

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

ORIGINAL APPLICATION NO. 1329 /2024

In the matter of:

Abdul Qadir

Applicant

Versus

State of U.P. & Ors

Respondents

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Place: New Delhi

Dated: 22.05.2025

FILED BY:-



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**REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY
FILED BY THE RESPONDENT NO. 5 AND 6.**

Most Respectfully Showeth:

1. That it is incorrect and denied that the Application filed by the Applicant is not maintainable and it is also incorrect and denied denied that the applicant has failed to disclose any instance on the part of respondent No. 5 & 6 to have violated any law relating to environment.
2. It is submitted that the Agra Development Authority in its reply dated 03.02.2025, at running page no. 87, has referred the Respondent Unit as illegal and unauthorised shoe manufacturing factory in a **residential area** without any approvals.
3. That it is incorrect that the Respondent No. 5 & 6 are not having any concern with the property at Khasra No. 280/1, Sarjapur in front of turning point of Gali Np. 4, Azad Nagar, Khandari, Agra. It is submitted that UPPCB in its reply dated 19.12.2024 has referred at running page no. 60 regarding inspection conducted at the said site. And thus, the stand of the Respondent 5 and 6 is contrary to the stand of the UPPCB. Therefore, the contention that the

Respondent Unit is not concerned with the said address is false and incorrect.

4. It is incorrect that the respondent No. 5 is not doing anything at Khasra No. 302, Sarjapur, Azad Nagar, Khandari, Agra. It is submitted that Respondent no.5 wants to protect his illegal factory at this site from the action of authorities. It is submitted that Respondent no.5 is indeed running his illegal shoe manufacturing factory at this site as observed by the Agra Development Authority in its reply at running page no. 102 wherein a Show Cause Notice is addressed to Kamal Ahmed at his site at 302, Azad Nagar, Agra.
5. It is incorrect and denied that the Application filed by the applicant is vague and without any substance and is liable to be dismissed as the same has been filed with the sole motive to harass and humiliate the answering respondents specially the respondent No. 6 as the respondent No. 6 has given his premises situated at Khasra No. 304/2, Sarjapur, Gali No. 5, Azad Nagar Khandari, Agra rent to the respondent No. 5 who is running the business of assembling shoes therein and on the other hand the applicant and his family members have sold most part of the properties and they are having grudge against the respondent No. 6 and his family members as to why they are enjoying the fruits of their property.

It is submitted that the Respondent no.5 and 6 are jointly running the business of footwear manufacturing at the aforesaid sites. It is submitted that the Respondent Unit is trying to mislead the Hon'ble Tribunal by describing the activity as of "Assembling". That as per the own documents of MSME registration at internal page no. 20 of the reply of Respondent Unit, the major activity is of "Manufacturing" of footwear and related products.

6. It is denied that the application under reply has been filed by the Applicant as a counter blast to the several litigations pending between them in the civil court District Agra, UP with regard to a part of a plot Khasra No. 304/2, Sarjapur, Azad Nagar, Khandari, Agra upon which the applicant and his family members are having evil eye and as such the said application is not maintainable is liable to be dismissed.

It is submitted that said alleged facts has no relation with the present Original Application and thus are irrelevant.

7. It is denied that present application is not maintainable in view of the fact that the Applicant is trying to use this Hon'ble Tribunal and Government Agencies which are impleaded as respondents in the present application as a tool to put pressure upon the respondent No. 6 to arrive at a settlement with regard to the dispute going on between them in the Civil Court at Agra which is not permitted under the law.

It is submitted that said facts are not relevant to the present Original Application.

8. It is denied that the respondent No. 5 is running his business on a very small level which is evident from the fact that the respondent No. 5 is registered under the Udyam Scheme of the Ministry of Micro, Small and Medium Enterprises (MSME) which is not required to be run in the designated industrial area and as such the application under reply in not maintainable and is liable to dismissed.

It is submitted that the area is residential area and the authorities are bound to follow the prevalent rules pertaining to ban of industrial units in the residential areas. That the registration under the MSME Act does not give any license to the Respondent

Unit to not comply with other laws and run industrial unit in residential area in contravention to the Order passed by Hon'ble Supreme Court and the Hon'ble Tribunal.

9. It is denied that though the work which is being carried out by the Respondent no.5 falls within the white Category and does not require Consent from UPPCB still the Respondent no.5 has obtained the No Objection Certificate from the Office of the Director of Industries.

It is submitted that Neither the Respondent Unit has annexed any relevant document which puts the said activity as falling under White Category and nor the UPPCB has stated that such activity falls under the White Category. Therefore, in the absence of any such material on record, the activity cannot be considered as falling under White Category.

It is further submitted that the very same document annexed as ANNEXURE R 5-6/3 at internal page no.22 (No Objection Certificate from the Office of the Director of Industries) of the reply of the Respondent Unit says that-

“5. रिहायशी क्षेत्र हेतु यह अनापत्ति प्रमाण पत्र लागू नहीं होगा

7. इकाई स्थापना / संचालन हेतु आवश्यकता अनुसार शपथ पत्र में वर्णित अन्य सम्बंधित विभागो से अनापत्ति प्राप्त करनी होगी

8. इकाई संचालन हेतु उ. प्र. प्रदुषण नियंत्रण बोर्ड के नियमों का अनुपालन करना होगा.”

