

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH AT NEW DELHI****ORIGINAL APPLICATION NO. 725 OF 2023****IN THE MATTER OF:**

Baliram Singh

... **APPLICANT**

VERSUS

Wallop Brewing Private Limited and Ors.

...**RESPONDENTS****INDEX**

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REJOINDER ON BEHALF OF THE APPLICANT

MOST RESPECTFULLY SHOWETH:

1. The present Original Application being O.A. No. 725 of 2023 has been instituted before this Hon'ble Tribunal by the Applicant, inter alia, raising substantial issues relating to environmental degradation and illegal operation of the industrial unit of Respondent No. 1, namely Wallop Brewing Private Limited, in close proximity to the Chandraprabha Sanctuary and its eco-sensitive areas. The present proceedings also involve consideration of compliance with environmental norms, impact on forest land, and violation of statutory safeguards intended for protection of wildlife and ecological balance.
2. It is submitted that in the present matter, this Hon'ble Tribunal, vide order dated 27.01.2026, was pleased to take on record the replies filed on behalf of Respondent Nos. 3 and 5 and granted

the Applicant four weeks' time to file rejoinder thereto. The parties were further granted a last opportunity to complete pleadings within eight weeks, and the matter has been listed for final hearing on 27.04.2026. Accordingly, the present Rejoinder is being filed by the Applicant in response to the replies filed by the Respondents.

3. The present Rejoinder is being filed to specifically controvert the incorrect, misleading and factually untenable averments made by the Respondents in their respective replies. The Applicant denies all such submissions which are contrary to the record and reiterates the stand taken in the Original Application. The Rejoinder, inter alia, clarifies the factual position regarding the boundary of the Chandraprabha Sanctuary, the actual location and proximity of the Respondent's unit, and the environmental implications arising therefrom, which have been deliberately misrepresented by the Respondents.
4. That the notified boundary of the Chandraprabha Sanctuary is clearly defined through specific geographical markers and directions, leaving no scope for ambiguity. The sanctuary boundary, commencing from the northern direction, begins at mile stone no. 9 on the Chakia-Naugadh-Road and extends up to Chandraprabha River mile 66 at the Mirzapur-Varanasi district point, having coordinates latitude 22°58' and longitude 83°3'45". From the said northern point, the boundary proceeds along the western side, running parallel to the limits of

Mirzapur and Varanasi districts at latitude 24°54 and longitude 83°6, thereby forming the western boundary of the sanctuary. Further, the south-western boundary is distinctly demarcated along the left bank of the Posta-River, which flows in an eastward direction and ultimately merges into the Chandraprabha-River at latitude 24°52, 50.36 and longitude 83°07, 48.02. The aforesaid delineation demonstrates that the Posta-River and its left bank constitute an integral and continuous part of the sanctuary boundary, as per official records. **(Page 19 of OA)**

5. It is further submitted that from the confluence point of the Posta-River with the Chandraprabha-River, i.e., latitude 24°52, 50.36 and longitude 83°07, 48.02, up to the Chandraprabha Inspection House, the sanctuary extends over an area of approximately 37.5 square miles, equivalent to 24,000 acres, thereby evidencing the substantial spread of the protected area.
6. That within the Jayamohani Range, particularly in Shikarganj compartment no. 17, the Posta-River originates from Madhupur (formerly within Mirzapur district and presently in Sonbhadra district) and flows in a northward direction before meeting Bat Gram Sabha, the location whereof is recorded at GPS latitude 24°51.45.93, thereby clearly establishing the natural flow pattern of the river forming part of the sanctuary boundary.
7. That on the left (northern) bank of the said Posta-River, at the boundary of Bat Gram Sabha and Gulariawan Gram, there

exists a large banyan tree marking the location of Reserved Forest (RF) pillar no. 169, having GPS coordinates latitude $24^{\circ}51.47.98$ and longitude $83^{\circ}04.57.54$, which constitutes an official and on-ground demarcation of the sanctuary boundary.

