakhs Eighty Thousand only), while the subsequent direction dated 17.03.2020 inexplicably reducing this amount to Rs. 19,80,000/- (Rupees Nineteen Lakhs Eighty Thousand only). It is pertinent to mention here that the Respondent No.2/ CPCB has not disclosed any formula, calculation sheet, parameter values, flow volume, duration of alleged violation or committee proceedings that led to either determination. Further, this unexplained and drastic variation reveals the complete absence of transparency, application of mind or objective of determination as such, the Appellant is in loss to understand as to how it would challenge each of the specific parameters separately. Further, the entire basis and accounting of the imposition of first penalty of Rs. 76,80,000/- and re-imposition of the

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amended/reduced impugned penalty has to be given, which surprisingly has not been done.

24. That the impugned imposition of Environmental Compensation is ex facie violative of Article 14 of the Constitution of India, as the Respondent No. 2/CPCB has failed to disclose any intelligible differentia or objective criteria for determining either the liability or the quantum of EC. The Applicant has not been informed as to the basis on which it has been classified or distinguished from other similarly situated entities. In the absence of any disclosed classification founded on the nature of activity, scale of operations, duration of alleged violation, or extent of environmental impact, the exercise of power by the Respondent remains unguided, arbitrary, and constitutionally impermissible.

25. That even otherwise, the impugned action fails to satisfy the mandatory requirement of proportionality. The Respondent No. 2/CPCB has not demonstrated any rational nexus between the alleged violation and the quantum of Environmental Compensation imposed. No scientific assessment, environmental impact study, or quantification of damage has been undertaken or placed on record. The drastic and unexplained variation in the EC amount from Rs. 76,80,000/- to Rs. 19,80,000/- without any intervening factual determination or change in circumstances, conclusively establishes that the compensation was never proportionately linked to the

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alleged environmental harm and was determined in a wholly ad hoc manner.

26. That the reply filed by Respondent No.2/CPCB attempts to retrospectively justify its action through bald assertions, without producing any contemporaneous record, technical study, inspection report, duration-wise violation analysis or pollution load assessment that could lend credibility to either of the figures. Post-facto rationalization cannot cure an action which is void ab initio due to absence of reasons and jurisdictional facts at the time of issuance of the impugned directions.

27. The Reply filed by the Respondent No.2/CPCB is thus a selective and self-serving narration, suppressing material documents favourable to the Appellant while relying on internal policies and assumptions. Such conduct disentitles the CPCB from equitable consideration and attracts adverse inference.

28. Without prejudice, the Appellant submits that the present preliminary objections are in addition to, and not in substitution of, the detailed para-wise reply on merits that follows. The Appellant reserves the right to urge additional legal submissions at the time of hearing.

REPLY TO PARAWISE COMMENTS:

29. It is respectfully submitted that the contents of Paragraph No. 1 of the appeal, to the extent they refer to the orders

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dated 31.08.2018 and 19.02.2019 passed by the Hon'ble National Green Tribunal in Original Application No. 593/2017 (W.P. (Civil) No. 375/2012); *Paryavaran Suraksha Samiti & Anr. v. Union of India & Ors.*, (**Annexure-A-8**), and the formulation of methodology by the Central Pollution Control Board pursuant thereto, are matters of record and hence not disputed as to their existence. However, it is respectfully submitted that the mere formulation of a general methodology pursuant to the aforesaid orders does not ipso facto justify its mechanical, retrospective, or arbitrary application to the facts and circumstances of the present case. The applicability, computation, proportionality, and legality of the environmental compensation imposed upon the Appellant remain specifically denied and disputed, and the same are subject to the submissions made herein and in the appeal.

30. That the contents of Paragraph 2 and 3 of the reply are noted. It is submitted that the Respondent no. 2/ CPCB has not deemed it necessary to specifically reply to the averments contained in Paragraphs 3 to 7 of the appeal and has merely reiterated the preliminary submissions. The Appellant respectfully reiterates the submissions made in Paragraphs 3 to 7 of the appeal, which form part of the record.

