

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

I.A. NO. 699 OF 2024

IN

O.A. NO. 771 OF 2022

IN THE MATTER OF: -

Nishant Bhargav

...Applicant

-Versus-

State of Uttar Pradesh & Ors.

...Respondent (s)

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NDoH: 25.08.2025

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Place: New Delhi

Date: 23.08.2025

DRAWN & FILED BY:

Mbachani

Mansi Bachani & Shubham Upadhyay

Advocates for the Respondent No. 4

29, LGF, Presidential Estate

Nizamuddin East, New Delhi - 110013

Email: eldflegal@gmail.com; +91- 8851323704

SETTLED BY:

Sanjay Upadhyay

[Senior Advocate]

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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**REJOINDER TO REPLY AFFIDAVIT DATED 22.08.2025 BY THE
APPLICANT TO I.A. NO. 699/2024 BY JAYPEE INFRATECH LTD
(RESPONDENT NO. 4).**

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal is presently seized of the issue of compliances undertaken by the Jaypee Infratech Ltd., through its Implementation and Monitoring Committee (hereinafter referred as the 'Respondent No, 4'), after it has taken over from the previous owner through NCLT/NCLAT proceedings, for proper disposal of wastewater as well as compliance with the Construction and Demolition Waste Management Rules, 2016 along with the development of the Sewage Treatment Plant in the Jaypee Infratech Green Wish Town Project.
2. That the Respondent No. 4 had filed an Interlocutory Application No. 699 of 2024 to place on record additional documents, which include the Stay Order of the Hon'ble High Court of Allahabad on the compensation imposed by the Uttar Pradesh Pollution Control Board as well as the Consent to Operate for STP 2, established at Sector 133 of Jaypee Green Wishtown, Noida.
3. That this Hon'ble Tribunal was pleased to issue Notice on 02.01.2025 and granted three weeks to the Applicant, Nishant Bhargav, to file documents

in response to the said IA. It is pertinent to mention that after a delay of almost six-seven months, the Applicant herein, two days before the hearing before this Hon'ble Tribunal, has filed his Reply Affidavit on 22.08.2025, placing on record letters of the New Okhla Industrial Development Authority to allege that the STP is not functioning properly.

4. That, save and except what is specifically admitted hereunder, each and every averment, submission, allegation and contention of the Applicant in their Affidavit dated 22.08.2025, which have not been specifically admitted, herein and which are inconsistent with the tenor of the present Rejoinder, may be treated as specifically denied and not admitted by the Respondent No 4.
5. That the Original Applicant is misrepresenting the information with respect to the working of the STP, for reasons best known to him, despite the photographs clearly showing the working condition of the STP 2 at Sector 133. In his Affidavit of 22.08.2025, no pictures have been provided to substantiate the allegation that the wastewater is released in Noida Drain in the middle of the night. Further, no official from Respondent No. 4 was present at the time of the alleged inspection and the same is disputed by the Respondent No. 4 herein.
6. That particularly, in response to the Letter dated 19.11.2024 of the Okhla Industrial Development Authority, Respondent No. 4 has replied on 26.11.2024, *inter alia*, objecting to the allegations pertaining to improper disposal of wastewater and clarifying that the STP is in working condition and the compliance with the Consent conditions is being monitored by the Uttar Pradesh Control Board. Furthermore, it is believed that Paras Mall, constructed in Sector 133, could be releasing wastewater through the sewer connection, and the Respondent No. 4 is not liable for the same. It

is pertinent to mention that post the said communication, no further response was received from the Okhla Development Authority on the said issue. The true copy of the Reply Letter dated 26.11.2024 is marked and annexed as **ANNEXURE R/1**.

7. That thereafter, the Applicant herein has complained against the Respondent No. 4 again on IGRS portal , specifically with respect to the mismanagement of sewer water from the labour huts and alleged violation of the Orders of this Hon'ble Tribunal. The Applicant has placed the letter of 04.03.2025 from the New Okhla Development Authority to the Respondent No. 4 herein, stating that a fine of Rs. 25,000/- is being imposed for the alleged pollution. At the outset, it is pertinent to mention that the Respondent No. 4 has not received the letter of 04.03.2025, and the letter placed on record also does not include any receipt from the Respondent No. 4 herein. It is surprising that a Letter which has not been received by Respondent No. 4 is in the possession of the Applicant, although it has not been marked to the Applicant. However, on merits, the Respondent No. 4 submits that there is no sewerage being disposed of from the labour huts into the Noida Drain and the same is being duly managed in accordance with law.
8. That with respect to the allegations of air pollution, again, no proof of the same has been submitted by the Applicant or even in the Letter of 04.03.2025 by the New Okhla Industrial Development Authority, and thus, the imposition and calculation of compensation is without any basis in facts. It is pertinent to mention that no major construction is ongoing at the moment, and minor touch-ups and painting work are going on in the buildings. Thus, there is no question of pollution as alleged by the Applicant or the New Okhla Industrial Development Authority. In any

case the regulator is the UPPCB and they have not pointed out any such violations. In any case, the Respondent No. 4 reserves the right to duly respond to the said issue to the New Okhla Industrial Development Authority as and when received. It is, however, surprising that the Applicant has not produced a single document showcasing that the Applicant had approached the management of Respondent No. 4 herein for raising the abovementioned grievances. This clearly highlights that the complaints are being filed for reasons which are not bonafide and for extraneous reasons.

9. That it is also pertinent to mention that on 31.07.2024, the Respondent No. 4 herein had filed a Compliance Affidavit clarifying the occupancy of the society, capacity of each STP and stage of construction each STP. Since then, there has been an update in the status of the functioning capacity of the STPs as well as the occupancy in the said sectors. The updated chart, along with the occupancy status, is being submitted in the present Affidavit for ready reference of this Hon'ble Tribunal. The updated status clarifies that the STP's of the four sectors are in working condition and are duly catering to the needs of the residents of Sector 133.

True Copy of the Updated Chart is marked and annexed as **ANNEXURE R/2**.

True Copy of the details of occupancy in each sector, capacity of the STP established for a particular sector and the amount of waste water generated (Load Sheet) is marked and annexed as **ANNEXURE R/3**.

True copies of the photographs of STP-2 dated 22.08.2025 are marked and annexed as **ANNEXURE R/4**.

10. That further, specifically on the issue of compensation previously imposed by the Uttar Pradesh Pollution Control Board vide Direction dated

15.05.2023 read with 26.07.2024, the same had been stayed by the Hon'ble High Court on 06.09.2024 in Writ Petition No. 7563/2024 and Writ Petition No. 8463 of 2024. [Refer Annexure A/1 and Annexure A/2 of I.A. No. 699/2024]. It is pertinent to mention that the said interim order has been continued by the Hon'ble High Court vide Order dated 07.08.2024. True copy of the Orders dated 07.08.2024 in Writ Petition No. 7563/2024 and Writ Petition No. 8463 of 2025, are marked and annexed as **ANNEXURE R/5 [Colly]**.

11. That it is also pertinent to mention that the Hon'ble High Court of Allahabad vide the Judgment dated 17.07.2025 in Suez India Pvt. Ltd. through its Authorized Signatory v. Uttar Pradesh Pollution Control Board and Others [Writ (C) No. 4816 of 2024] has clarified that the State Pollution Control Boards have no powers to impose environmental compensation upon any person or industry and it can merely file an application before NGT under Section 15 read with Section 18 of the NGT Act. True Copy of the relevant extracts of the Judgment dated 17.07.2025 of the Allahabad High Court in Suez India Pvt. Ltd. through its Authorized Signatory v. Uttar Pradesh Pollution Control Board and Others [Writ (C) No. 4816 of 2024] is marked and annexed as **ANNEXURE R/6**.

12. It should also be brought before this Hon'ble Tribunal in the latest Judgment of Delhi Pollution Control Committee v. Lodhi property Co. Ltd. Etc [Civil Appeal No. 757 of 2013], the mechanism of levy of compensation has to be worked out by way of subordinate legislation. Further, there are other discrepancies that were been pointed out due to which the Hon'ble Supreme Court has again listed the matter on 15.09.2025 directing to the MOEF&CC to be a party to respond to the queries. In other words, there is no finality to the said Judgment on the

mechanism of levy of compensation as it is a subject to the Direction No. (C) which states that – *“it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish the bank guarantees as an ex ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation”*

Hence, till such position is clear, it is submitted that the High Court’s decision shall hold.

13. Further, the issue of calculation of compensation for the period of insolvency is also pending adjudication before the Hon’ble High Court in Writ Petition No. 7563/2024 and Writ Petition No. 8463 of 2025. Accordingly, the present Original Application may be disposed of in view of the pendency of the similar proceedings before the Hon’ble High Court of Allahabad in view of the Judgment of the Hon’ble Supreme Court in State of Andhra Pradesh v. Raghu Ramakrishna Raju Kanumuru [Diary No. 16486/2022].

True Copy of the relevant extracts of the Writ Petition No. 7563/2024 and Writ Petition No. 8463 of 2025 are marked and annexed herein as **ANNEXURE R/7 [Colly]**.

14. This Hon’ble Tribunal may further take strict note of the conduct of the Applicant herein, who is enlarging the scope of the present Letter Petition by filing frivolous complaints. It is pertinent to note that this Hon’ble Tribunal vide Order dated 21.05.2024 in Om Prakash and Ors. v. State of Himachal Pradesh and Ors. [O.A. No. 83 /2024] has clearly stated that if complainant has all the resources and can engage advocates to represent himself, Letter Petitions should not be entertained by this Hon’ble

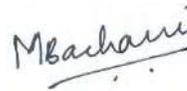
Tribunal. In the humble submission of the Respondent No. 4, the main grievance pertaining to the construction of STP-2 no longer survives as the same has been operational since last year. True copy of the Order dated 21.05.2024 is marked and annexed as **ANNEXURE R/8**.

15. That in view of the abovementioned facts, it is the humble submission of the Applicant herein that the present matter may be disposed of as the issue raised by the Applicant, in the OA, no longer survives in view of the developments shared through the updated chart as well as ongoing proceedings on the similar issue before the Hon'ble High Court.

Place: New Delhi

Date: 23.08.2025

DRAWN & FILED BY:



Mansi Bachani & Shubham Upadhyay
Advocates for the Respondent No. 4
29, LGF, Presidential Estate
Nizamuddin East, New Delhi - 110013
Email: eldflegal@gmail.com; +91- 8851323704

SETTLED BY:

Sanjay Upadhyay

[Senior Advocate]

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI
IA. NO. 699 OF 2024
2025 IN
ORIGINAL APPLICATION NO 771 OF 2022**

IN THE MATTER OF:

Nishant Bhargav

...Applicant

-Versus-

State of Uttar Pradesh & Ors.

...Respondent (s)

AFFIDAVIT

I, Apurva Pragya S/o Shri Dinesh Narayan Sinha aged about 49 Yrs. the Authorized Signatory for M/s Jaypee Infratech Ltd., having registered office at Sector-128 Noida-201304, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Application are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Application are true and correct to the best of my knowledge.

I identified the deponent who has signed in my presence

M. Bahur
8600531203



DEPONENT

22 AUG 2025

VERIFICATION:

Verified at on this..... day of....., 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.



ATTESTED

NOTARY (Govt. of India)
Neelam Sharma, Advocate
Enrol. No.-D1281/2001
Ch. No. 165A, Gate No. 11
Patiala House Courts,
New Delhi-110001
(M): 9899408301



DEPONENT

22 AUG 2025

Acknowledgement

Received one letter from Ms./Mr./Sh./Smt./Jaypee InfraTech Ltd
Regarding-Ref no- JIL/Noida/2024/550 Dt-26/11/2024 Noida (CAP)
On Date-26-November-2024
No-10-2601102024 New Okhla Industrial Development Authority

JAYPEE INFRATECH

165 km expressway with 5 integrated townships
INDIAN MILESTONE IN INFRASTRUCTURE

Ref: JIL/NOIDA/2024/550
Date: 26th November, 2024

To,

The General Manager (Planning)
New Okhla Industrial Development Authority,
Sector - 6,
Noida (U.P.)

Subject: Development of Land in Sectors 128/129/131/133 & 134, Noida.
- Inspection by New Okhla Industrial Development Authority for KPA and KPH Sector-133, Jaypee Wish Town, Noida.

Ref: Your letter no. NOIDA/Mu.Va.Ni./2024/4412 dated 19-11-2024

Sir,

In reference to above following are the point-wise clarification as desired:-

- In the layout plan approved for Jaypee Greens Wish Town, Sectors 128, 129, 131, 133 & 134, Noida, KP-1 plots and Kensington Park Apartments & Kensington Park Height are situated in Sector-133 Noida. In the approved building plan of KPA & KPH, it can be observed that all towers are surrounded by KP-1 residential plots and the planning has been done in the layout plan such that there is no separation between these projects. Moreover, in the building plan of KP-1, no boundary / fencing has been proposed because Wish Town is gated community and boundary wall around has been constructed.
- The Group Housing Clusters are having 3 layer security system for Towers and the plotted development having two layer security system which has already been provided. Any security threat due to the visitors and guests is always related with the proposed security systems and its efficient deployment by the AOA / RWA or the maintenance agency.
- Since this cluster is a complete Residential area having 18 no. tower and 811 no. of plotted development of various sizes are having all the parameters of Fire Tender path and the other committed infrastructures. With the present arrangements there is no hindrance for the proper movement of fire tender path and other related infrastructure.
- The issue of STP is misleading and not acceptable as presently the whole system is functioning effectively and for which Consent to Operate has already been obtained from Uttar Pradesh Pollution Control Board (enclosed for your ready reference).

The over flow of Noida Authority's manhole is not because of sewerage or drainage water of Jaypee Wish Town, it is because the authority's sewer line is not flowing with the natural gradient. It is being thrown out by pumping system as per the usual practice.

JAYPEE INFRATECH LIMITED

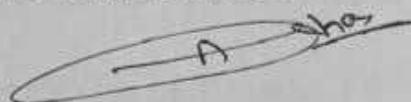
Regd. Office : Sector - 128, Noida -201304, Uttar Pradesh (India)
Ph.: +91 (120) 4609000, 2470800
E-mail : jpinfratech.investor@jilindia.in
Website : www.jaypeeinfratech.com **CIN :** L45203UP2007PLC033119

- Moreover Paras Mall constructed on Plot No. C1-D1 Sector-133, Noida have unauthorized sewer connection with the NOIDA sewer line as they have not applied to take connection from JIL as this plot is part of the approved Layout Plan of Jaypee Wish Town.
- Rain Water Harvesting (RWH) Sector-133 i.e. for the complete cluster have been prepared/commissioned and are fully functional any such type of issues raised are the part of routine maintenance and being taken up periodically.
- Covering of drain and other such issued is a part of routine maintenance and being taken care periodically however this has been attended to long back.

Please consider the above and take your action accordingly.