8. That from the said RF pillar no. 169, the boundary proceeds northward to RF pillar no. 163, situated at latitude $24^{\circ}52.15'57$ and longitude $83^{\circ}05.06'71$, and from this point, the industrial unit of Respondent No. 1, namely the beer factory, is located at a distance of approximately 192 meters towards the west, thereby demonstrating its close proximity to the notified sanctuary boundary.
9. That from RF pillar no. 163, the boundary continues northward up to RF pillar no. 162/1, situated at latitude $24^{\circ}52.20'25$ and longitude $83^{\circ}05.06'71$, from where the distance of the Respondent's unit is approximately 162 meters, which fact stands duly confirmed by official communications dated 27.10.2023 issued by the forest authorities, and the said unit is located on the left bank of the Posta-River. **(Pg. 652)**
10. That the Posta-River flows from the boundary of Bat Gram Sabha and Gulariawan Gram in an eastward direction and merges into the Chandraprabha river at compartment C17, having GPS coordinates latitude $24^{\circ}52.50'36$ and longitude $83.07.48'02$, and the claim of the Respondents that the distance of the unit from the sanctuary boundary is 2825 meters is

wholly incorrect and contrary to record, inasmuch as the actual distance from RF pillar no. 162/1 to the merger point, where the unit is situated, is approximately 160 meters, as evidenced from GPS photographs dated 12.04.2026 (latitude 24°880638/24°880637 and longitude 83.130052/83.130048), thereby clearly establishing the immediate and undeniable proximity of the Respondent's unit to the sanctuary boundary.

A true copy of the photographs dated 12.04.2026 are annexed herewith and marked as **Annexure- "A Colly"**.

11. That it is respectfully submitted that as per the official communication issued by the Regional Officer, Uttar Pradesh Pollution Control Board, Sonbhadra, in reference to the District Magistrate's letter dated 22.11.2023 and the report of the Joint/Three-Member Committee, the Respondent unit was found to have operated without valid consent during the period from 01.08.2023 to 05.09.2023, despite its earlier consent having expired on 31.07.2023, and accordingly, Environmental Compensation amounting to Rs. 2,25,000/- (Rupees Two Lakh Twenty-Five Thousand only) has been recommended/imposed upon the Respondent, thereby conclusively establishing violation of statutory consent conditions. **(Pg.626)**
12. That despite imposition of Environmental Compensation of Rs. 2,25,000/- for operating without valid consent during the period from 01.08.2023 to 05.09.2023, the Respondent has failed to discharge the said liability till date. The said conduct,

coupled with failure to regularly intimate operational details to the Regional Officer, UPPCB and to comply with directions issued by the State Pollution Control Board and the State Ground Water Department, clearly reflects continued and persistent non-compliance with statutory conditions. **(Pg. 612)**

13. That as per the general conditions governing the grant of No Objection Certificate (NOC) for the brewery unit, it is mandatory to obtain a fresh authorization in the event of any change in ownership or status of the entity. However, in the present case, the Respondent company has undergone a change in its name/identity and has continued to operate by relying upon the earlier NOC without obtaining a fresh authorization from the competent authority. The said conduct is in clear violation of the stipulated conditions of the NOC and renders the continued operation of the unit unauthorized in the eyes of law. **(Pg 634)**
14. That the Respondent No. 1 seeks to rely upon the Consent to Establish dated 19.08.2021 and the Consent to Operate dated 05.08.2022 (valid up to 31.07.2023), along with its subsequent renewal, to justify its operations. However, the said reliance is wholly misconceived inasmuch as the Respondent No. 1 has admitted that it sought a change in its name from M/s Wallop Brewing Company to M/s Wallop Brewing Private Limited vide letter dated 22.08.2022, which was merely taken on record by the UPPCB on 08.09.2022 for the limited purpose of applicability of CTO. It is submitted that such acceptance of

change in name cannot be construed as a fresh grant of consent or authorization. In terms of the general conditions of the NOC, any change in ownership or status of the entity mandates obtaining of fresh authorization from the competent authority. The Respondent No.1, however, continued to operate under the earlier NOC/consent without obtaining such fresh approval, thereby rendering its operations unauthorized and in clear violation of statutory conditions. The subsequent renewal of CTO also does not cure the initial illegality, particularly when the foundational requirement of fresh authorization upon change of entity was not complied with. **(Pg. 599)**