31. That the contents of the para 4 of the reply stating that no comments are offered with respect to Para 8 of the appeal, is noted. It is submitted that Paragraph 8 of the appeal was

specifically placed on record to demonstrate the financial hardship and operational difficulties faced by the Appellant (**ANNEXURE-A-4**), and to underline that environmental compliance and the continued functioning of the industrial unit are required to be addressed in a balanced and practical manner. The observations made therein regarding the conduct of the Respondent, founded on material placed on record, which clearly shows that the Appellant had initiated timely steps for repair and restoration of the OCEMS during the relevant period for which environmental compensation has been imposed. M/s Aaxix Nano Tech Pvt. Ltd. visited the unit to inspect problems in OCEMS & repair them as early as 14.01.2019 (**ANNEXURE-A-18**). Despite such bona fide remedial efforts, the levy of environmental compensation without due consideration of the same was rightly questioned in the appeal, and the submissions made in Paragraph 8 are reiterated and relied upon for the adjudication of the present matter.

32. That the content of para 5 of reply is noted and needs no further reply.

33. That the contents of Paragraph 6 of the reply dated 07.11.20255, wherein they have merely reiterated their preliminary submissions made earlier without specifically traversing the averments contained in Paragraphs 10 to 15 of the appeal. Thus, is vague, evasive, and denied. The Respondent has failed to give a specific reply to the material averments raised in the said paragraphs of the

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appeal, and the same may therefore be deemed to have been admitted. The Appellant reiterates and reaffirms the submissions made in Paragraphs 10 to 15 of the appeal.

34. It is respectfully submitted that the contents of Para 7 of the Reply are misleading and evasive, as Respondent no. 2/ CPCB has failed to rebut the specific averment made in Para 16 of the Appeal, which is based on the sample analysis report dated 28.12.2018, a matter of record, demonstrating that the ETP was indeed installed and functioning in accordance with the prescribed norms (**ANNEXURE-A-11**). The reliance placed by Respondent No. 2 on inspection findings dated 27.03.2018, and closure directions dated 29.05.2018, which are prior to the report dated 28.12.2018 is wholly misconceived and reflects non-application of mind, particularly when compliance has been duly demonstrated subsequently. The allegations regarding poor operation and unstabilized ETP pertain only to the earlier inspection and are unsupported by any contemporaneous material post December 2018, rendering the same untenable. Mere reiteration of preliminary submissions, without considering the later compliance on record, amounts to an evasive denial and deserves to be rejected. Further, it is submitted that even otherwise, as per the directions dated 17.03.2020, the Environmental Compensation has been imposed for a period which does not correspond to the dates of the alleged non-compliance relied upon by Respondent No. 2 in Para 7 of their Reply dated 07.11.2025.

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35. It is respectfully submitted that the contents of Para 8 of the Reply are misleading and evasive, as Respondent No. 2 has failed to rebut the specific assertion in Para 17 of the Appeal, which is based on the Ambient Air Monitoring Test report dated 28.12.2018 (**ANNEXURE-A-12**), issued by Environment Management System, accredited by NABL, Department of Science & Technology, a Government approved laboratory, demonstrating that effective air pollution control mechanisms were in place and the unit was operating within prescribed norms. The reliance placed by Respondent No. 2 on alleged non-functionality of OCEMS and data availability only up to 07.06.2018 pertains to a prior period and does not negate or override the subsequent compliance evidenced by the ambient air monitoring report on record. Further, the closure direction dated 22.05.2019, issued under Section 5 of the Environment (Protection) Act, 1986, is founded solely on alleged interruption of OCEMS connectivity and not on violation of ambient air quality standards, and therefore cannot be used to deny the existence of effective pollution control measures as on 28.12.2018. The denial is thus, unsupported by contemporaneous material, and liable to be rejected.