Thanking you,

Yours faithfully,
For Jaypee Infratech Ltd.



(Authorized Signatory)

**Jaypee Greens Wish Town
Sector-Wise Waste Water Generation**

Sl. No.	Sewage Treatment Plant	Location	Establishment year	Proposed Capacity (MLD)	Operational	Qty of Waste water (MLD)	Qty of Treated water (MLD)	Consent to Operate issued by UPPCB	Validity	Remarks
1	STP-1	Sector-128	20.03.2016	4* 3.25 =13	1 Module of 3.25 MLD	2.54 MLD	2.3 MLD	Yes (3.25MLD)	<p>From 28.09.2016 to 31.12.2017</p> <p>From 01.01.2018 to 31.12.2019</p> <p>From 01.01.2020 to 31.12.2020</p> <p>From 01.01.2021 to 31.12.2025</p>	<p>Ref No. F88126/C-1 / Shamati Jal / 117 /2016 /7 dated 28.09.2016</p> <p>Ref no. 2889 / UPPCB / NOIDA (UPPCBRO)/CTO/water/NOIDA/2017 dated 26/03/2018</p> <p>Ref no. 76769 / UPPCB / NOIDA (UPPCBRO) /CTO/water/NOIDA/2019 dated 11/06/2020</p> <p>Ref no. 115588 / UPPCB / NOIDA (UPPCBRO)/CTO/water/NOIDA/2020 dated 31/03/2021</p>

Sl. No.	Sewage Treatment Plant	Location	Establishment year	Proposed Capacity (MLD)	Operational	Qty of Waste water (MLD)	Qty of Treated water (MLD)	Consent to Operate issued by UPPCB	Validity	Remarks
2	STP-1A	Sector-131	10.06.2024	2* 3.25 =6.5	1Module of 3.25MLD	1.5 MLD	1.35 MLD	Yes (3.25MLD)	From 31.07.2024 To 31.12.2026	<p>Ref No. 209778/UPPCB/Noida(UPPCBRO)/CTO/both/NOIDA/2024 dared 30.08.2024</p> <p>Online application submitted on 22.07.2023 for obtaining CTO U/s 25/26 of Water Act 1974 & under section 21/22 of Air Act 1981.</p> <p>Application rejected by UPPCB via ref: no. 189008/UPPCB/Noida (UPPCBRO)/CTO/both/NOIDA/2023 dated 09.10.2023 due to following reason</p> <p><i>“The Project propend has not given a clear answer to the query, the environment compensation imposed by the Boards letter no. H93575/C-</i></p>

Sl. No.	Sewage Treatment Plant	Location	Establishment year	Proposed Capacity (MLD)	Operational	Qty of Waste water (MLD)	Qty of Treated water (MLD)	Consent to Operate issued by UPPCB	Validity	Remarks
										<p><i>1/Air/ 1040/Parya kshatipoorti/2023 dated 15.05.2023 Rs500000.00 & Boards letter no. H935754/C-1/ water/1177/Parya Kshatipoorti/2023 dated 15.05.2023 Rs.54780000.00 has not been deposited".</i></p> <p>Further application submitted on 24.12.2023 for obtaining CTO U/s 25/26 of water act 1974 & under section 21/22 of Air, acts 1981. Query raised by UPPCB after submission of application Reply of query was submitted online Application rejected by UPPCB via ref: no. 198606/UPPCB/Noida (UPPCBRO)/CTO/both/NOI DA/2023 dated 19.03.2024 due to following reason</p>

Sl. No.	Sewage Treatment Plant	Location	Establishment year	Proposed Capacity (MLD)	Operational	Qty of Waste water (MLD)	Qty of Treated water (MLD)	Consent to Operate issued by UPPCB	Validity	Remarks
										<p>“1. Project proponent has not submitted the compliance report of board SCN letter no. H02911/C-1/vayu-1040/Ka.Ba.No.-Parya.kshati/2023 dated 14/11/2023 for imposition of Rs.50,000.00 – environmental compensation.</p> <p>2. Project Proponent has not submitted the compliance report reply of Board SCN letter no. H02912/C-1/vayu-1040 Ka.ba.No. Kshati/2023 dated 14/11/2023 for imposition of Rs.5,00000.00 – environmental compensation”.</p> <p>Further, Application for CTO submitted on 11.02.2024, which was again rejected on 29.03.2024 by the UPPCB due to non-submission of</p>

Sl. No.	Sewage Treatment Plant	Location	Establishment year	Proposed Capacity (MLD)	Operational	Qty of Waste water (MLD)	Qty of Treated water (MLD)	Consent to Operate issued by UPPCB	Validity	Remarks
										<p>compliance report with respect to the Show Cause Notice dated 15.05.2023 and Compensation of Rs. 5,47,80,000.</p> <p>Application for CTO was submitted again in May 2024, which was processed and Consent was granted on 31.07.2024.</p>
3	STP-2	Sector-133	15.01.2024	2*3.25=6.5	1Module of 3.25 MLD	2.00 MLD	1.8 MLD	Yes (3.25MLD)	From 07.09.2024 to 31.12.2028	<p>Reference No. 220412/UPPCB/Noida(UPP CBRO)/CTO/both/NOIDA/2024</p> <p>Online application submitted on 11.02.2024 for obtaining CTO U/s 25/26 of water act 1974 & under section 21/22 of Air, act 1981.</p>

Sl. No.	Sewage Treatment Plant	Location	Establishment year	Proposed Capacity (MLD)	Operational	Qty of Waste water (MLD)	Qty of Treated water (MLD)	Consent to Operate issued by UPPCB	Validity	Remarks
										<p>Application rejected by UPPCB via ref: no. 202804/UPPCB/Noida(UPP CBRO)/CTO/both/Noida/2024 dated 29.03.2024 due to following reason.</p> <p>The inspection of the industry was done on 20.02.2004 and unit was raised query online on 26.02.2024 unit has not submitted reply on following information / documents.</p> <p>1. <i>Compliance report of environmental compensation of Rs.54780000.00 imposed by board letter no. H935754/C-1/water/1177/Parya kshatipoorti/2023 dated 15.05.2023 Rs.54780000.00 has not been deposited”.</i></p>

Sl. No.	Sewage Treatment Plant	Location	Establishment year	Proposed Capacity (MLD)	Operational	Qty of Waste water (MLD)	Qty of Treated water (MLD)	Consent to Operate issued by UPPCB	Validity	Remarks
4	STP-3	Sector-134	30.12.2019	4*3.25=13	2 Module of 2X3.25=6.5 MLD	4.324 MLD	3.9 MLD	Yes (3.25MLD)	From 01.01.2020 to 31.12.2020 From 01.01.2021 to 31.12.2025	Ref no. 76769 / UPPCB / NOIDA (UPPCBRO) /CTO/water/NOIDA/2019 dated 11/06/2020 Ref no. 115588 / UPPCB / NOIDA (UPPCBRO)/CTO/water/NOIDA/2020 dated 31/03/2021
	Total capacity			36 MLD	16.5 MLD	10.364	9.35			The total proposed capacity of STP was initially envisaged to be 39 MLD. However, Jaypee Hospital land area of 18 acre has been handed to Max and has been developed as Max Hospital so considering that change the proposed 39 MLD of STP has been reduced to 36 MLD. The township has been designed for total population of 2,06,394 people. The present population residing is 94,293 residents. Accordingly,

Sl. No.	Sewage Treatment Plant	Location	Establishment year	Proposed Capacity (MLD)	Operational	Qty of Waste water (MLD)	Qty of Treated water (MLD)	Consent to Operate issued by UPPCB	Validity	Remarks
										the present commissioned STPs of 5 units of total capacity 16.29 MLD has higher capacity than that needed to cater the estimated sewage to be generated i.e. 12.84 MLD. The capacities of STP shall be enhanced with the gradual development and increase in population load.

-TRUE COPY-

JAYPEE GREENS, WISHTOWN

STP LOAD – PRESENT AND NEAR FUTURE (OC APPLIED) SCENARIO

TOTAL STP PROPOSED CAPACITY - 39 KLD

TOTAL REQUIREMENT (OC RECEIVED & APPLIED (FUTURE GROWTH)- 12.84 MLD

TOTAL COMMISSIONED/PROVIDED (PRESENT)- 16.25 MLD

STP 1

OC obtained /Applied	
Total Dwelling Unit	4276
Plots	193
Total Population (ppl)	21848
Water requirement (KLD)	2949.4
Sewage Generated (KLD)	2507.0
Sewage Generation (Convenient Shopping)	14.6
Sewage Generation (Visitors)- PD/GH/Institutional	16.2
Total Sewage Generated	2537.8
STP (KLD)	3172.2
TOTAL CAPACITY STP (MLD)	3.17
Commissioned STP capacity (STP-1)	3.25

STP 1A

OC obtained				
Sr.No.	Project	Tower	DUs	Ppl
1	KBA-2 & 3	2	158	711
OC Applied				
1	KBA (B-1,5,6,12,14)	5	423	1904
2	KBA(B-9,10)	2	237	1067
3	PD	750		10125

Total Population (ppl)	13806
Water requirement (KLD)	1864
Sewage Generated (KLD)	1491
STP (KLD)	1864
STP (MLD)	1.86

STP Capacity (STP 1A)- Present Scenario	1.86	MLD
STP Provided (STP 1A) Capacity	3.25	MLD

STP-3

Sr.No.	Project	Tower	DUs	Ppl
OC Granted				
1	Klassic Heights (B-34A)		250	1125
2	Kosmos (B-35)		808	3636
3	Kosmos (B-36)		1275	5738
4	Kosmos (B-37)		885	3983
5	Kosmos (B-38)		1412	6354
6	Kosmos (B-41B)		284	1278
7	Kosmos (B-43)		604	2718
8	Klassic (B-39&40,C1,C2)		598	2691
9	Klassic (B-41A & B-42)		1298	5841
10	Kasa Isles (B-44)		0	0
11	Klassic IB & ONGC(B-45)		615	2768
12	Klassic Shaurya(B-45)		307	1382
OC Applied				
1	KM-58,75	2	178	801
2	KM-24,25	2	160	720
3	A-2,3	2	224	1008