15. That the constitution of a Joint Committee by the District Magistrate, Sonbhadra vide letter dated 06.09.2023, pursuant to public complaints, and its inspection dated 09.10.2023, itself demonstrates serious and substantive violations on part of the Respondent unit. The findings of the said Committee led to issuance of a show cause notice dated 12.02.2024 **(Pg. 624)** by the UPPCB, Lucknow, specifically raising issues relating to non-compliance with rainwater harvesting requirements, lack of registration of groundwater extraction structures, questionable distance from the Eco-Sensitive Zone, applicability of Environmental Clearance, and operation of the industry without valid consent under the Water and Air Acts. These are not mere procedural lapses but go to the root of environmental compliance. The very fact that such violations were prima facie established by a multi-departmental committee underscores

the continued non-compliance and environmental risk posed by the Respondent's operations, warranting strict action by this Hon'ble Tribunal. **(Pg. 599)**

16. It is further submitted that, as specifically recorded in the Show Cause Notice issued by the Chief Environmental Officer, UPPCB, the inspection dated 09.10.2023 (Pg. 621) revealed that the Respondent unit was operating despite non-functional pollution control systems and absence of essential statutory compliances. The said notice further records failure of the Respondent to obtain requisite approvals in respect of groundwater extraction, non-fulfilment of requirements relating to the Eco-Sensitive Zone, and continued operation even after expiry of valid consent on 31.07.2023. In view thereof, the Respondent was called upon to show cause as to why stringent action, including closure of the unit and disconnection of electricity and water supply, should not be initiated, thereby underscoring the seriousness and continuity of the violations. **(Pg.624)**
17. It is respectfully submitted that the inspection report records that the Respondent has installed multiple DG sets (two of 250 KVA and one of 82 KVA capacity) for power backup; however, the emission control mechanism is deficient, as the height of the chimneys attached to the DG sets was found not to be in conformity with the prescribed standards of the Pollution

Control Board, thereby indicating non-compliance with mandatory air pollution control norms. **(Pg. 621)**

18. It is further submitted that the Respondent has failed to produce any valid dealer agreement or No Objection Certificate from the competent authority for supply of LPG, which is being used as fuel in the industrial process. Additionally, the inspection reveals that though an exhaust vent was installed, the requisite chimney of adequate height (approximately 15 meters) for proper dispersion of emissions was not provided, thereby violating prescribed environmental safeguards. **(Pg. 621)**
19. That the rainwater harvesting system within the industrial premises was found to be wholly non-functional and deficient, inasmuch as the recharge structures were uncovered and inactive, with no completion report or approved design on record. It was further observed that the rooftop drainage system was not connected to the recharge chambers, rendering the entire system ineffective and indicative of mere paper compliance. **(Pg. 621)**
20. Further the Respondent has failed to comply with mandatory requirements relating to groundwater extraction, as the registration of the well, which is required to be completed within the prescribed period from the date of grant of No Objection Certificate, has not been carried out, thereby constituting a

clear violation of conditions imposed by the Ground Water Department. **(Pg. 622 Para 9)**

21. That the inspection report records the existence of forest land in proximity to the industrial unit, and despite such location, the Respondent has failed to obtain the requisite No Objection Certificate from the competent forest authority with respect to its position vis-à-vis the Eco-Sensitive Zone of the Chandraprabha Wildlife Sanctuary. **(Pg. 622 Para 12)**
22. Furthermore, in terms of the notification dated 07.01.2019 issued by the Ministry of Environment, Forest and Climate Change, the area extending up to one kilometer from the boundary of the Chandraprabha Wildlife Sanctuary stands notified as an Eco-Sensitive Zone, and compliance in this regard was required to be verified through the Divisional Forest Officer; however, no such verification or approval has been obtained by the Respondent, thereby raising serious concerns regarding the legality of its operations in the said location. **(Pg. 622 Para 11)**
23. That the inspection report further records that the Consent to Operate (under the Water and Air Acts) granted to the Respondent was valid only up to 31.07.2023, and thereafter, the unit continued to operate without valid consent, despite being called upon by the authorities to furnish compliance of consent conditions. It is also specifically noted that the Respondent has not obtained Environmental Clearance as required under applicable law. In view of these admitted

deficiencies, the Committee has categorically recommended that the unit be permitted to operate only upon obtaining valid consent and requisite approvals, including clearance in respect of the Eco-Sensitive Zone. The report further recommends initiation of action by the Ground Water Department for unauthorized extraction and non-registration of wells, action for non-functional and deficient rainwater harvesting systems, and action by the Pollution Control Board for non-operation of pollution control mechanisms. It has also been recommended that Environmental Compensation be imposed for the period of operation without valid consent, and that appropriate action be initiated by the competent authorities if the unit falls within forest or wildlife areas. The cumulative effect of these findings and recommendations clearly establishes persistent and multi-fold violations by the Respondent, warranting strict regulatory and remedial action. **(Pg. 622-623)**