36. That the content of para 9 of reply dated 07.11.2025 by Respondent no. 2/ CPCB is noted, and need no further reply.

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37. That the contents of para 10 of Respondent no. 2/ CPCB's reply dated 07.11.2025 are noted. It is submitted that the documents referred to in the said paragraphs, namely the Appellant's reply dated 20.02.2019 (**ANNEXURE-A-13**) demonstrating compliance with the directions issued by the Respondent and the renewed Consent Order dated 14.02.2019 (**ANNEXURE-A-14**) granted by the Uttarakhand Pollution Control Board, clearly establish that the Appellant was complying with the applicable environmental norms. In the absence of any finding or material placed on record to show actual environmental damage, the very basis for levy of environmental compensation is rendered untenable. Environmental compensation is compensatory and restorative in nature, and where no environmental damage has been shown to have occurred, there arises no question of restoration. The Respondent having failed to controvert the said compliance documents, the levy of environmental compensation is arbitrary and unsustainable.

38. That the content of para 11 of Respondent no. 2/ CPCB's reply dated 07.11.2025 is noted. It is submitted that the Respondent has failed to specifically traverse the detailed factual averments and documentary evidence placed on record and has merely reiterated the preliminary submissions. Paragraphs 21 to 25 of the appeal comprehensively set out the sequence of events relating to the Show Cause Notice dated 22.03.2019, the temporary non-connectivity of the OCEMS due to technical failure,

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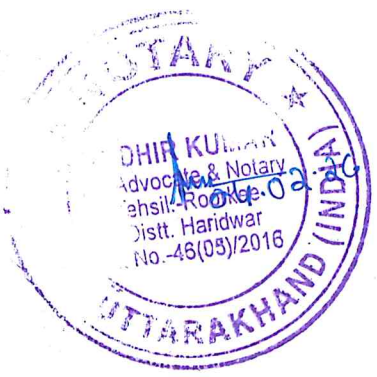
the bona fide steps taken by the Appellant for repair through the authorized vendor, and the timely intimation of all such facts to the Respondent vide email dated 08.04.2019 (**ANNEXURE-A-16**) along with supporting documents. The Appellant has also placed on record material proving that the delay in repairing was due to the necessity to send the product to principal supplier in Austria, after exhausting all efforts to repair the same in India by M/s Axix Nano. In the absence of any specific denial or rebuttal of these facts and documents, the Respondent's reiteration of preliminary submissions amounts to an evasive reply, and the averments made in Paragraphs 21 to 25 of the appeal stand reiterated and relied upon. The impugned direction dated 22.05.2019 directing deposit of environmental compensation and stalling of operations, despite demonstrated compliance and remedial action, is therefore arbitrary and unsustainable.

39. That the content of para 12 of Respondent no. 2/ CPCB's reply dated 07.11.2025 is noted. It is submitted that the Respondent has failed to specifically traverse or rebut the detailed factual and legal averments contained therein and has merely reiterated the preliminary submissions. Paragraphs 26 to 33 of the appeal place on record undisputed facts, including the Appellant's reply dated 15.06.2019 challenging the Respondent's jurisdiction to levy monetary penalty under Section 5 of the Environment (Protection) Act, 1986 (**ANNEXURE-A-20**); the filing and



disposal of W.P. (C) No. 6853 of 2019 by the Hon'ble High Court of Delhi; the subsequent levy of interest by the Respondent during pendency of judicial proceedings; the interim stay granted by the Hon'ble Supreme Court in SLP (C) No. 18576 of 2019(**ANNEXURE-A-24**); and the liberty granted by the Hon'ble Supreme Court vide order dated 24.02.2025 to approach this Hon'ble Tribunal, with continuation of interim protection. These facts are borne out from judicial records and official documents and have not been denied by the Respondent. In the absence of any specific denial or justification, the averments contained in Paragraphs 26 to 33 stand reiterated and clearly demonstrate that the impugned Show Cause Notice and directions are without authority of law and liable to be examined by this Hon'ble Tribunal.