Total Population (ppl) 40041

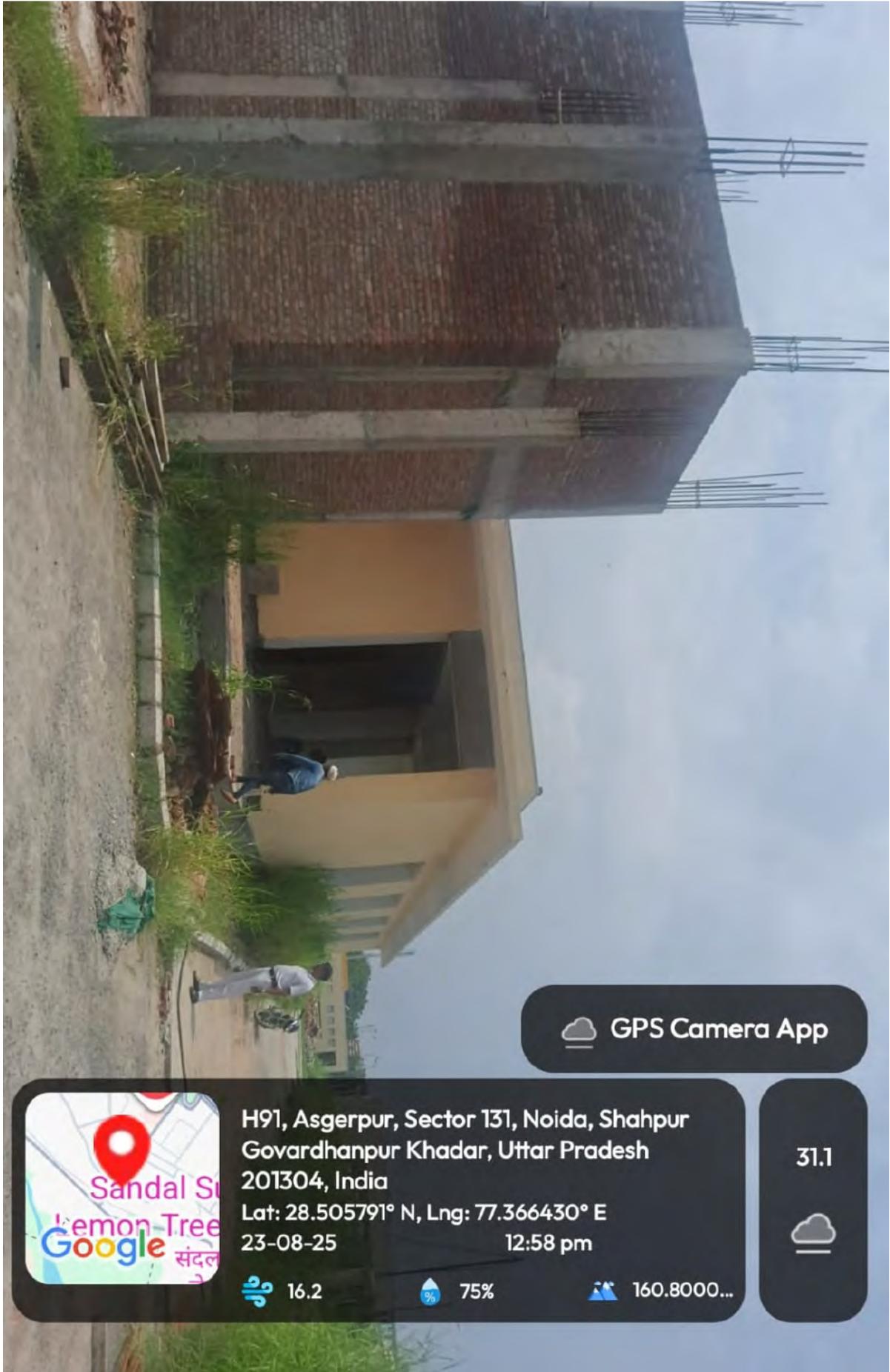
Water requirement (KLD) 5406

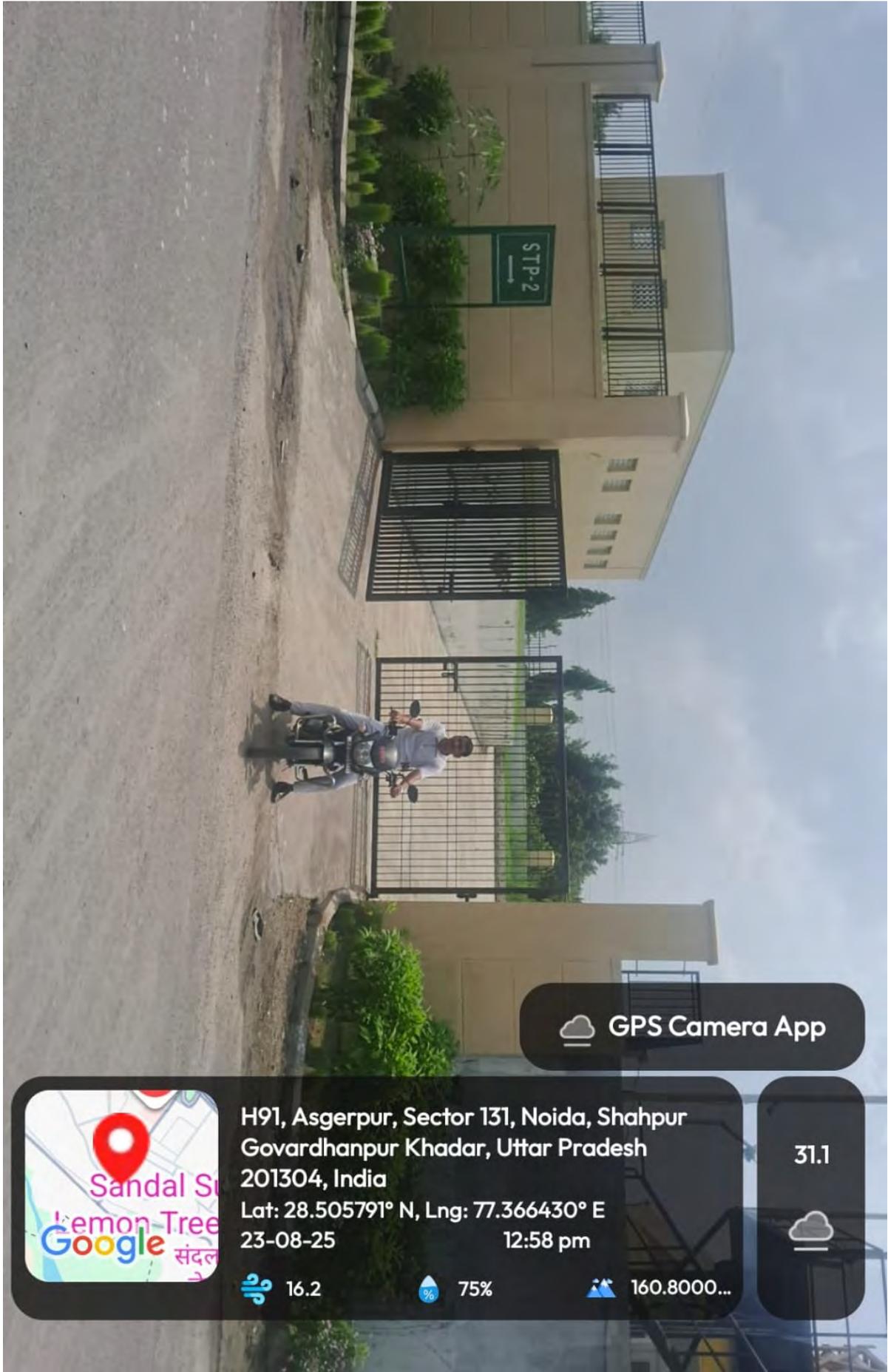
Sewage Generated (KLD) 4324

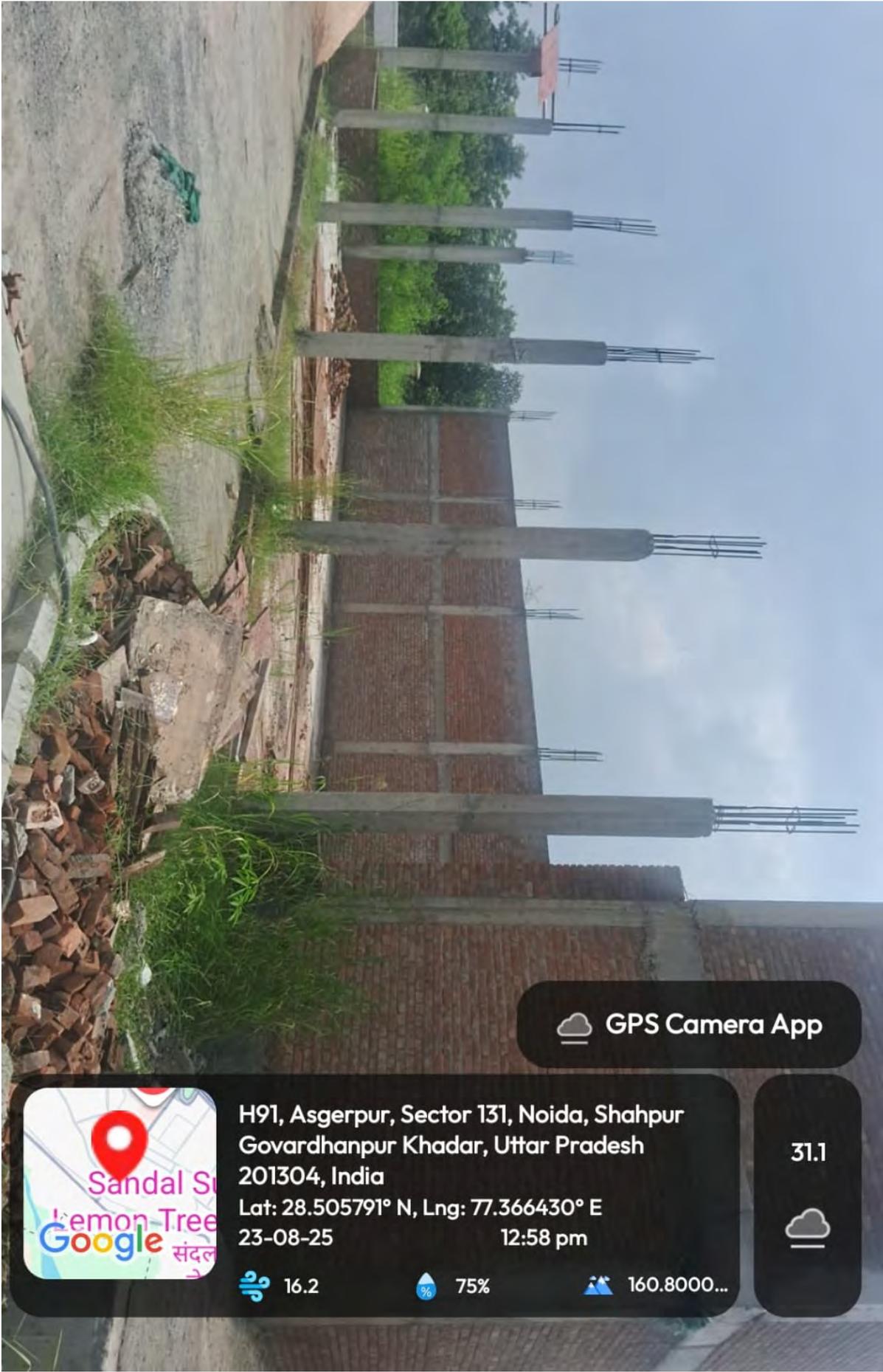
STP (KLD) 5406

STP Required Capacity (MLD) 5.4 MLD

STP Provided Capacity (STP-3) 2 X 3.25 = 6.5 MLD







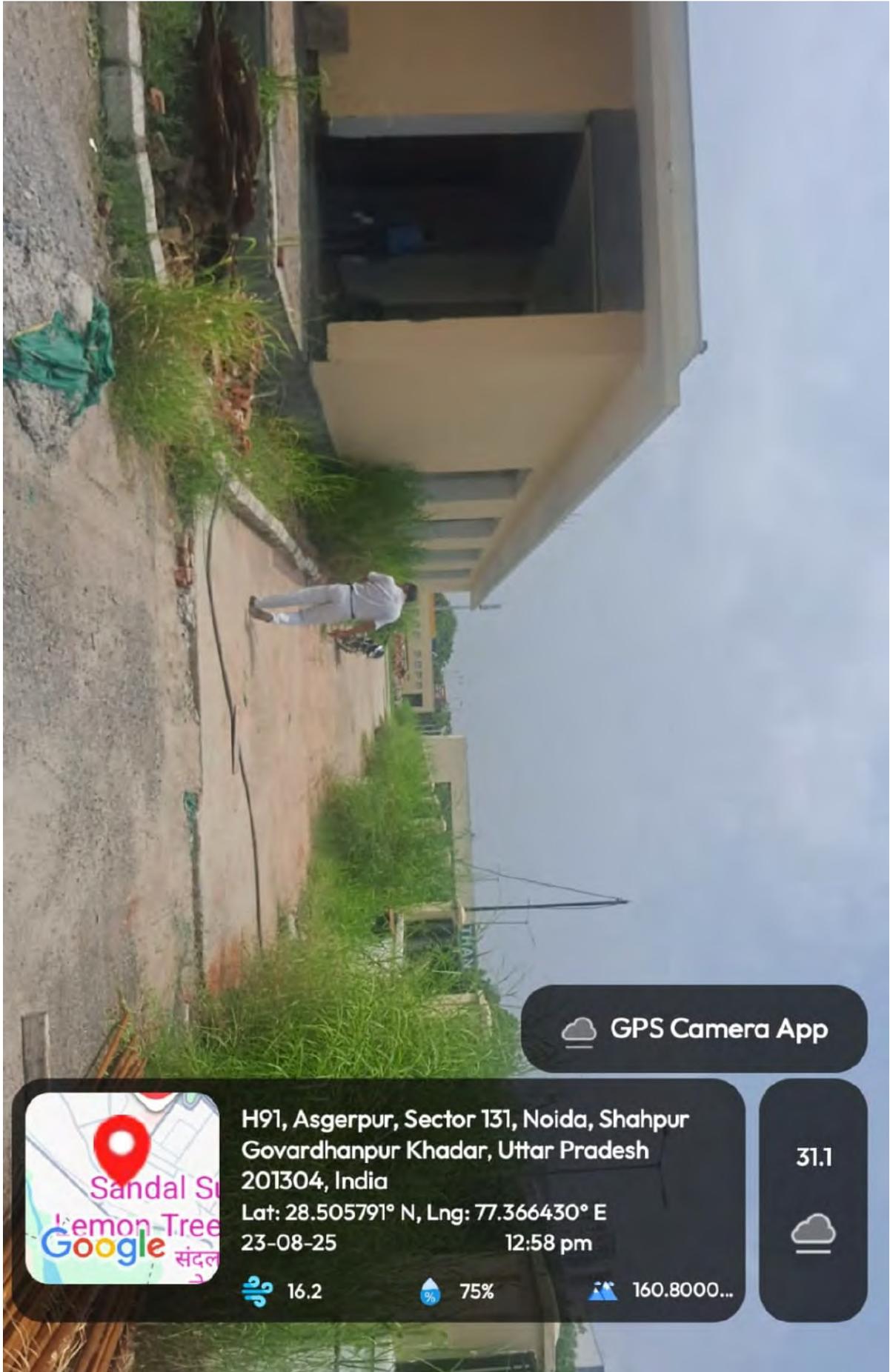
 **GPS Camera App**



H91, Asgerpur, Sector 131, Noida, Shahpur
Govardhanpur Khadar, Uttar Pradesh
201304, India
Lat: 28.505791° N, Lng: 77.366430° E
23-08-25 12:58 pm

31.1


 16.2  75%  160.8000...



H91, Asgerpur, Sector 131, Noida, Shahpur
Govardhanpur Khadar, Uttar Pradesh
201304, India
Lat: 28.505791° N, Lng: 77.366430° E
23-08-25 12:58 pm



16.2



75%



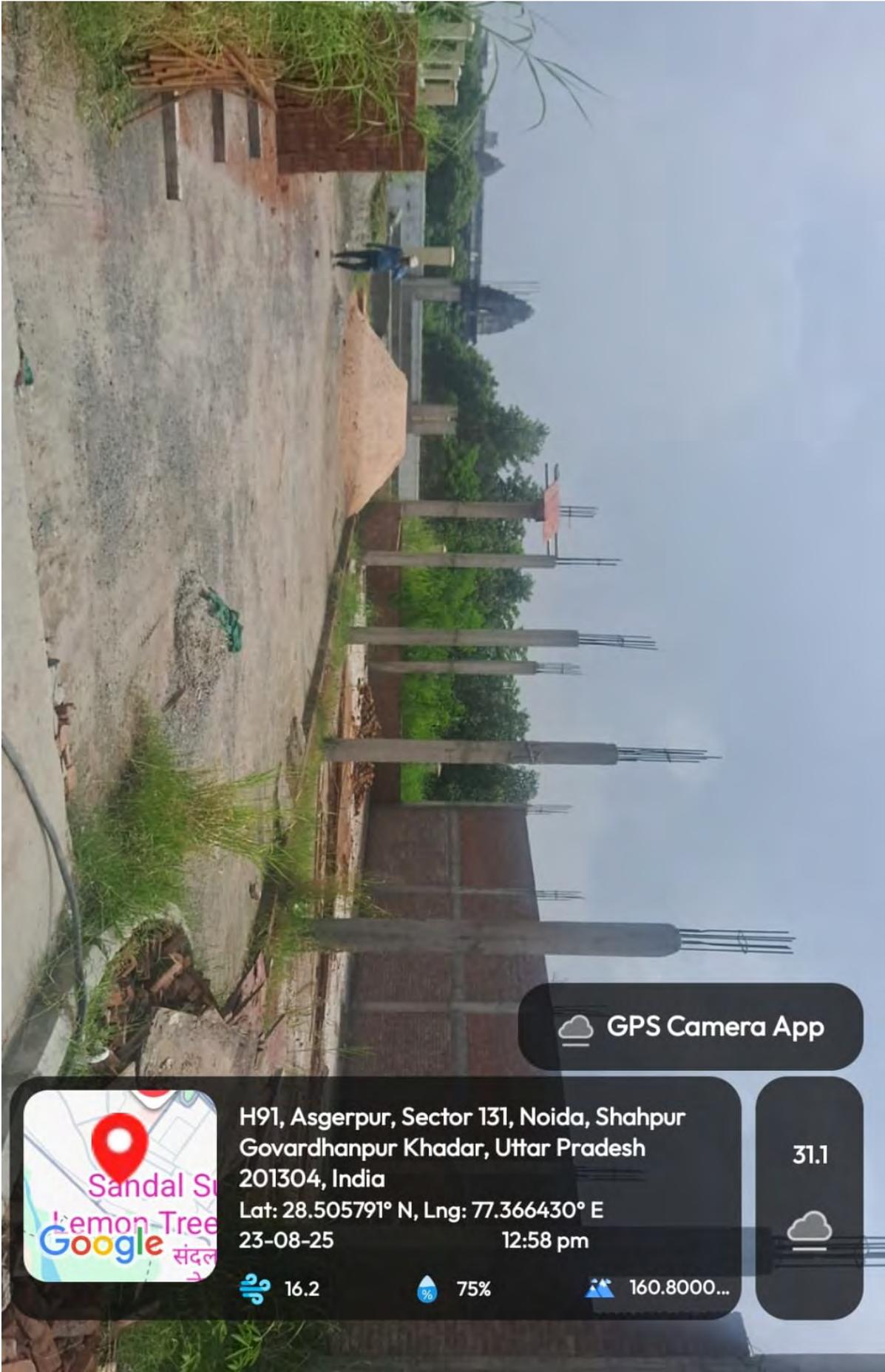
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GPS Camera App

