

Next date of hearing: 12.09.2026

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 833 OF 2024**

**IN THE MATTER OF:**

VIPIN KUMAR

...APPLICANT

VERSUS

UTTARAKHAND POLLUTION CONTROL  
BOARD & ORS.

...RESPONDENTS

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Date: 09.03.2026

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*AA*  
*10/4-10/9/21*

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**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
O.A. NO. 833 OF 2024**

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VIPIN KUMAR

...APPLICANT

VERSUS

UTTARAKHAND POLLUTION CONTROL  
BOARD & ORS.

...RESPONDENTS

**REJOINER AFFIDAVIT OF THE APPLICANT TO THE  
RESPONSE AFFIDAVIT OF THE UKPCB DATED 20.12.2025**

I, Vipin Kumar, aged 52 years, s/o Shri Karan Singh, R/o Village Mohammadpur Jat, Tehsil Roorkee, District Haridwar, Uttarakhand 247670, do hereby affirm and state as under-

1. I say that I am the Applicant in the captioned OA and I am aware of the facts of the case and am competent to file the present rejoinder affidavit to the response affidavit filed by the UKPCB dated 20.12.2025.
2. I have perused the contents of the affidavit filed by the UKPCB. At the outset I state that the contents of the same are denied and no part of the same maybe treated as having been admitted for lack of specific denial.



*Vipin Kumar*

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**PARA WISE REJOINDER -**

1. That the contents of para 1 need no reply.
2. That the contents of para 2 are a matter of record.
3. That the contents of para 3 are not within the knowledge of the Applicant. However, even assuming for the sake of argument that it is correct that the Respondent No.5 and 6 brick kilns got licenses from Zila Panchayat Haridwar on 11.12.2020, and renewed from time, and GST registration, and NOC from Chief Horticulture Officer, the same is of no avail as it is an admitted position that the Respondent No.5 and 6 brick kilns did not have any consent from the UKPCB to establish and operate their brick kilns. The consent was granted to them only for the first time on 13.01.2023 and 30.01.2023 respectively. Thus, till that time, the said brick kilns were illegally operating and could not be said to be validly established as per law. This position was confirmed by the judgment of this Hon'ble Tribunal in OA No.341 of 2023 dated 12.10.2023 (Paras 13 and 14) and this point is now *res judicata*.
4. That the contents of para 4 are a matter of record. However it must be noted that even the UKPCB accepts that till this point in time the Respondent No.5 brick kiln not applied for consent.

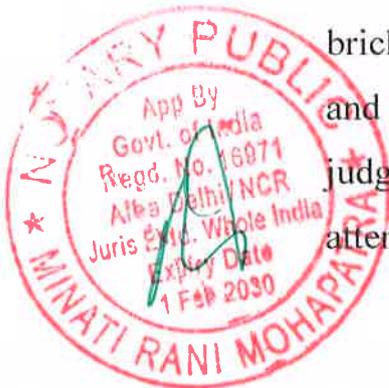
5. That the contents of para 5 are a matter of record. However it must be noted that even the UKPCB accepts that till this point in time the Respondent No.6 brick kiln not applied for consent.



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6. That the contents of para 6 are a matter of record.
7. That the contents of para 7 are a matter of record. However it is most important to note that the only relief sought by the Respondents 5 and 6, and granted by the Hon'ble Supreme Court, was that the application of the said brick kilns should be considered by the UKPCB independently without being influenced by the order dated 12.10.2023. The following consequences flow from this –
- i) The judgment of this Hon'ble Tribunal dated 12.10.2023 was not disturbed on its merits;
  - ii) The finding that the Respondent No.5 and 6 brick kilns were operating illegally and without consent till Jan. 2023 stood confirmed;
  - iii) Since the Respondent No.5 and 6 only obtained consent for the first time in Jan. 2023, the law in force at that time had to be applied and they had to comply with the siting criteria as per the MOEFCC notification dated 22.02.2022 (para 19 and 20 of the judgment dated 12.10.2023)
8. That the contents of para 8 are absolutely false and denied. It is not open to the UKPCB to contend that the notification dated 22.02.2022 does not have retrospective operation for compliance with siting criteria and as the Respondent No.5 and 6 were existing brick kilns operators, CCA applications by them were considered and approved. This stand of the UKPCB flies in the face of the judgment of this Hon'ble Tribunal dated 12.10.2023 and is a blatant attempt to support the wrong doers, contrary to law. This Hon'ble



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Tribunal on 12.10.2023 has categorically repelled these very contentions of the Respondent No.5 and 6, and the said observations were not disturbed by the Hon'ble Supreme Court. Paras 19 and 20 of the judgment dated 12.10.2023 are extracted below, which settle the issue conclusively –

*19. It is undisputed before the Tribunal that Respondent Nos. 5 and 6 were operating since 2020 and 2021 without obtaining Consent to Operate (CTO) and Consent to Establish (CTE) or Consolidated Consent and Authorization (CCA). Hence, undisputedly, Respondent Nos. 5 and 6 were set up in 2020 and 2021 illegally and were also operating illegally till they had obtained the CCA vide orders dated 13.01.2023 and 30.01.2023. Therefore, these units cannot be given the benefit of their illegal operation at the stage of consideration of their application for CCA. Such an illegal operation has no recognition in law.*