REPLY TO THE 'REPLY ON GROUNDS' BY RESPONDENT NO. 2/ CPCB

40. It is submitted that the RESPONDENT NO. 2/ CPCB's in para A of reply dated 07.11.20125, has failed to specifically traverse, rebut, or deal with any of the grounds raised by the Appellant and has merely reiterated the contents of Paragraph A of the Reply on Merits without addressing the individual grounds urged in the appeal. The grounds A to R of appeal raised distinct issues of fact and law. In the absence of any specific denial or justification, the grounds raised by the Appellant remain unrebutted and are

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reiterated and relied upon for adjudication by this Hon'ble Tribunal.

41. It is respectfully submitted that the contents of Para B of the Respondent no. 2/ CPCB's reply dated 07.11.2025 are misconceived and unsustainable. The Respondent has failed to appreciate that the OCEMS became non-operational in January 2019 due to technical failure and the same was promptly attended to, as the authorized supplier M/s Axis Nano Technology Pvt. Ltd. visited the unit on 14.01.2019, which is duly evidenced by documentary material placed on record. Once the OCEMS was sent for repair, the Appellant could not have generated or transmitted data during the said period, and the allegation regarding non availability of data is therefore illusory and untenable. The delay in repair, occasioned by the inability to rectify the defect on-site and the consequent requirement to send the equipment to Austria for specialized technical repairs, is a matter beyond the control of the Appellant and purely technical in nature. The Appellant has discharged its obligation by placing legitimate and contemporaneous documentary evidence on record demonstrating bona fide compliance, which is sufficient for prima facie satisfaction, and the attempt to attribute fault to the Appellant for technical delays attributable to the supplier is arbitrary and deserves to be rejected. The content of para 17 is being reiterated and not repeated for the sake of verbosity and brevity.

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42. It is submitted that the contents of Para 13 of the Reply, wherein no comments have been offered on Paras 36 to 39 of the Appeal, amount to an evasive response, and the averments contained therein, being matters of record and law, stand reaffirmed and are being reiterated herein. In the absence of any specific denial or justification, the grounds raised by the Appellant remain unrebutted and are reiterated and relied upon for adjudication by this Hon'ble Tribunal.

43. With regard to Para 14 of the Reply, the denial of the prayers sought in the Appeal is vague and mechanical, and the Appellant reiterates that the reliefs prayed for are lawful, justified, and supported by the material placed on record.

44. As regards Para 15 of the Reply, it is submitted that the Respondent cannot be permitted to keep the pleadings open ended, and any additional reply, if at all, can only be filed in accordance with law and with the leave of this Hon'ble Tribunal.

45. In reply to Para 16 of the Reply, it is denied that the Appeal is devoid of merit. On the contrary, the Appeal raises substantial questions of law and fact, and the prayer for dismissal with costs is misconceived and liable to be rejected. The Appellant reiterates its prayers as made in the Appeal.

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46. The Appellant Company further craves leave to file an additional affidavit along with all such other documents as may be required to further elaborate and buttress its submissions if required by this Hon'ble Tribunal.

47. That the untenable and misleading objections raised by the Respondent in its Reply dated 07.11.2025 are liable to be rejected and this Hon'ble Tribunal may be pleased to allow the present Appeal and pass appropriate and necessary orders in the interest of justice.

DEPONENT

VERIFICATION:

I, the deponent the abovenamed do hereby verify that the contents of my above affidavit are true and correct to best of my knowledge and beliefs and nothing material has been concealed therefrom. That the contents of the affidavit are true and correct, and the legal submissions are on legal advice received and believed to be correct and no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 04 day of February, 2026.

DEPONENT

NOTARY ★ GOVT. OF UTTARAKHAND ★
SUDHIR KUMAR
Advocate & Notary
Tehsil. Roorkee
Distt. Haridwar
R. No.-46(05)/2016
04.02.26

IDENTIFIED BY
PRIYANKA CHAUDHARY
Advocate
Regd No. UK - 051/2019
Civil Court Ramnagar
Roorkee (U.K.)

Sl. 468
Date 04.02.2026

ATTESTED
04.02.2
SUDHIR KUMAR
Advocate & Notary
Roorkee, Distt. Haridw