31.1





GPS Camera App



H91, Asgerpur, Sector 131, Noida, Shahpur
 Govardhanpur Khadar, Uttar Pradesh
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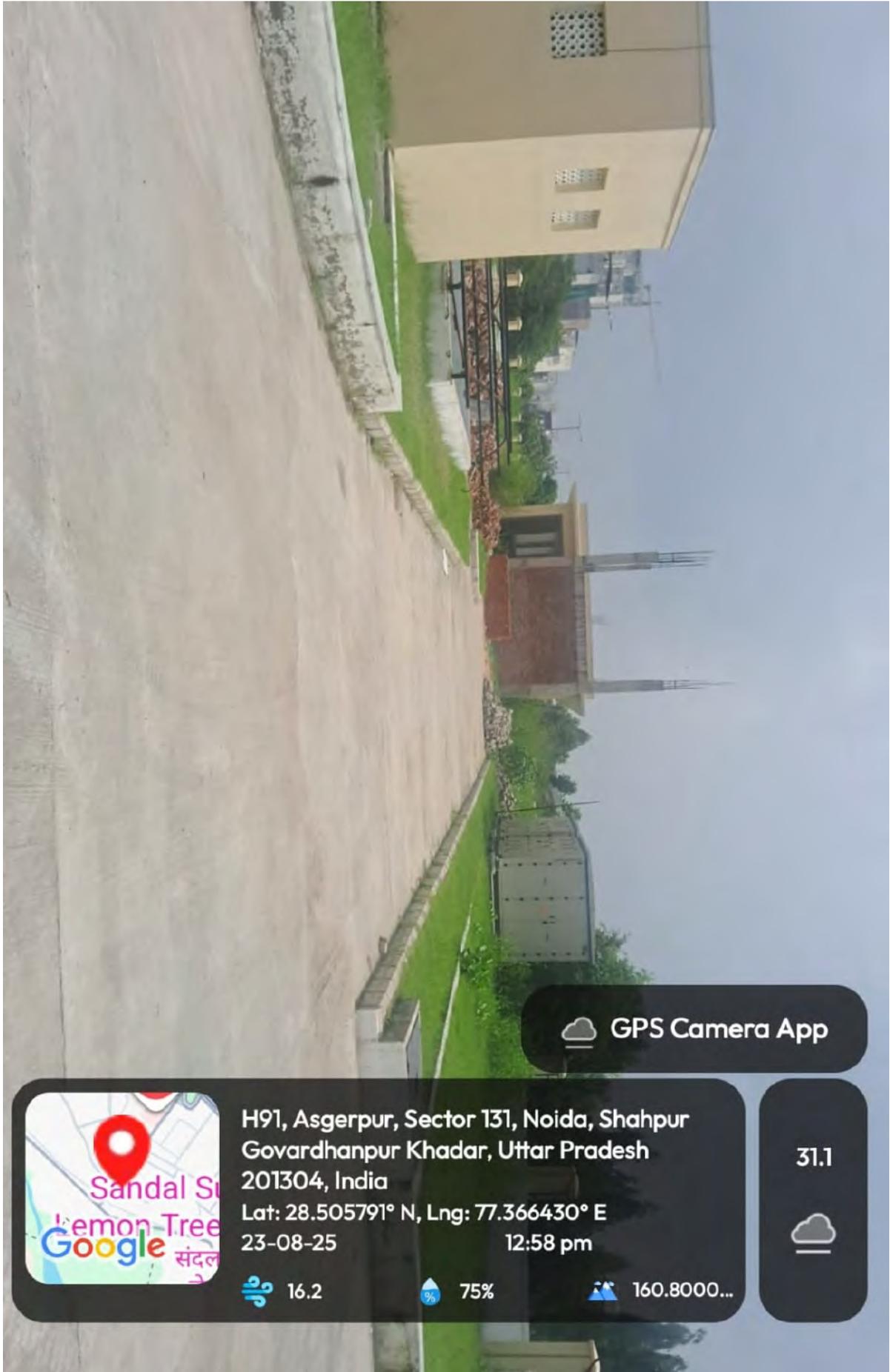
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GPS Camera App



H91, Asgerpur, Sector 131, Noida, Shahpur
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Lat: 28.505791° N, Lng: 77.366430° E
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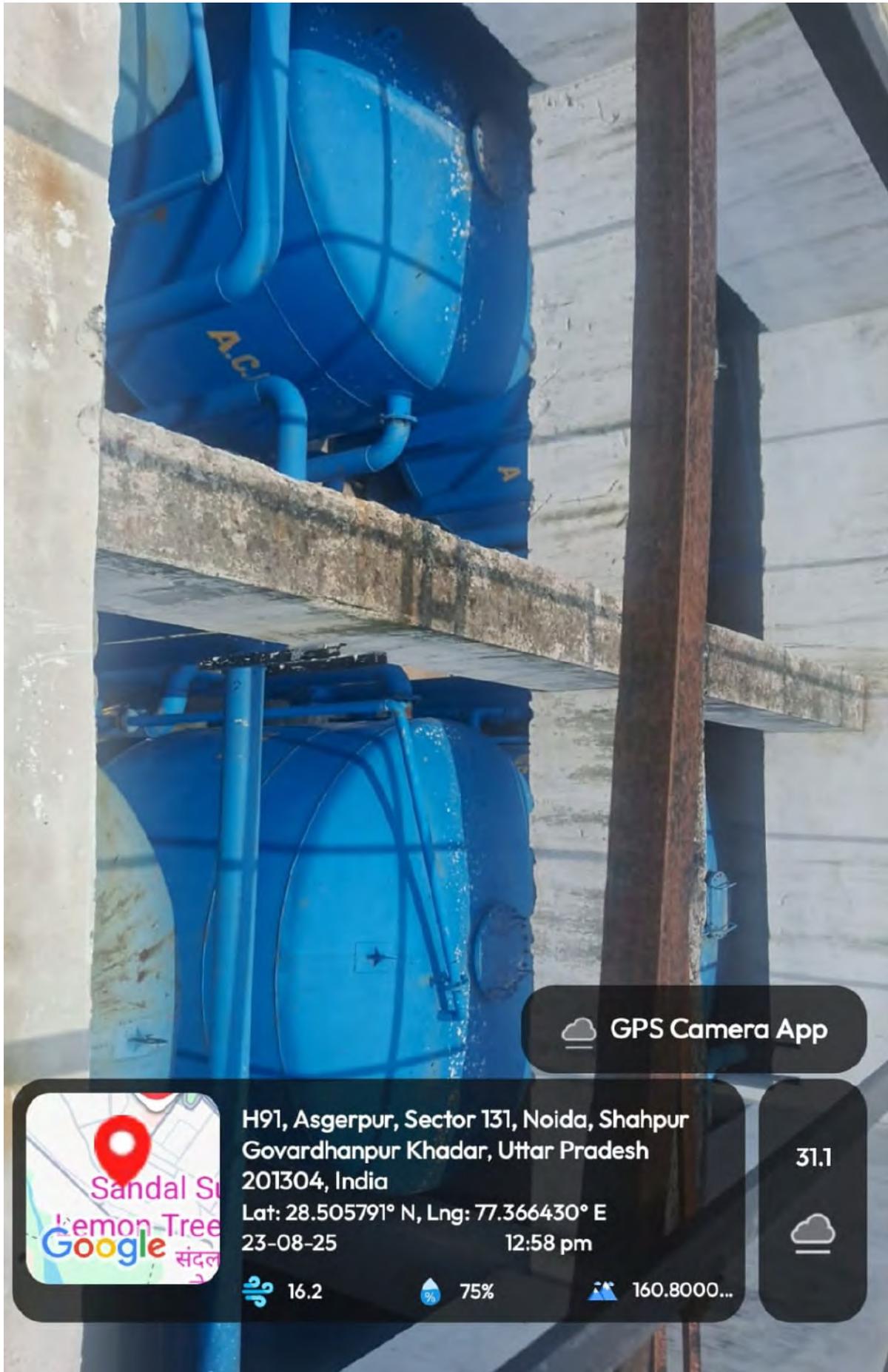
16.2



75%



160.8000...



Court No. - 1

Case :- WRIT - C No. - 7563 of 2024

Petitioner :- Jaypee Infratech Limited Thru Authorized Signatory
Apoorva Pragya

Respondent :- State Of U.P. Thru Addl. Cheif Secy. Ministry Of
Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner :- Shubham Tripathi, Lalta Prasad Misra

Counsel for Respondent :- C.S.C., Ashok Kumar Verma, Asit Srivastava

Hon'ble Rajan Roy, J.

Hon'ble Manish Kumar, J.

As prayed by learned counsel for the petitioner, list/ put up on
27.08.2025.

Interim order to continue till the next date of listing.

(Manish Kumar, J.)

(Rajan Roy, J.)

Order Date :- 7.8.2025

R.K.P.

Court No. - 1

Case :- WRIT - C No. - 7563 of 2024

Petitioner :- Jaypee Infratech Limited Thru Authorized Signatory Apoorva Pragya

Respondent :- State Of U.P. Thru Addl. Cheif Secy. Ministry Of Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner :- Shubham Tripathi,Lalta Prasad Misra

Counsel for Respondent :- C.S.C.,Ashok Kumar Verma,Asit Srivastava

Hon'ble Rajan Roy,J.

Hon'ble Manish Kumar,J.

Heard.

Put up day after tomorrow, i.e. 07.08.2025.

Interim order granted earlier to continue till 07.08.2025.

(Manish Kumar, J.) (Rajan Roy, J.)

Order Date :- 5.8.2025

Arnima

Court No. - 1**Case :-** WRIT - C No. - 7563 of 2024**Petitioner :-** Jaypee Infratech Limited Thru Authorized Signatory
Apoorva Pragya**Respondent :-** State Of U.P. Thru Addl. Cheif Secy. Ministry Of
Environment Forest And Climate Change Lko And Ors.**Counsel for Petitioner :-** Shubham Tripathi,Lalta Prasad Misra**Counsel for Respondent :-** C.S.C.,Ashok Kumar Verma,Asit Srivastava**Hon'ble Attau Rahman Masoodi,J.****Hon'ble Shree Prakash Singh,J.**

Office is directed to delink Writ-C No.8467 of 2024 from the bunch of this writ petition and list it separately.

(Shree Prakash Singh,J.) (Attau Rahman Masoodi,J.)

Order Date :- 15.7.2025

Shahnaz

**In The Hon'ble High Court Of Judicature At Allahabad,
Lucknow Bench, Lucknow**

* * *

Neutral Citation No. - 2025 : AHC-LKO:40756-DB
Judgment Reserved on : 11.03.2025
Judgment Delivered on : 17.07.2025

A.F.R.

Court No. - 1

Case : - WRIT - C No. - 4816 of 2024

Petitioner : - Suez India Pvt. Ltd., Through Its Authorized Signatory,
Rajesh Chandra Mathpal

Respondent : - Uttar Pradesh Pollution Control Board, Through Its
Chairman And 6 Others

Counsel for Petitioner : - Aprajita Bansal, Anilesh Tewari, Gursimran
Kaur

Counsel for Respondent : - Asit Srivastava, Ashok Kumar
Verma, C.S.C., Namit Sharma, Rishabh Kapoor

connected with

(1) **Case :** - WRIT - C No. - 151 of 2024

Petitioner : - M/S New Star Brick Works (Erstwhile M/S Shiv Om
Brick Works) Thru. Prop. Afsar Ali

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests,
Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(2) **Case :** - WRIT - C No. - 7889 of 2021

Petitioner : - Medical Pollution Control Comm. Thru. Dr. Vinay Kumar
Verma

Respondent : - State Of U.P. Thru. Prin.Secy. Forest/Environment
Lko. And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(3) **Case :** - WRIT - C No. - 5335 of 2022

Petitioner : - M/S Wave Infratech Pvt. Ltd. @ Its Unit The West End
Mall Thru Auth. Signatory And Anr

Respondent : - State Of U.P. Thru Prin.Secy. Environment Deptt. Lko
And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(4) **Case :** - WRIT - C No. - 5340 of 2022

Petitioner : - M/S Al Nafees Frozen Foods Export Pvt. Ltd. Thru
Director Mohd. Arham Qureshi

Respondent : - State Of U.P. Thru Addl.Chief Prin.Secy. Forests And Environment And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,A.S.G,Ashok Kumar Verma

(5) **Case :** - WRIT - C No. - 7746 of 2023

Petitioner : - M/S Arsh Brick Works Thru. Partner Mohd. Ayub

Respondent : - State Of U.P. Thru. Secy., Dept. Of Environment, Forest And Climate Change And Others

Counsel for Petitioner : - Sarvesh Kumar,Shivang Tiwari

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(6) **Case :** - WRIT - C No. - 119 of 2024

Petitioner : - M/S Rachna Metal Industries Pvt. Ltd. Thru M.D. Sadhna Agarwal

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(7) **Case :** - WRIT - C No. - 152 of 2024

Petitioner : - M/S Afaq Brick Field Thru Proprietor Nargish

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(8) **Case :** - WRIT - C No. - 153 of 2024

Petitioner : - M/S Khalil Brick Works Thru. Prop. Usman

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(9) **Case :** - WRIT - C No. - 154 of 2024

Petitioner : - M/S Riza Brick Works Thru Proprietor Mohd. Haroon

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(10) **Case :** - WRIT - C No. - 179 of 2024

Petitioner : - M/S Janta Brick Works (New Name-Munmun Brick Works Kazi Parivar) Thru. Prop. Mohd. Razi

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(11) **Case :** - WRIT - C No. - 181 of 2024

Petitioner : - M/S Good Friends Brick Works Thru. Prop. Irfan

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(12) **Case :** - WRIT - C No. - 188 of 2024

Petitioner : - M/S Colour Touch Thru Proprietor Prakash Chand Chindalia

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mohd. Aslam Khan, Sunny Singh

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(13) **Case :** - WRIT - C No. - 194 of 2024

Petitioner : - M/S Sh Brick Works Thru Proprietor Shabana

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(14) **Case :** - WRIT - C No. - 195 of 2024

Petitioner : - M/S Shiv Brick Works Thru Proprietor Kaminder Alias Kamendra Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(15) **Case :** - WRIT - C No. - 264 of 2024

Petitioner : - M/S Musarfi Hasnain Bricks Works, Through Its Proprietor Rais Ahmad

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment And Climate Change Deptt., Lucknow And 5 Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Mohd. Khalid Amin Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(16) **Case :** - WRIT - C No. - 265 of 2024

Petitioner : - M/S Durga Brick Works, Through Its Authorized

Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy. Environment Forest And Climate Change, And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(17) **Case** : - WRIT - C No. - 266 of 2024

Petitioner : - M/S Azhari Brick Works Thru Proprietor Tahir Husain

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Mohd. Khalid Amin Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(18) **Case** : - WRIT - C No. - 269 of 2024

Petitioner : - M/S K.K. Brick Works, Through Its Authorized

Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(19) **Case** : - WRIT - C No. - 270 of 2024

Petitioner : - M/S Monu Ent Ydyog (Old Name M/S Shiv Ent Udyog), Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(20) **Case** : - WRIT - C No. - 273 of 2024

Petitioner : - M/S Shiv Om Brick Works, Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(21) **Case** : - WRIT - C No. - 288 of 2024

Petitioner : - M/S Kisan Brick Works Thru. Prop. Sharifuddin

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(22) **Case** : - WRIT - C No. - 289 of 2024

Petitioner : - M/S Dilshad Brickworks Moradabad Thru Proprietor Irshad

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(23) **Case** : - WRIT - C No. - 290 of 2024

Petitioner : - M/S Arsh Ent. Udhog, Through Its Partners And Ors.