That in view of the facts and material placed on record, it is respectfully submitted that the Respondent unit has been consistently operating in violation of statutory environmental norms, including operation without valid consent, failure to obtain requisite clearances, non-compliance with pollution control requirements, and disregard of conditions relating to groundwater extraction and Eco-Sensitive Zone regulations. The findings of the Joint Committee, the Show Cause Notice issued by the Pollution Control Board, and the admitted deficiencies cumulatively establish a pattern of continued

and wilful non-compliance, posing serious risk to the environment and the surrounding ecological balance.

PRAYER:

In these circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Direct immediate and appropriate action against the Respondent unit, including suspension/closure of operations until full compliance with all statutory requirements is ensured;
- b) Direct recovery of Environmental Compensation already assessed, and further impose appropriate compensation commensurate with the extent of environmental damage and period of violation;
- c) Direct the Respondent to obtain all requisite statutory approvals, including valid consent, Environmental Clearance (if applicable), and permissions relating to groundwater and Eco-Sensitive Zone, prior to any further operation;
- d) Direct restoration and remediation measures to address environmental damage caused due to the unlawful operations of the Respondent;
- e) Constitute a fresh independent committee for conducting accurate on-ground measurements and verification of the location and distance of the Respondent unit from the

sanctuary and its Eco-Sensitive Zone, with due participation/representation of the Applicant to ensure transparency;

e) Pass such other and further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

**AND FOR THIS ACT OF KINDNESS, THE APPLICANT SHALL AS
IN DUTY BOUND EVER PRAY.**

FILED BY:



(ASHISH CHAUBEY)

Advocate for the Petitioner



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... **RESPONDENTS**

AFFIDAVIT

I, BALIRAM SINGH, Applicant aged about 76 years, R/o Shamsherpur, Chandauli, Uttar Pradesh- 232111, do hereby solemnly affirm and state as follows:

1. That I am the Applicant in the above-mentioned Original Application and am well acquainted with the facts and circumstances of the case. I am competent to swear this Affidavit.

I have read and understood the contents of the accompanying Rejoinder and confirm that the same are true and correct to the best of my knowledge, information, and belief and statements made in the Rejoinder are based on



information derived from documents, reports, and my personal knowledge, which I believe to be true and correct.

3. That I am swearing this affidavit to support the averments made in the accompanying Rejoinder.

DEPONENT

बाल राम सिंह

VERIFICATION:

I, BALIRAM SINGH, the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief, and nothing material has been concealed therefrom.

Verified at _____ on this ___ day of April, 2026.