*20. That apart, Respondent Nos. 5 and 6 had no vested right to obtain the CCA, therefore, the law which was prevailing on the date of consideration of their applications for CCA will be attracted. It is not open to the Respondent Nos. 5 and 6 to contend that the law which was prevailing on the date they had illegally set up the brick kiln should be applied for consideration of their applications whereas their applications were considered much after coming into force of the amended environment protection rules in terms of the notification dated 22.02.2022. Hence, we do not find any merit in the argument of Counsel for Respondent Nos. 5 and 6 that notification dated 22.02.2022 is being attracted retrospectively. In fact, the notification effective on the date of consideration of their applications in 2023 will apply as that was the law prevailing on that date.*



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Thus it is settled that the establishment of the Respondent No.5 and 6 brick kilns was illegal and they cannot take advantage of their unlawful establishment to claim exemption from the siting criteria set out in the notification dated 22.02.2022 which was in force at the time they applied for consent for the first time. The UKPCB is duty bound to give effect to the same and cannot be seen to be favoring the illegally established brick kilns for reasons which are best known to it.

9. That the contents of para 9 are a matter of record but are not relevant to the issue at hand, i.e. whether the Respondent No.5 and 6 brick kilns are complying the siting criteria under the notification dated 22.02.2022 or not.
10. That the contents of para 10 are a matter of record. However the same also go to show that the UKPCB itself recognized that the Respondent No.5 and 6 were operating illegally, else why would environmental compensation have been levied upon them. Having itself acknowledged that these brick kilns were operating unlawfully, the UKPCB cannot approbate and reprobate and now say that their illegal establishment exempts them from compliance with the 22.02.2022 notification.
11. In reply to para 11 the contents of para 10 above are reiterated.

12. In reply to para 12, it is submitted that the fresh CCAs issued to the Respondent No.5 and 6 are also unlawful as they still don't comply with the siting criteria as per notification dated 22.02.2022. The



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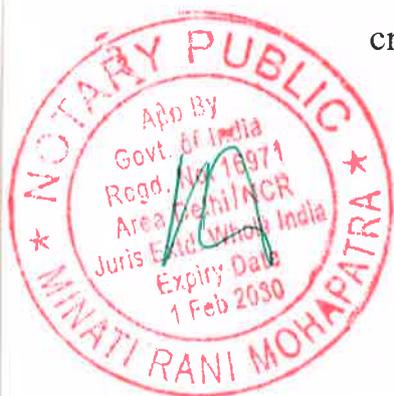
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Applicant has challenged these CCAs in OA No. 522 of 2025 which is also pending adjudication before this Hon'ble Tribunal.

13. That the contents of para 13 are false and denied. The affidavit filed by the UKPCB shows a blatant attempt to protect the environmental wrong doer rather than comply with the law and the orders of this Hon'ble Tribunal. Apart from violating the order dated 12.10.2023 in OA No. 341 of 2023, the UKPCB affidavit also does not comply with the order of this Hon'ble Tribunal dated 26.09.2025 which called for an affidavit from UKPCB as under –

*“4. Learned Counsel appearing for the UKPCB seeks time to disclose by way of an affidavit if the respondent nos. 5 and 6 are complying with the siting criteria prescribed in the MoEF&CC's Notification dated 22.02.2022 and if they were set up prior to issuance of the Notification dated 22.02.2022, they had the valid consent to establish/consent to operate and permission to set up at that time.”*

The affidavit under reply does not deal with these two aspects at all. The Applicant therefore begs that this Hon'ble Tribunal may take strict note of the same. Additionally, the Applicant begs to point out that in the connected OA No. 522 of 2025, the DM Haridwar has filed a report dated 18.12.2025 in which it is clearly stated that the Respondent No.5 and 6 brick kilns are in violation of the siting criteria as per the notification dated 22.02.2022.



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It is thus prayed that the OA be allowed.

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**VERIFICATION**

That the contents of the above paras are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from.

09 MAR 2026

Verified at \_\_\_\_\_ on this the \_\_\_\_ day of March 2026

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DEPONENT

*Blue Thansen*  
**IDENTIFIED**



**ATTESTED**

*Handwritten signature*  
**MINATI RANI MOHAPATRA  
NOTARY DELHI-R-16971  
GOVERNMENT OF INDIA  
SUPREME COURT OF INDIA  
COMPOUND NEW DELHI  
REGISTER Pg./Sl. No. \_\_\_\_\_**

*Handwritten signature*  
**MINATI RANI MOHAPATRA  
ADVOCATE (NOTARY)  
Mob. No.: 8130128457**

09 MAR 2026

*Handwritten signature in blue ink*



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Krishna Veer &lt;krishnaveer100@gmail.com&gt;

## Proof of Service

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### Advance service of Rejoinder Affidavit of the Applicant to Response filed by UKPCB in Re: OA/833/2024 : Vipin Kumar Vs. Uttarakhand Pollution Control Board & Ors.

1 message

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**Krishna Veer** <krishnaveer100@gmail.com>

Mon, Mar 9, 2026 at 12:01 PM

To: gaurav@grvlegal.in, msukpcb@yahoo.com, ajayagarwal.cpcb@nic.in, dm-har-ua@nic.in, mcfcc@gov.in

Dear Sir/Madam

Kindly find attached herewith the scanned copy of Rejoinder Affidavit of the Applicant to Response filed by UKPCB in Re: OA/833/2024 : Vipin Kumar Vs. Uttarakhand Pollution Control Board & Ors.

Regards  
Krishna Veer, Clerk  
of Mr. Rohan Thawani, Advocate

**Rejoinder to the Response affidavit filed by UKPCB dated 20.12.2025.pdf**

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