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Saryu Prasad Tiwari

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(24) **Case** : - WRIT - C No. - 291 of 2024

Petitioner : - M/S Gaus-E-Azam Brick Works (New Name-Gaus-E-Pak Brick Field) Thru. Prop. Idrish

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(25) **Case** : - WRIT - C No. - 292 of 2024

Petitioner : - M/S Ala Hazrat Eintt Udyog (Old Name Latifi Bricks) Thru Proprietor Mohd. Uvaish

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(26) **Case** : - WRIT - C No. - 293 of 2024

Petitioner : - M/S Shiv Brick Works (Old Name Shubham Brick Works And Bhagat Ji Brick Works) Thru. Auth. Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(27) **Case** : - WRIT - C No. - 294 of 2024

Petitioner : - M/S Chaudhary Brick Works Udyog, Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(28) **Case** : - WRIT - C No. - 295 of 2024

Petitioner : - M/S Kanakpur Brick Industries Thru Proprietor

Kaminder Alias Kamendra Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(29) **Case** : - WRIT - C No. - 296 of 2024

Petitioner : - M/S Guru Arjun Brick Works, Through Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(30) **Case** : - WRIT - C No. - 297 of 2024

Petitioner : - M/S Keshav Ent Udyog, Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(31) **Case** : - WRIT - C No. - 300 of 2024

Petitioner : - M/S Kisan Ent Udhyog, Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(32) **Case** : - WRIT - C No. - 305 of 2024

Petitioner : - M/S Vikas Brick Works (Present Name An Brick Works) Thru Authorized Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(33) **Case** : - WRIT - C No. - 306 of 2024

Petitioner : - M/S New Shama Brick Works, Thru. Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(34) **Case** : - WRIT - C No. - 351 of 2024

Petitioner : - M/S Jai Brick Works (New Name M/S Sujmana Ent

Udyog) Thru Auth. Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(35) **Case** : - WRIT - C No. - 354 of 2024

Petitioner : - M/S Subodh Ent Udyog Amroha Thru Auth. Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(36) **Case** : - WRIT - C No. - 355 of 2024

Petitioner : - M/S Bharat Brick Works

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(37) **Case** : - WRIT - C No. - 357 of 2024

Petitioner : - M/S Chaudhary Ent Udyog, Thru. Authorized Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(38) **Case** : - WRIT - C No. - 360 of 2024

Petitioner : - M/S Zam Zam Brick Works (Old Name Taj Ent Udyog And New Name Shabab Brick Field) Thru Prop. Shabab

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mohd. Aslam Khan,Ratnesh Dwivedi

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(39) **Case** : - WRIT - C No. - 361 of 2024

Petitioner : - M/S Hidayah Brick Field (Old Name Khurshed Brick Field)

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(40) **Case** : - WRIT - C No. - 368 of 2024

Petitioner : - M/S Guru Nanak Brick Works Daulatapur Bhud Amroha Thru Auth. Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava

(41) **Case :** - WRIT - C No. - 371 of 2024

Petitioner : - M/S National Brick Works Vill. Noner Amroha Thru Auth. Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava

(42) **Case :** - WRIT - C No. - 372 of 2024

Petitioner : - M/S Chaudhary Ent Udyog (New Name Balaji Ent Udyog) Dhanaura Amroha Thru Auth. Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava

(43) **Case :** - WRIT - C No. - 375 of 2024

Petitioner : - M/S Royal Brick Field (New Name Star Brick Field) Chittupur Bilari Moradabad Thru Prop. Afsar Ali

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mohd. Aslam Khan,Ratnesh Dwivedi

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(44) **Case :** - WRIT - C No. - 420 of 2024

Petitioner : - M/S Chaudhary Brick Works Thru. Prop. Deepak Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Harsh Vardhan Kediya,Aditi Tripathi,Sheeran Mohiuddin Alavi

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekher Pandey

(45) **Case :** - WRIT - C No. - 425 of 2024

Petitioner : - M/S A.S.B. Brick Works Thru Partner Britpal Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Harsh Vardhan Kediya,Sheeran Mohiuddin Alavi,Shubham Tripathi

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekher Pandey

(46) **Case :** - WRIT - C No. - 427 of 2024

Petitioner : - M/S A H Brick Works (New Name- Lavi Bricks Works,

P. Name- Habibi Brick Works) Thru Qayyum Hussian
Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment
 And Climate Change, Lko. And 5 Others
Counsel for Petitioner : - Jalaj Kumar Gupta,Ankur Yadav,Mohd.
 Aslam Khan,Ratnesh Dwivedi
Counsel for Respondent : - C.S.C.,Asit Srivastava

(47) **Case** : - WRIT - C No. - 430 of 2024
Petitioner : - M/S New India Brick Field(Old Name National Brick
 Works/ Faizan Brick Works) Thru Prop.Mohd.Rayyan
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests,
 Environment And Climate Change And Ors.
Counsel for Petitioner : - Harsh Vardhan Kediya,Aditi
 Tripathi,Sheeran Mohiuddin Alavi
Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra
 Shekher Pandey

(48) **Case** : - WRIT - C No. - 431 of 2024
Petitioner : - M/S Avon Ent Udyog, Through Its Authorized
 Signatory
Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment
 Forest And Climate Change, Lko. And Others
Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava

(49) **Case** : - WRIT - C No. - 432 of 2024
Petitioner : - M/S Khan Brick Industries, Through Its Proprietor,
 Wasim Ahmad Khan
Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment
 And Climate Change, Lko. And Others
Counsel for Petitioner : - Arvind Kumar Shukla
Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(50) **Case** : - WRIT - C No. - 467 of 2024
Petitioner : - M/S Mumtaz Brick Works Thru Proprietor Jaane Alam
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests,
 Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.
 Aslam Khan,Ratnesh Dwivedi
Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(51) **Case** : - WRIT - C No. - 468 of 2024
Petitioner : - M/S Jai Shri Sai Brick Works, Dhureta Bahjoi Road
 Sambhal Thru Auth. Signatory
Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment,
 Forests And Climate Change And Ors.
Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava

(52) **Case :** - WRIT - C No. - 474 of 2024

Petitioner : - M/S Janta Brick Works Thru Proprietor Mohd. Sahroz Domghar, Bilari, Moradabad

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mohd. Aslam Khan, Ratnesh Dwivedi

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(53) **Case :** - WRIT - C No. - 559 of 2024

Petitioner : - M/S Farmer Brick Industries, Thru. Its Partner Sri Syed Arif Iqbal

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Samita Chitranshi

Counsel for Respondent : - C.S.C., Asit Srivastava, Devesh Chandra Pathak

(54) **Case :** - WRIT - C No. - 561 of 2024

Petitioner : - M/S V.P.S. Brick Works (New Name Radha Krishna Brick Field) Thru Proprietor Vijay Pal Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Mohd. Khalid Amin Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(55) **Case :** - WRIT - C No. - 562 of 2024

Petitioner : - M/S Khwaja Brick Works Thru Proprietor Yasin Alias Asin

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(56) **Case :** - WRIT - C No. - 565 of 2024

Petitioner : - M/S Khawaja Brick Works (Malik Brick Works) Thru Proprietor Muntayaj

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(57) **Case :** - WRIT - C No. - 569 of 2024

Petitioner : - M/S M.A. Brick Works Thru Proprietor Mahendra Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests,

Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(58) **Case :** - WRIT - C No. - 603 of 2024

Petitioner : - M/S Manya Eint Udyog (New Name Bharat Intt. Udyog) Thru Proprietor Brajpal Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(59) **Case :** - WRIT - C No. - 605 of 2024

Petitioner : - M/S Mailk Entt Udyog, Thru. Its Proprietor Riyasat

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Ankur Yadav, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(60) **Case :** - WRIT - C No. - 607 of 2024

Petitioner : - M/S Azazi Brick Works, Sambhal, Thru. Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(61) **Case :** - WRIT - C No. - 610 of 2024

Petitioner : - M/S Indian Green Brick Works, Sambhal, Thru. Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava, Devesh Chandra Pathak

(62) **Case :** - WRIT - C No. - 612 of 2024

Petitioner : - M/S Khan Brick Works (New Name Khan Int Udyog) Thru Prop. Mohd. Rafiq

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(63) **Case** : - WRIT - C No. - 614 of 2024

Petitioner : - M/S Shiv Hari Brick Works, (New Name Mahadev Intt Udyog), Thru. Its Proprietor Kushal Gautam

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Sunny Singh

Counsel for Respondent : - C.S.C., Asit Srivastava

(64) **Case** : - WRIT - C No. - 619 of 2024

Petitioner : - M/S Sabara Brick Works (New Name Faizan Brick Works) Thru Proprietor Mohd. Faizan

Respondent : - State Of U.P. Thru Prin. Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(65) **Case** : - WRIT - C No. - 621 of 2024

Petitioner : - M/S Prem Int Udyog (New Name Supreme Brick Field) Thru Proprietor Yogendra Pal Singh

Respondent : - State Of U.P. Thru Prin. Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(66) **Case** : - WRIT - C No. - 623 of 2024

Petitioner : - M/S Noor Brick Field Thru Proprietor Yaar Mohammad Khan

Respondent : - State Of U.P. Thru Prin. Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(67) **Case** : - WRIT - C No. - 626 of 2024

Petitioner : - M/S Rafi Turki Star Brick Field (Bharat Brick Works), Thru. Its Proprietor Mohd Rafi

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Mohd. Khalid Amin Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(68) **Case** : - WRIT - C No. - 648 of 2024

Petitioner : - M/S Khuawaza Brick Works (Old Name M/S Famous Brick Works) Thru Proprietor Zahir Ali

Respondent : - State Of U.P. Thru Prin. Secy. Deptt. Of Forests,

Environment And Climate Change And Ors.

Counsel for Petitioner : - Harsh Vardhan Kediya, Aditi Tripathi, Sheeran Mohiuddin Alavi

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Chandra Shekher Pandey

(69) **Case :** - WRIT - C No. - 703 of 2024

Petitioner : - Shan Brick Field (New Name India Brick Ind.) Thru Prop. Afaq Ahmad Siddique

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Kripa Shankar Yadav, Moni Yadav

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(70) **Case :** - WRIT - C No. - 706 of 2024

Petitioner : - M/S New Kohinoor Brick Field Thru Proprietor Zulfiqar Ahmad

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Kripa Shankar Yadav, Preeti Yadav

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(71) **Case :** - WRIT - C No. - 719 of 2024

Petitioner : - M/S Ali Ent Udhyog , Amroha Thru. Its Partners And Others

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment And Climate Change Deptt. Lko. And Others

Counsel for Petitioner : - Ram Ji Trivedi, Pawan Kumar Upadhyay, Shraddha Tripathi

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(72) **Case :** - WRIT - C No. - 736 of 2024

Petitioner : - M/S Habibi Brick Field Thru Proprietor Mujammil

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(73) **Case :** - WRIT - C No. - 746 of 2024

Petitioner : - M/S Shri Krishna Brick Works Thru Proprietor Vipin Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(74) **Case :** - WRIT - C No. - 751 of 2024

Petitioner : - M/S Jai Ambe Brick Works Thru Auth. Signatory Irfan

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(75) **Case :** - WRIT - C No. - 753 of 2024

Petitioner : - M/S Quality Brick Works Thru Auth. Signatory Afsar Ali

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(76) **Case :** - WRIT - C No. - 755 of 2024

Petitioner : - M/S Mlk Brick Works Thru Auth. Signatory Mahboob

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(77) **Case :** - WRIT - C No. - 760 of 2024

Petitioner : - M/S New Ahmad Ent Bhatta Through Proprietor Haseeb Ahmad

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Prashant Shukla

Counsel for Respondent : - C.S.C.,Asit Srivastava

(78) **Case :** - WRIT - C No. - 765 of 2024

Petitioner : - M/S Janab Chaudhary Brick Works, Proprietor Bhoore Khan

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(79) **Case :** - WRIT - C No. - 767 of 2024

Petitioner : - M/S Mohammad Ent. Udyog, Through Proprietor Rahil Husain

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Jayvind Singh Yadav,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

- (80) **Case :** - WRIT - C No. - 771 of 2024
Petitioner : - M/S Hazi Mushtaq Brick Works Through Partner Shri Rahat Jaan
Respondent : - State Of U.P. Through Principal Secretary, Forest, Environment And Climate Change And Ors.
Counsel for Petitioner : - Prashant Shukla
Counsel for Respondent : - C.S.C.,Asit Srivastava
- (81) **Case :** - WRIT - C No. - 799 of 2024
Petitioner : - Aaka Brick Centre (New Name Tehsin Brick Centre) Thru Proprietor Jishan Ahmad
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Kripa Shankar Yadav,Moni Yadav
Counsel for Respondent : - C.S.C.,Ashok Kumar Verma
- (82) **Case :** - WRIT - C No. - 800 of 2024
Petitioner : - M/S Kubra Brick Field Thru Proprietor Abdul Kalam
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Kripa Shankar Yadav,Preeti Yadav
Counsel for Respondent : - C.S.C.,Ashok Kumar Verma
- (83) **Case :** - WRIT - C No. - 801 of 2024
Petitioner : - M/S Prince Brick Work (Old Name Ksn Brick Works) Thru Sole Proprietor Veerpal Singh
Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.
Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava
- (84) **Case :** - WRIT - C No. - 806 of 2024
Petitioner : - M/S New Fauji Brick Works Thru Authorized Signatory
Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.
Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava
- (85) **Case :** - WRIT - C No. - 837 of 2024
Petitioner : - M/S Ahmad Shah Brick Works (New Name Akbar Husain Brick Works) Thru Proprietor Imran Husain
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta,Jayvind Singh Yadav,Mehdi Khan,Mohd. Aslam Khan
Counsel for Respondent : - C.S.C.,Asit Srivastava
- (86) **Case :** - WRIT - C No. - 866 of 2024
Petitioner : - M/S Hafeez Ent Udhyog Thru Authorized Signatory

Sayeed Khan

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(87) **Case** : - WRIT - C No. - 868 of 2024

Petitioner : - M/S Yadavji Entt Udyog (New Name Fauji Ent Udyog) Thru Proprietor Abad Khan

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(88) **Case** : - WRIT - C No. - 990 of 2024

Petitioner : - M/S Kalawati Brick Works, Through Its Proprietor, Kalavati

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(89) **Case** : - WRIT - C No. - 991 of 2024

Petitioner : - M/S Vishal Brick Works(Old Name-Sri Ganga Brick Works), Through Proprietor, Gajraj Singh

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(90) **Case** : - WRIT - C No. - 992 of 2024

Petitioner : - M/S Kazi Brick Works (Om Brick Works) Thru Proprietor Smt. Shajahan

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(91) **Case** : - WRIT - C No. - 993 of 2024

Petitioner : - M/S GGR Brick Works, Through Its Proprietor Ramvir Singh Chhabra

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.

Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(92) **Case :** - WRIT - C No. - 994 of 2024

Petitioner : - M/S Bankey Bihari Brick Works, Through Its Proprietor Ravindra Kumar Yadav

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(93) **Case :** - WRIT - C No. - 997 of 2024

Petitioner : - M/S M.H. Brick Works. Through Its Proprietor Habeeb

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Ankur Yadav,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(94) **Case :** - WRIT - C No. - 998 of 2024

Petitioner : - M/S Siddhart Brick Works(Old Name Mahaveer Brick Works) Thru Proprietor Mayank Jain

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(95) **Case :** - WRIT - C No. - 999 of 2024

Petitioner : - M/S Ganesh Brick Works Thru Proprietor Nem Chand

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(96) **Case :** - WRIT - C No. - 1000 of 2024

Petitioner : - M/S Habeeb Brick Field (Old Name Roshan Brick Works) Thru Proprietor Mohd. Akil

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(97) **Case :** - WRIT - C No. - 1001 of 2024

Petitioner : - M/S G And C Brick Works (Old Name-Hind Brick Works) Thru. Prop. Girish Chandra

Respondent : - State Of U.P Thru. Prin. Secy., Environment, Forest And Climate Change And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(98) **Case :** - WRIT - C No. - 1054 of 2024

Petitioner : - M/S Kisan Brick Works (New Name-Asadullah Brick Works), Through Its Proprietor Irfan

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Jayvind Singh Yadav, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(99) **Case :** - WRIT - C No. - 1056 of 2024

Petitioner : - M/S Khwaja Garib Nawaj Ent Udyog (Old Name-Sabri Ent Udyog), Through Its Partner Zakir Hussain

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(100) **Case :** - WRIT - C No. - 1058 of 2024

Petitioner : - M/S Seven Sky Brick Works (New Name-Seven Star Brick Works), Through Its Proprietor Wajid Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(101) **Case :** - WRIT - C No. - 1059 of 2024

Petitioner : - M/S Sabri Brick Works, Through Its Proprietor Akram

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(102) **Case :** - WRIT - C No. - 1083 of 2024

Petitioner : - M/S New Gold Brick Field Thru Proprietor Pradeep Kumar

Respondent : - State Of U.P. Thru Prin. Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(103) **Case** : - WRIT - C No. - 1084 of 2024

Petitioner : - M/S Maa Vaishno Brick Field Thru Proprietor Ram Prakash

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(104) **Case** : - WRIT - C No. - 1088 of 2024

Petitioner : - Aman Ent Udyog (New Name New Raj Brick Works) Through Its Proprietor Mohammad Haroon

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(105) **Case** : - WRIT - C No. - 1092 of 2024

Petitioner : - M/S Omesh Brick Works, Through Its Proprietor Rajpal Singh

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Tushar Verma

(106) **Case** : - WRIT - C No. - 1106 of 2024

Petitioner : - M/S N.G. Brick Field (Old Name Gold Brick Field) Thru Proprietor Pradeep Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(107) **Case** : - WRIT - C No. - 1126 of 2024

Petitioner : - M/S Shiv Narain Brick Field, Through Its Proprietor, Manoj Kumar

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(108) **Case** : - WRIT - C No. - 1129 of 2024

Petitioner : - M/S Jagdambe Brick Works Thru Partner Sudhish

Kumar

Respondent : - State Of U.P. Thru Addl.Chief Secy. Forests,
Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Smita Chitranshi

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(109) **Case** : - WRIT - C No. - 1131 of 2024

Petitioner : - M/S Ahmad Brick Field, Sitapur Thru Authorized
Signatory Javed Ahmad

Respondent : - State Of U.P. Thru Addl.Chief Secy. Forests,
Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(110) **Case** : - WRIT - C No. - 1154 of 2024

Petitioner : - M/S Shri Krishna Ent Udyog Thru Proprietor Prince
Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment
And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(111) **Case** : - WRIT - C No. - 1156 of 2024

Petitioner : - M/S Ahmad Ullah Brick Works Thru Proprietor Haider
Ali Khan

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment
And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(112) **Case** : - WRIT - C No. - 1158 of 2024

Petitioner : - M/S I.S. Beg Brick Field Thru Partner Izhar Beg

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment
And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(113) **Case** : - WRIT - C No. - 1198 of 2024

Petitioner : - M/S Bharat Brick Field (New Name Jiya Intt. Udyog)
Thru Partner Ahmad Hasan

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment
And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(114) **Case** : - WRIT - C No. - 1205 of 2024

Petitioner : - M/S Hmk Brick Works (Old Name Haji Mateen) Thru Proprietor Matin Khan

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(115) **Case** : - WRIT - C No. - 1208 of 2024

Petitioner : - M/S Royal Brick Works And Ruby Brick Works (New Name Aka Brick Works) Thru Proprietor Aleem Ahmad

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(116) **Case** : - WRIT - C No. - 1230 of 2024

Petitioner : - M/S Gurudeen Brick Field Thru Proprietor Sri Ram Verma

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(117) **Case** : - WRIT - C No. - 1250 of 2024

Petitioner : - M/S Chaman Brick Field Sitapur Thru Its Partner(S) Mohd. Ibrahim And Ors.

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(118) **Case** : - WRIT - C No. - 1275 of 2024

Petitioner : - M/S New Bharat Brick Works, Through Proprietor Noushad Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(119) **Case** : - WRIT - C No. - 1279 of 2024

Petitioner : - M/S Mohasin Brick Works (Present Name New Fine Brick Works), Through Partnet Razabul

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment

And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(120) **Case :** - WRIT - C No. - 1281 of 2024

Petitioner : - M/S Jishan Ent Udyog, Through Partner Mohd. Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(121) **Case :** - WRIT - C No. - 1286 of 2024

Petitioner : - M/S Shankar Brick Works (New Name Narayan Brick Works) Thru Proprietor Devdutt

Respondent : - State Of U.P. Thru Prin. Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(122) **Case :** - WRIT - C No. - 1297 of 2024

Petitioner : - M/S Saklani Ent Udyog (Old Name Mehrab Ent Udyog), Through Partner Mushahid

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(123) **Case :** - WRIT - C No. - 1298 of 2024

Petitioner : - M/S Jugnu Ent Udyog Amroha Thru Proprietor Buniyad Ali

Respondent : - State Of U.P. Thru Prin. Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vivek Kumar Rai

(124) **Case :** - WRIT - C No. - 1324 of 2024

Petitioner : - M/S Hindustan Ent Udyog Thru Partner Nanhe Khan

Respondent : - State Of U.P. Thru Prin. Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(125) **Case** : - WRIT - C No. - 1325 of 2024

Petitioner : - M/S New Fauji Brick Works Thru Proprietor Aftab Khan

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(126) **Case** : - WRIT - C No. - 1402 of 2024

Petitioner : - M/S Shyam Ent Udyog (New Present Name Sangam Ent Udyog) Thru. Partner Tausif

Respondent : - State Of U.P Thru. Prin. Secy. Forest, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(127) **Case** : - WRIT - C No. - 1403 of 2024

Petitioner : - M/S Tiranga Brick Works(Old Name Kisan Brick Works), Through Proprietor Intyaz

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Abhishek Tiwari,Asit Srivastava

(128) **Case** : - WRIT - C No. - 1408 of 2024

Petitioner : - M/S Ansari Brick Field, Through Its Proprietor Mustaq Ahmad

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan,Ratnesh Dwivedi

Counsel for Respondent : - C.S.C.,Abhishek Tiwari,Asit Srivastava

(129) **Case** : - WRIT - C No. - 1431 of 2024

Petitioner : - M/S Hm Brick Field Thru. Partners Mohammad Waseem Khan And Alim Khan

Respondent : - State Of U.P Thru. Prin. Secy., Forest, Environment And Climate Change And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(130) **Case** : - WRIT - C No. - 1624 of 2024

Petitioner : - M/S Mustak Brick Industries, Thru. Its Partners, Jafruddin, Mustakeem, Bhure Ali And Chottey Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment

And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Abhishek Tiwari, Asit Srivastava

(131) **Case :** - WRIT - C No. - 1653 of 2024

Petitioner : - M/S Amd Brick Works (New Name Rana Brick Works) Thru Prop. Janne Alam Malpura Urf Malpur, Sambhal

Respondent : - State Of U.P. Thru Prin. Secy. Forests Environment And Climate Change Deptt. Lko And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(132) **Case :** - WRIT - C No. - 1777 of 2024

Petitioner : - M/S Qadri Brick Field Thru Its Partner Akabri Khan

Respondent : - State Of U.P. Thru Prin. Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(133) **Case :** - WRIT - C No. - 1790 of 2024

Petitioner : - Huda Brick Works, Thru. Its Partner(S), Shri Shuav Ullah Khan And Others

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(134) **Case :** - WRIT - C No. - 1791 of 2024

Petitioner : - M/S Sri Balaji Brick, Thru. Proprietor, Rohit Kumar

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Sunny Singh

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(135) **Case :** - WRIT - C No. - 1981 of 2024

Petitioner : - M/S Star Brick Field Sitapur Thru Proprietor Abdul Rehman

Respondent : - State Of U.P. Thru Prin. Secy. Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(136) **Case** : - WRIT - C No. - 1988 of 2024

Petitioner : - M/S Chapna Brick Works Thru Prop. Seema Agarwal
Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment
 And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(137) **Case** : - WRIT - C No. - 2244 of 2024

Petitioner : - Ans Brick Works, Thru. Its Partners Babu, Injar Ali,
 Mohd Yameen, Mohd. Azam And Naeem Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment
 And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(138) **Case** : - WRIT - C No. - 3176 of 2024

Petitioner : - M/S Bharat Brick Field Thru. Partners Abdul Haq And
 Mohd. Israil

Respondent : - State Of U.P Prin. Secy., Forest, Environment And
 Climate Change And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(139) **Case** : - WRIT - C No. - 4991 of 2024

Petitioner : - Ashish Kumar Singh

Respondent : - State Of U.P. Thru. Spl. Secy., Deptt. Geology And
 Mining, And Others

Counsel for Petitioner : - Pushpila Bisht, Ruchir

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Asit
 Srivastava

(140) **Case** : - WRIT - C No. - 5047 of 2024

Petitioner : - M/S Shri Krishna Art And Dyeing, Thru. Proprietor Shri
 Kiran Pal Singh

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment
 And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(141) **Case** : - WRIT - C No. - 5048 of 2024

Petitioner : - M/S Diamond Brickfield Through Proprietor Mohd.
 Jubair

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Saryu Prasad Tiwari, Ashutosh Tiwari

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(142) **Case :** - WRIT - C No. - 5459 of 2024

Petitioner : - M/S Ujala Bricks (Now J.P. Ent Bhatta) Thru Vijendra Singh And Ors.

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Piyush Pathak, Ashutosh Tiwari

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Chandra Shekhar Pandey

(143) **Case :** - WRIT - C No. - 5685 of 2024

Petitioner : - M/S Famous Bricks Thru Its Partner Abdul Khalik

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Vikas Vikram Singh, Sumedha Sen, Syed Mehruzur Rehman

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Chandra Shekhar Pandey

(144) **Case :** - WRIT - C No. - 6221 of 2024

Petitioner : - M/S Om Baba Brick Works, Thru. Its Proprietor Yashdeep

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekhar Pandey

(145) **Case :** - WRIT - C No. - 6641 of 2024

Petitioner : - M/S J.S. International (Pet Food Division) Thru. Partner Mohd. Javed Soleja

Respondent : - State Of U.P. Thru. Prin. Secy., Forest, Environment And Climate Change And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Devesh Chandra Pathak, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekhar Pandey

(146) **Case :** - WRIT - C No. - 7208 of 2024

Petitioner : - M/S New Bharat Ent Bhatta, Thru. Proprietors Mohd. Jubair, Zeeshan, Wahid And Atik Ahmad

Respondent : - State Of U.P. Thru. Secy. Zoology And Mining Dept. And Another

Counsel for Petitioner : - Saryu Prasad Tiwari
Counsel for Respondent : - C.S.C.

(147) **Case :** - WRIT - C No. - 7543 of 2024

Petitioner : - M/S Pind Balluchi (Unit Of Excellence Hospitality)
 Thru. Partner Smarity Sindhu And Monu Mishra

Respondent : - State Of U.P., Thru. Prin. Secy., Forest, Environment
 And Climate Change And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(148) **Case :** - WRIT - C No. - 7616 of 2024

Petitioner : - M/S Gupta Brick Works Thru Proprietor Rakesh Kumar

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment
 Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Smita Chitranshi

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(149) **Case :** - WRIT - C No. - 7619 of 2024

Petitioner : - M/S Mlk Brick Works Gumsani Sambhal Thru Partner
 Lal Bahadur

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment
 Forest And Climate Change Lucknow And Ors.