DEPONENT

बाल राम सिंह



SWORN & VERIFIED
BEFORE ME

H.B. [Signature]
M.R. AHMAD ADV
NOTARY GOVT. OF U
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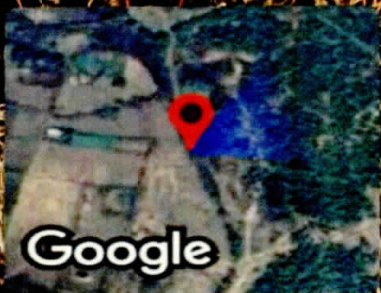
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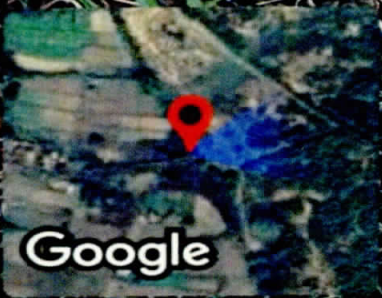
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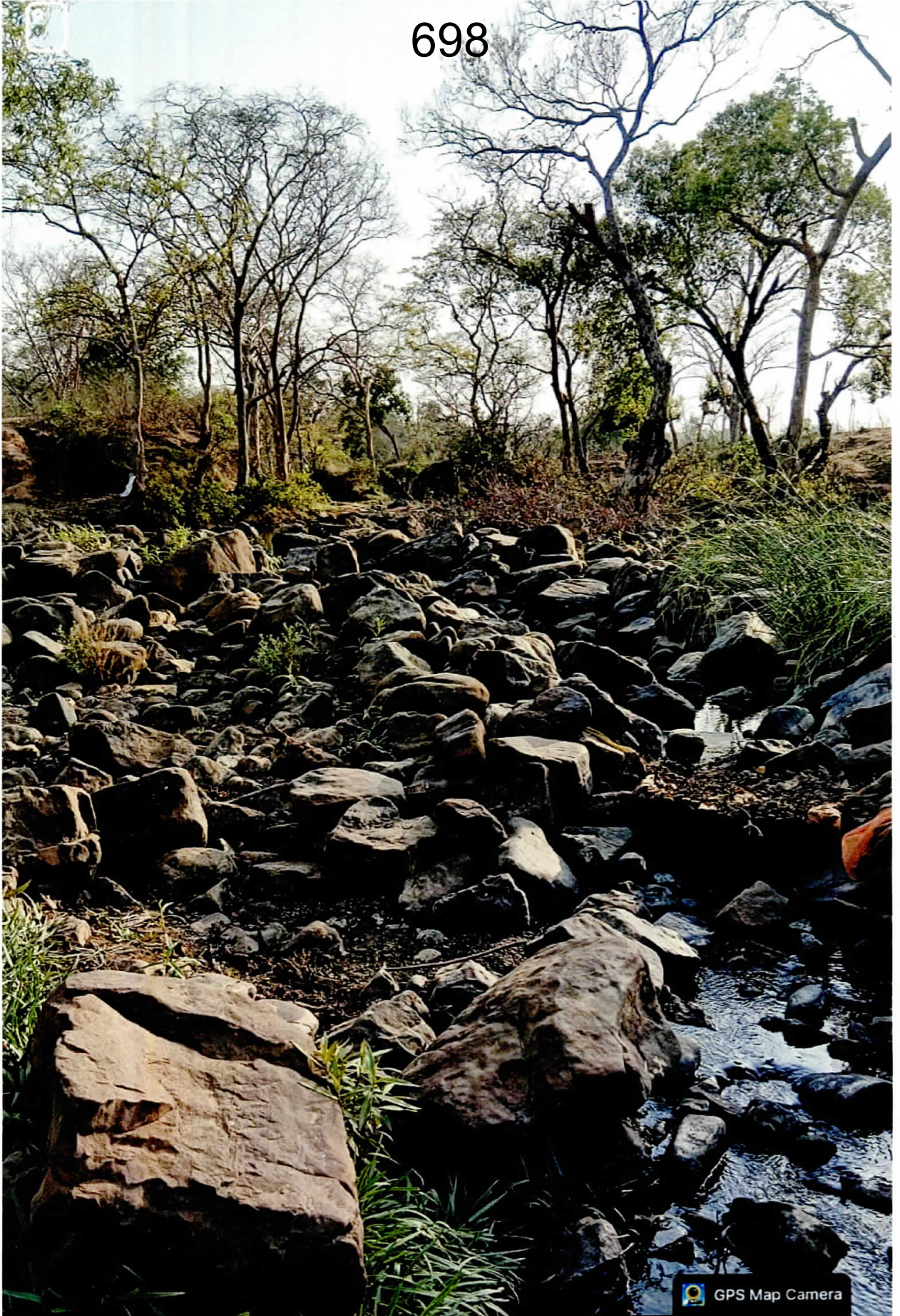