And further the said NOC dated 10.02.2021 is valid for one year only which expired on 10.02.2022.

Therefore, it is clear from the documents placed on record by the Respondent itself that the said NOC is not valid for residential areas. And further the UPPCB rules has to be complied

by the Respondent Unit. It is submitted on the other hand that UPPCB did not provide any permission to the Respondent Unit.

10. It is further submitted that said NOC dated 10.02.2021 was expired in the next year and as per the latest record available with the Applicant, the said permission is not valid at present as per the letter dated 06.03.2025 issued by the Office of Commissioner Industries, District Industries and Enterprises promotion centre.

The copy of the letter dated 06.03.2025 issued by the Office of Commissioner Industries, District Industries and Enterprises promotion centre, is annexed as **ANNEXURE A-1**.

It is therefore prayed before the Hon'ble Tribunal to kindly take on record the present Rejoinder.

New Delhi

Dated 22.05.2025



Applicant

Through



Counsel

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PRINCIPAL BENCH NEW DELHI**

OA NO. 1329 /2024

IN THE MATTER OF

Abdul Qadir

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Respondents

AFFIDAVIT

I, Abdul Qadir S/o Afzal Hussain 23/8 Wazirpura, Agra Uttar Pradesh 282003 aged about 37 years, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the Original Application and well being and acquainted with facts and circumstances of the case and thus competent to swear this affidavit.
2. That the accompanying rejoiner has been drafted by my counsel under my instructions and contents thereof have been read over and explained to me in my vernacular which are true and correct to my knowledge, the contents thereof may kindly be read as part and parcel to this affidavit also and not repeated herein.
3. The contents as stated above are true and correct to my knowledge and belief.

[Signature]

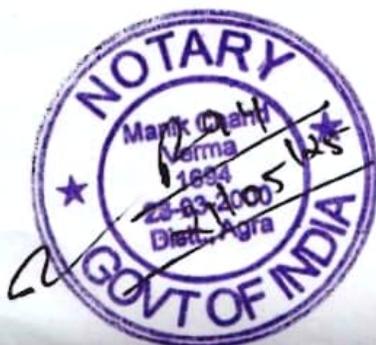
DEPONENT

Verification

It is verified at _____ on _____ that the contents of the present application are true and correct and nothing has been concealed therefrom.

[Signature]

DEPONENT



ATTESTED
Manik Chand Verma
Advocate
Gazetted Officer
Distt. Notary, Agra
Reg. No. 1694/2000

21/05/25

कार्यालय, उपायुक्त उद्योग, जिला उद्योग एवं उद्यम प्रोत्साहन केन्द्र, आगरा।

पत्रांक 5409 / जि०उ०एवंउ०प्रो०के० / आगरा / आई.जी.आर.एस. / 2024-25 / दिनांक:- 06-3-25

संयुक्त आयुक्त उद्योग
आगरा मण्डल, आगरा।

कृपया आप अपने पत्र सं०-1390, दि० 25 फरवरी, 2025 का सन्दर्भ ग्रहण करने का कष्ट करें, जो कि आई०जी०आर०एस० संख्या-40014625009100 के निस्तारणार्थ आख्या उपलब्ध कराने के सम्बन्ध में है।

उक्त कम में दि० 05.03.2025 को कार्यालय के पटल सहायक श्री धर्मेन्द्र कुमार, वैयक्तिक सहायक ग्रेड-2 द्वारा दूरभाष पर शिकायतकर्ता श्री अदनान हुसैन से वार्ता की गई। जिसमें शिकायतकर्ता श्री अदनान द्वारा वॉट्सप के माध्यम से श्री विशाल अग्रवाल (पार्टनर), मैसर्स फुट फैशन ओवरसीज, म०नं०-6सी/5/5/1, गली नं०-5, आजाद नगर, जनपद-आगरा के पक्ष में इस कार्यालय के पत्रांक-5751, दि० 10.02.2021 द्वारा निर्गत अनापत्ति प्रमाण-पत्र की प्रति उपलब्ध कराई गई है। उक्त सन्दर्भ में श्री अदनान हुसैन को दूरभाष पर ही अवगत करा दिया गया है कि उपरोक्त अनापत्ति प्रमाण-पत्र इकाई द्वारा कार्यालय में प्रस्तुत आवेदन/शपथ-पत्रों के आधार पर सशर्त निर्गत किया गया है, यदि उपरोक्त अनापत्ति में दी गई शर्तों का कोई उल्लंघन पाया जाता है तो अनापत्ति स्वतः निस्प्रभावी होगी। उपरोक्त अनापत्ति प्रमाण-पत्र की वैधता अवधि एक वर्ष हेतु ही मान्य है। वर्तमान में उपरोक्त अनापत्ति प्रमाण-पत्र प्रभावी नहीं है। उक्त कम में शिकायतकर्ता श्री अदनान द्वारा इस प्रकार की आख्या ऑन-लाइन पोर्टल के माध्यम से चाही गई है।

आख्या सादर सूचनार्थ प्रेषित है।

(अनुज कुमार)
संयुक्त आयुक्त उद्योग
जिला उद्योग एवं उद्यम प्रोत्साहन केन्द्र
आगरा।

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