Counsel for Petitioner : - Smita Chitranshi

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(150) **Case :** - WRIT - C No. - 7832 of 2024

Petitioner : - M/S Laxmi Brick Field Thru Proprietor Madan Pal

Respondent : - State Of U.P. Thru Prin. Secy. Forest Environment
 And Climate Change Lko And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan, Sunny Singh

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(151) **Case :** - WRIT - C No. - 7916 of 2024

Petitioner : - Abhay Singh

Respondent : - State Of U.P. Thru Addl. Chief Secy. Ministry Of
 Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Himanshu Kamboj, Amit Dwivedi

Counsel for Respondent : - C.S.C., Asit Srivastava

(152) **Case :** - WRIT - C No. - 8064 of 2024

Petitioner : - M/S Madina Frozen Foods Pvt. Ltd., Through Its
 Director Mohammad Yamin Khan

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment And Climate Change Deptt., Lucknow And 5 Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(153) **Case** : - WRIT - C No. - 8110 of 2024

Petitioner : - M/S J.B. Daruka Paper Mill Thru Authorized Signatory Shiv Kumar Pandey

Respondent : - State Of U.P. Thru Addl. Chief/ Prin. Secy. Deptt. Of Environment Forests And Climate Change And Ors

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Asit Srivastava

(154) **Case** : - WRIT - C No. - 8204 of 2024

Petitioner : - M/S Sidra Washing, Through Proprietor Mohd. Wasim

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment And Climate Change Deptt., Lucknow And 5 Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey, Ranjana Srivastava, Shivam Srivastava

(155) **Case** : - WRIT - C No. - 8461 of 2024

Petitioner : - Mohd. Danish

Respondent : - State Of U.P. Thru Prin. Secy. Environment Deptt. Lko And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(156) **Case** : - WRIT - C No. - 8496 of 2024

Petitioner : - Gul Vadan

Respondent : - State Of U.P. Thru Addl. Chief Secy. Ministry Of Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Himanshu Kamboj, Amit Dwivedi

Counsel for Respondent : - C.S.C., Asit Srivastava

(157) **Case** : - WRIT - C No. - 8509 of 2024

Petitioner : - Shakeel Ahmad

Respondent : - State Of U.P. Thru Prin. Secy. Environment Deptt. Lucknow And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Asit Srivastava

(158) **Case** : - WRIT - C No. - 8510 of 2024

Petitioner : - Niraj Upadhyay

Respondent : - State Of U.P. Thru Addl. Chief Secy. Ministry Of Environment Forests And Climate Change Lko And Ors

Counsel for Petitioner : - Himanshu Kamboj,Amit Dwivedi

Counsel for Respondent : - C.S.C.,Asit Srivastava

(159) **Case :** - WRIT - C No. - 8513 of 2024

Petitioner : - Ganga Sagar Singh

Respondent : - State Of U.P. Thru Addl.Chief Secy. Environemtn Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Vinod Kumar Mishra,Amit Dwivedi

Counsel for Respondent : - C.S.C.,Asit Srivastava

(160) **Case :** - WRIT - C No. - 8775 of 2024

Petitioner : - M/S Tandoori Chaska (Old Name Shreshtha Gandhi Food Forest) Thru Partner Anil Sharma

Respondent : - State Of U.P. Thru Prin.Secy. Forest Environment And Climate Change Lko And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava,Chandra Shekher Pandey

(161) **Case :** - WRIT - C No. - 8791 of 2024

Petitioner : - M/S Jubliant Food Works Ltd. Thru Auth. Person Nrip Vibhaw

Respondent : - State Of U.P. Thru Prin.Secy. Forest, Environment And Climate Change Deptt. Lko And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava,Chandra Shekher Pandey

(162) **Case :** - WRIT - C No. - 11237 of 2024

Petitioner : - M/S R.K. Ent Udyog Through Its Authorised Representative Shri Kumar Pal Singh

Respondent : - State Of U.P. Thru Prin.Secy. Forests Environment And Climate Change And Ors.

Counsel for Petitioner : - Prashant Shukla,Priya Pandey

Counsel for Respondent : - C.S.C.,Asit Srivastava

(163) **Case :** - WRIT - C No. - 490 of 2025

Petitioner : - M/S Bohre Ram Dayal, Ent Udhyog, Proprietor Shri Ashok Kumar Bhardwaj

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment Climate Change Deptt., Lucknow And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Chandra Shekher Pandey

(164) **Case** : - WRIT - C No. - 1179 of 2025

Petitioner : - M/S Santosh Ent Bhatta Sultanpur Thru Its Proprietor Raj Keshar Singh

Respondent : - U.P. Pollution Control Board Lucknow Thru Chairman And Ors.

Counsel for Petitioner : - Ajay Pratap Singh

Counsel for Respondent : - Ashok Kumar Verma,C.S.C.

(165) **Case** : - WRIT - C No. - 1420 of 2025

Petitioner : - M/S Alig Tannery Unnao Thru Its Authorized Representative Hameedur Rehman Ansari

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environemtn Forests And Climate Change And Ors.

Counsel for Petitioner : - Pooja Singh,Abhishek Yadav,Surya Prakash Tiwari

Counsel for Respondent : - C.S.C.,Asit Srivastava,Vaibhav Mishra

(166) **Case** : - WRIT - C No. - 1512 of 2025

Petitioner : - M/S Gaursons Promoters Pvt. Ltd. Thru Authorized Signatory Divyanshu Srivastava

Respondent : - State Of U.P. Thru Prin.Secy. Environment Deptt. Lucknow And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(167) **Case** : - WRIT - C No. - 1610 of 2025

Petitioner : - M/S Bhagwati Colour Implex Ghaziabad Thru Proprietor Mukesh Pahuja

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(168) **Case** : - WRIT - C No. - 1611 of 2025

Petitioner : - M/S Pawan Dyeing Ghaziabad Thru Proprietor Pawan Agarwal

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey

(169) **Case** : - WRIT - C No. - 1626 of 2025

Petitioner : - M/S Lakshya Enterprises (Old Name Shikha Enterprises) Ghaziabad Thru Prop. Subhash Chand Yadav

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey

(170) **Case :** - WRIT - C No. - 1627 of 2025

Petitioner : - M/S Jai Maa Garments Ghaziabad Thru Proprietor Suresh Chandra

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(171) **Case :** - WRIT - C No. - 1632 of 2025

Petitioner : - M/S Vanshika Dyeing Ghaziabad Thru Proprietor Desh Raj Gupta

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(172) **Case :** - WRIT - C No. - 1633 of 2025

Petitioner : - M/S S. Star Enterprises Ghaziabad Thru Prop. Rajmala

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(173) **Case :** - WRIT - C No. - 1714 of 2025

Petitioner : - M/S Nisha Prints Ghaziabad Thru Proprietor Ram Prakash

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey

(174) **Case :** - WRIT - C No. - 1715 of 2025

Petitioner : - M/S Swastik Washing Works Ghaziabad Thru Proprietor Shikha Jain

Respondent : - State Of U.P And Others

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - Vaibhav Mishra,Ashok Kumar Verma,Chandra Shekhar Pandey

(175) **Case :** - WRIT - C No. - 2074 of 2025

Petitioner : - Ravi Shankar Shukla

Respondent : - State Of U.P. Thru Secy. Deptt. Of Geology And

Mining Lko And Ors.

Counsel for Petitioner : - Pushpila Bisht,Sukhmani Singh

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(176) **Case :** - WRIT - C No. - 2107 of 2025

Petitioner : - M/S Triveni Engineers And Industries Ltd. (Alco Chemical Unit) Noida Thru Its Authorised Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy./ Prin.Secy. Deptt. Of Environment Forests And Climate And Ors.

Counsel for Petitioner : - Gaurav Mehrotra,Harsh Vardhan Mehrotra,Maria Fatima

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(177) **Case :** - WRIT - C No. - 2116 of 2025

Petitioner : - M/S Balaji Ent Udyog Aligarh Thru Proprietor Sachendra Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Forest, Environment And Climate Change Lucknow And Ors.

Counsel for Petitioner : - Prashant Shukla,Priya Pandey,Shashank Kumar

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

Hon'ble Attau Rahman Masoodi J.

Hon'ble Subhash Vidyarthi J.

(Per Subhash Vidyarthi J.)

- (1) Heard Sri Jaideep Narain Mathur, Senior Advocate, assisted by Ms. Aprajita Bansal, Sri. Anilesh Tewari, Ms. Gursimran Kaur, Advocates, Sri Jalaj Kumar Gupta, Sri Mehdi Khan, Sri Mohd. Aslam Khan, Sri Rahul Srivastava, Sri Salil Kumar Srivastava, Sri Sarvesh Kumar, Sri Shivang Tiwari, Sri Mohd. Khalid Amin Khan, Sri Saryu Prasad Tiwari, Sri Ratnesh Dwivedi, Sri Sheeran Mohiuddin Alavi, Ms. Aditi Tripathi, Sri Harsh Vardhan Kediya, Sri Ankur Yadav, Sri Arvind Kumar Shukla, Ms. Smita Chitranshi, Sri Sunny Singh, Sri Kripa Shankar Yadav, Ms. Moni Yadav, Ms. Preeti Yadav, Sri Pawan Kumar Upadhyay, Sri Ram Ji Trivedi, Ms. Shraddha Tripathi, Sri Prashant Shukla, Sri Ashutosh Tiwari, Sri Saryu Prasad Tiwari, Sri Piyush Pathak, Ms. Sumedha Sen, Sri Syed Mehfuzur Rehman, Sri Vikas Vikram Singh, Sri Devesh Chandra Pathak, Sri Amit Dwivedi, Sri Himanshu Kamboj, Sri Vinod Kumar

Mishra, Sri Prashant Shukla, Ms. Priya Pandey, Sri Ajay Pratap Singh, Sri Abhishek Yadav, Dr. Pooja Singh, Sri Surya Prakash Tiwari, Sri Kazim Ibrahim, Ms. Pushipla Bisht, Ms. Sukhmani Singh, Sri Gaurav Mehrotra, Sri Harsh Vardhan Mehtroa, Ms. Maria Fatima and Sri Shashank Kumar, learned counsel appearing for the petitioners in their respective writ petitions, and Sri Ashok Kumar Verma assisted by Sri Tushar Verma, Sri Asit Srivastava & Sri Vaibhav Mishra, learned counsel for U.P. Pollution Control Board, Sri Rishabh Kapoor, learned counsel for the U.P. Jal Nigam, Sri Namit Sharma, learned counsel for Lucknow Municipal Corporation and Sri Akash Sinha, learned Standing Counsel for the State and Sri Asit Srivastava, Sri Chandra Shekhar Pandey, Sri Devesh Chandra Pathak, Sri Rishabh Chauhan, Ms. Ranjana Srivastava, Sri Shivam Srivastava, learned counsel appearing for the contesting respondents.

- (2) All the aforesaid writ petitions have been filed challenging various orders passed by the U.P. Pollution Control Board imposing environmental compensation on the petitioners' industries. Validity of the orders imposing environmental compensation has been challenged in all the writ petitions on a common ground that the U.P. Pollution Control Board does not have the authority to impose environmental compensation and to recover the same from an industry, under any statutory provision.
- (3) As a common question is involved in all the aforesaid writ petitions, all the Writ Petitions are being decided by this common judgment.
- (4) Sri J. N. Mathur, learned Senior Advocate who led submissions on behalf of the petitioners, has submitted that a bare perusal of the provisions contained in the NGT Act and the NGT Rules,

2011 makes it manifest that the legislature has conferred the jurisdiction to adjudicate the claims regarding payment of compensation for causing environmental damage upon the National Green Tribunal, which has been constituted as an expert body. The NGT Act is a complete Code in itself which has been enacted for adjudication of claims relating to compensation for any damage caused to the environment. He has submitted that the functions of the Board are enumerated in Section 17 of the Water (Prevention and Control of Pollution) Act, 1974 (which will hereinafter be referred to as 'the Water Act') and the same do not include performance of any adjudicatory function. The U.P. Pollution Control Board does not have jurisdiction to impose compensation and recover the same; rather, the Board has to file an application to the Tribunal as provided in Section 18 of the NGT Act.

- (5) Shri Gaurav Mehrotra, Advocate assisted by Ms. Maria Fatima, learned Counsel appearing in Writ-C No. 2107 of 2025 has submitted that the jurisdiction can be conferred by Statute alone and it cannot be conferred by any Court or Tribunal, not even by the Hon'ble Supreme Court. He has relied upon the judgments in the case of **Benarsi Silk Palace Vs. Commr. of Income Tax** [1964] 52 ITR 220 (All) and **Chiranjilal Shrilal Goenka v. Jasjit Singh and others**: (1993) 2 SCC 507. He has also relied upon the judgments in the cases of **Jagmittar Sain Bhagat v. Health Services, Haryana**: (2013) 10 SCC 136.
- (6) *Per Contra*, Sri A. K. Verma, the learned Counsel for the U. P. Pollution Control Board has submitted that Section 33-A of the Water Act, 1974 and Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981 (which will hereinafter be referred to as 'the Air Act') empower the Pollution Control Board to issue any direction to any person. It is in exercise of the aforesaid statutory powers that the U.P. Pollution Control

Board has the authority to issue a direction to any person for payment of environmental compensation and to recover the same. He has further submitted that any person aggrieved by such a direction can file an appeal against the direction(s) issued by the U.P. Pollution Control Board before the National Green Tribunal as is provided under Section 33-B of the Water Act and under Section 31-B of the Air Act. He has submitted that Section 16 of the NGT Act also provides that any person aggrieved by and directions issued by a Board under Section 33-A of the Water Act.

- (7) Relying upon the aforesaid provisions of the NGT Act, Sri Verma has submitted that when Section 31-B of the Air Act confers appellate jurisdiction upon the National Green Tribunal in respect of directions issued under Section 31-A of the Air Act; Section 33-B of the Water Act and Section 16 of the NGT Act confer appellate jurisdiction upon the National Green Tribunal in respect of directions issued under Section 33-A of the Water Act, the National Green Tribunal would not have the original jurisdiction to adjudicate upon the subject matter regarding which it has appellate jurisdiction.
- (8) Shri Verma has submitted that the Water Act is a social legislation and it should be given a purposive interpretation. The Board's power under Section 33-A of the Water Act are very wide and unfettered. The Board has the power to award compensation in exercise of the powers conferred by Section 33-A of the Water Act and Section 31-A of the Air Act. The orders passed under Section 33-A of the Water Act or Section 31-A of the Air Act are appealable under Section 16 of the NGT Act.
- (9) The learned Counsel for the State Pollution Control Board has submitted that Section 17 of the Water Act enumerates the

functions of the State Board and sub-Section (1) (l) (ii) of Section 17 provides that the functions of a State Board include requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent, control or abate water pollution. Sub-Section (1) (o) of Section 17 provides that the functions of the State Board will include to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

- (10) Shri Verma has also submitted that Section 18(2) of the NGT Act provides that an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal without prejudice to the provisions contained in Section 16 of the NGT Act. Therefore, the provision regarding filing of an application by the Pollution Control Board contained in Section 18(2)(f) of the NGT Act is without prejudice to the appellate powers of the Tribunal contained in Section 16 of the NGT Act and the appellate power under Section 16 will have a precedence over the provisions contained in Section 18(2). He has also submitted that Section 19 of the NGT Act lays down the procedure and powers of the Tribunal. A cumulative reading of the aforesaid provisions makes it clear that the Pollution Control Board has power to issue directions including the direction for payment of compensation.
- (11) Sri Verma has submitted that 'water pollution' is included in the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India, and therefore, it is a State subject. He has also submitted that the entries occurring in Schedule - 7 should be given the widest interpretation. Sri Verma has drawn our attention to the directive principles of State policy contained in Part IV of the

Constitution of India. Article 48-A provides that the State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Part IV-A of the Constitution of India enlists fundamental duties and Article 51-A(g) provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

- (12) The learned Counsel for the Board has submitted that the State Authorities have to strike a balance between sustainable development and protection of environment. The State has to ensure that a polluter pays compensation for any damage caused by him to the environment.
- (13) He has further submitted that Chapter VI of the Air Act contains provisions regarding penalties and procedure and it provides that the adjudicating officer may impose penalty. The power to impose penalty under the Air Act vests in the Adjudicating Officer. He has also submitted that in case the industry operates without consent of the Board, it may be prosecuted. However, in case of other violations, penalty can be imposed by the Adjudicating Officer without prosecution.
- (14) Shri Chandra Shekhar Pandey, the learned Counsel appearing for the Central Pollution Board has relied upon the decision in the case of **Paryavaran Suraksha Samiti v. Union of India**: (2017) 5 SCC 326, in which the Hon'ble Supreme Court has granted liberty to private individual(s) and organizations, to address complaints to the Pollution Control Board if any industry is in default. On the receipt of any such complaint, the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law. Such action would be in addition to

the discontinuation of industrial activity forthwith. The Pollution Control Boards were also directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters. It is in furtherance of the aforesaid directions that Original Application No. 593/2017, Paryavaran Suraksha Samiti and another v. Union of India and others, was registered before the National Green Tribunal, Principal Bench, New Delhi which is still continuing and directions are issued in the said case from time to time. By means of directions issued by the NGT in the aforesaid case, the Board has been empowered to impose and recover compensation from the defaulting industrial units.