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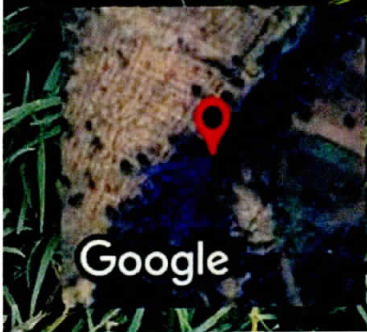
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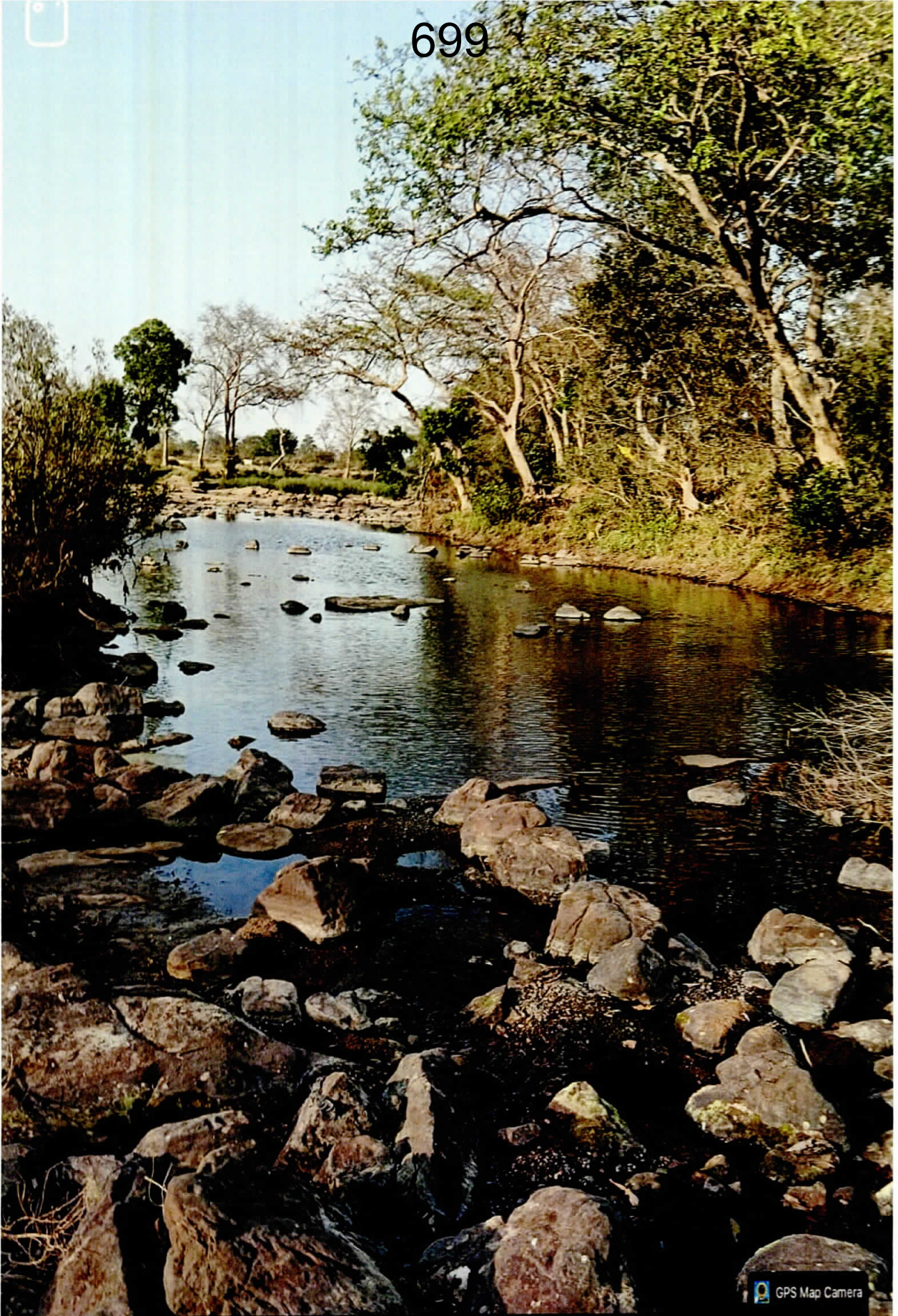
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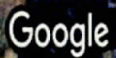
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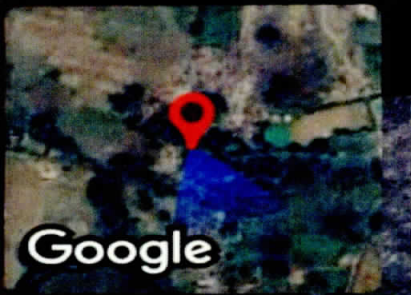
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