- (15) In **Rylands v. Fletcher**: (1861-73) All ER Rep 1, it was laid down that if a person brings on to his land and collects and keeps there anything likely to do harm and such thing escapes and does damage to another, he is liable to compensate for the damage caused.
- (16) In the year 1986, the Environment (Protection) Act, 1986, (which will hereinafter be referred to as 'the Act of 1986') was enacted on 23.05.1986 to provide for the protection and improvement of environment and for matters connected therewith. Section 3 of the Act of 1986 provides for the powers of the Central Government to take measures to protect and improve environment.
- (17) In the case of **M.C. Mehta and another v. Union of India and others**: (1987) 1 SCC 395 (decided on 20.12.1986), a Constitution Bench consisting of five Hon'ble Judges of the Supreme Court dealt with the question as to what is the measure of liability of an enterprise which is engaged in a hazardous or inherently dangerous industry, if by reason of an accident occurring in such industry, persons die or get injured. The

Hon'ble Supreme Court referred to the rule that was evolved in **Rylands v. Fletcher** (Supra) and held that: -

*“31. ...We have to develop our own law and if we find that it is necessary to construct a new principle of liability to deal with an unusual situation which has arisen and which is likely to arise in future on account of hazardous or inherently dangerous industries which are concomitant to an industrial economy, there is no reason why we should hesitate to evolve such principle of liability merely because it has not been so done in England. ... We would therefore hold that where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting, for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability under the rule in *Rylands v. Fletcher* (supra).”*

- (18) The Public Liability Insurance Act, 1991 was enacted by the Parliament to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accidents occurring while handling any hazardous substance and for matters connected therewith or incidental thereto.
- (19) In the year 1995, the National Environment Tribunal Act, 1995, was enacted to provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation for damages to persons, property and the environment and for matters connected therewith or incidental thereto.
- (20) In spite of the aforesaid enactments, the National Environment Tribunal was not constituted. Taking cognizance of this situation, in **Vellore Citizens' Welfare Forum v. Union of**

India and others: (1996) 5 SCC 647, the Hon'ble Supreme Court issued the following directions:-

“1. The Central Government shall constitute an authority under Section 3(3) of the Environment (Protection) Act, 1986 and shall confer on the said authority all the powers necessary to deal with the situation created by the tanneries and other polluting industries in the State of Tamil Nadu. The authority shall be headed by a retired judge of the High Court and it may have other members -- preferably with expertise in the field of pollution control and environment protection -- to be appointed by the Central Government. The Central Government shall confer on the said authority the powers to issue directions under Section 5 of the Environment Act and for taking measures with respect to the matters referred to in clauses (v), (vi), (vii), (viii) (ix), (x) and (xii) of sub-Section (2) of Section 3. The Central Government shall constitute the authority before September 30, 1996.

2. The authority so constituted by the Central Government shall implement the “Precautionary Principle” and the “Polluter Pay Principle”. The authority shall, with the help of expert opinion and after giving opportunity to the polluters concerned assess the loss to the ecology/environment in the affected areas and shall also identify the individuals/families who have suffered because of the pollution and shall assess the compensation to be paid to the said individuals/families. The authority shall further determine the compensation to be recovered from the polluters as cost of reversing the damaged environment. The authority shall lay down just and fair procedure for completing the exercise.

3. The authority shall compute the compensation under two heads namely, for reversing the ecology and for payment to individuals. A statement showing the total amount to be recovered, the names of the polluters from whom the amount is to be recovered, the amount to be recovered from each polluter, the persons to whom the compensation is to be paid and the amount payable to each of them shall be forwarded to the Collector/District Magistrate of the area concerned. The Collector/District Magistrate shall recover the amount from the polluters, if necessary, as arrears of land revenue. He shall disburse the compensation awarded by the authority to the affected persons/families.

4. The authority shall direct the closure of the industry owned/managed by a polluter in case he evades or refuse to pay the compensation awarded against him. This shall be in addition to the recovery from him as arrears of land revenue.

5. An industry may have set up the necessary pollution control device at present but it shall be liable to pay for the past pollution generated by the said industry which has resulted in the environmental degradation and suffering to the residents of the area.”

(21) In the year 1997, the National Environment Appellate Authority Act, 1997 was enacted to provide for the establishment of a National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 and for matters connected therewith or incidental thereto.

(22) The Water Act was been enacted in the year 1974 with the following object:-

“An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.”

(23) Section 3 of the Water Act provides for constitution of the Central Pollution Control Board, whereas Section 4 of the Act, 1974 provides for constitution of the State Pollution Control Boards.

(24) Chapter IV of the Water Act contains provisions regarding powers and functions of the Board. Section 16 of the Water Act provides for functions of the Central Board, whereas Section 17 provides for the functions of the State Boards. The relevant

provisions of Section 17 of the Water Act are being reproduced here-in-below:-

“17. Functions of State Board.—*(1) Subject to the provisions of this Act, the functions of a State Board shall be—*

(a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;

(b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;

(c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;

(d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;

(e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;

(f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;

(g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;

(h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

(i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;

(j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;

(k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;

(l) to make, vary or revoke any order—

(i) for the prevention, control or abatement of discharges of waste into streams or wells;

(ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or adopt such remedial measures as are necessary to prevent, control or abate water pollution;

(m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

(n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;

(o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

(2) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.”

- (25) Section 18(1)(b) of the Water Act provides that in performance of its functions under the Act, every State Board shall be bound

by such directions in writing as the Central Board or the State Government may give to it.

- (26) Section 32 of the Water Act empowers the Board to take emergency measures in the case of pollution of streams or wells or on land and this provision is being quoted below:-

“32. Emergency measures in case of pollution of stream or well.—(1) *Where it appears to the State Board that any poisonous, noxious or polluting matter is present in any stream or well or on land by reason of the discharge of such matter in such stream or well or on such land or has entered into that stream or well due to any accident or other unforeseen act or event, and if the Board is of opinion that it is necessary or expedient to take immediate action, it may for reasons to be recorded in writing, carry out such operations as it may consider necessary for all or any of the following purposes, that is to say,—*

(a) removing that matter from the stream or well or on land and disposing it of in such manner as the Board considers appropriate;

(b) remedying or mitigating any pollution caused by its presence in the stream or well;

(c) issuing orders immediately restraining or prohibiting the person concerned from discharging any poisonous, noxious or polluting matter into the stream or well or on land, or from making insanitary use of the stream or well.

(2) The power conferred by sub-section (1) does not include the power to construct any works other than works of a temporary character which are removed on or before the completion of the operations.”

- (27) Section 33 of the Water Act provides as follows: -

“33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells.—(1) *Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal or likely disposal of any matter in such stream or well or in any sewer or on any land, or otherwise, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of*

the first class, for restraining the person who is likely to cause such pollution from so causing.

(2) On receipt of an application under sub-section (1) the court may make such order as it deems fit. ... ”

(28) There is no provision in the Water Act which confers any power of judicial or quasi-judicial nature on the State Board.

(29) The National Green Tribunal Act, 2010 (which will hereinafter be referred to as ‘the NGT Act’) was enacted on 02.06.2010 with the following object:-

“An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.”

(30) Thus NGT has been established with the object of effective and expeditious disposal of cases relating to compensation relating to environment. The composition of NGT is provided in Section 4 (1) of the NGT Act which is as follows:-

*“4. **Composition of Tribunal** – (1) The Tribunal shall consist of,—*

(a) a full-time Chairperson;

(b) not less than ten but subject to not maximum of twenty full-time Judicial Members as the Central Government may, from time to time, notify;

(c) not less than ten but subject to maximum twenty full-time Expert Members, as the Central Government may, from time to time, notify.”

(31) The qualifications of Chairperson, Judicial Member and Expert Member are provided in Section 5 of the NGT Act, which is as follows:-

*“5. **Qualifications for appointment of Chairperson, Judicial Member and Expert Member.**—(1) A person shall not be qualified for appointment as the Chairperson or Judicial Member of the Tribunal*

unless he is, or has been, a Judge of the Supreme Court of India or Chief Justice of a High Court:

Provided that a person who is or has been a Judge of the High Court shall also be qualified to be appointed as a Judicial Member.

(2) A person shall not be qualified for appointment as an Expert Member, unless he,—

(a) has a degree in Master of Science (in physical sciences or life sciences) with a Doctorate degree or Master of Engineering or Master of Technology and has an experience of fifteen years in the relevant field including five years practical experience in the field of environment and forests (including pollution control, hazardous substance management, environment impact assessment, climate change management, biological diversity management and forest conservation) in a reputed National level institution; or

(b) has administrative experience of fifteen years including experience of five years in dealing with environmental matters in the Central or a State Government or in a reputed National or State level institution.

(3) The Chairperson, Judicial Member and Expert Member of the Tribunal shall not hold any other office during their tenure as such.

(4) The Chairperson and other Judicial and Expert Members shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the Tribunal under this Act:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).”

(32) The aforesaid provision makes it manifest that NGT has been constituted as a body of experts.

- (33) Chapter III of the NGT Act deals with jurisdiction, powers and proceedings of the Tribunal. Section 14 of the NGT Act provides that the Tribunal shall have jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.
- (34) The phrase “Substantial question relating to environment” is defined in Section 2(m) of the NGT Act as follows:-

“(m) “substantial question relating to environment” shall include an instance where,—

(i) there is a direct violation of a specific statutory environmental obligation by a person by which,—

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;”

- (35) Section 15 of the NGT Act provides for relief, compensation and restitution and the relevant parts of this Section read as follows:-

15. Relief, compensation and restitution.—(1) The Tribunal may, by an order, provide,—

(a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);

(b) for restitution of property damaged;

(c) for restitution of the environment for such area or areas, as the Tribunal may think fit.

* * *

(2) The relief and compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).

* * *

(4) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.

* * *

(36) Schedule - I referred to in Sections 14 and 15 of the Act lists the following Acts:-

- 1. The Water (Prevention and Control of Pollution) Act, 1974;*
- 2. The Water (Prevention and Control of Pollution) Cess Act, 1977;*
- 3. The Forest (Conservation) Act, 1980;*
- 4. The Air (Prevention and Control of Pollution) Act, 1981;*
- 5. The Environment (Protection) Act, 1986;*
- 6. The Public Liability Insurance Act, 1991;*
- 7. The Biological Diversity Act, 2002”*

(37) Schedule II referred to in Section 15 of the NGT Act as follows:-

“Heads under which compensation or relief for damage may be claimed

- (a) Death;*
- (b) Permanent, temporary, total or partial disability or other injury or sickness;*
- (c) Loss of wages due to total or partial disability or permanent or temporary disability;*
- (d) Medical expenses incurred for treatment of injuries or sickness;*
- (e) Damages to private property;*
- (f) Expenses incurred by the Government or any local authority in providing relief, aid and rehabilitation to the affected persons;*
- (g) Expenses incurred by the Government for any administrative or legal action or to cope with any harm or damage, including*

compensation for environmental degradation and restoration of the quality of environment;

(h) Loss to the Government or local authority arising out of, or connected with, the activity causing any damage;

(i) Claims on account of any harm, damage or destruction to the fauna including milch and draught animals and aquatic fauna;

(j) Claims on account of any harm, damage or destruction to flora including aquatic flora, crops, vegetables, trees and orchards;

(k) Claims including cost of restoration on account of any harm or damage to environment including pollution of soil, air, water, land and eco-systems;

(l) Loss and destruction of any property other than private property;

(m) Loss of business or employment or both;

(n) Any other claim arising out of, or connected with, any activity of handling of hazardous substance.”

(38) Section 20 of the NGT Act provides that “*The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.*”

(39) A bare perusal of the aforesaid provisions of the NGT Act makes it manifest that the NGT has been constituted as an expert body and it has been conferred with the jurisdiction over all civil cases where a substantial question relating to environment is involved. Payment of compensation for causing damage to environment is a civil dispute and it involves a substantial question relating to environment. Therefore, the NGT has been conferred with the jurisdiction to decide the cases relating to award of compensation, including the compensation under the Water Act and the Air Act.

(40) Section 18 of the NGT Act provides as follows:-

“18. Application or appeal to Tribunal.—(1) *Each application under Sections 14 and 15 or an appeal under Section 16 shall, be made to the Tribunal in such form, contain such particulars, and,*

be accompanied by such documents and such fees as may be prescribed.

(2) Without prejudice to the provisions contained in Section 16, an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by—

(a) the person, who has sustained the injury; or

(b) the owner of the property to which the damage has been caused; or

(c) where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or

(d) any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or

(e) any person aggrieved, including any representative body or organisation; or

*(f) the Central Government or a State Government or a Union Territory Administration or **the Central Pollution Control Board or a State Pollution Control Board** or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 (29 of 1986) or any other law for the time being in force:*

Provided that...

(3)...”

- (41) Rule 8 of the National Green Tribunal (Practices and Procedure) Rules, 2011 (which will hereinafter be referred to as ‘the NGT Rules, 2011’) contains a specific provision for submission of an application for compensation and it provides as follows:-

“8. Procedure for filing application or appeal.- (1) An application or appeal to the Tribunal under section 18 shall be presented in Form I by the applicant or appellant, as the case may be, in person or by an agent or by a duly authorised legal practitioner, to the Registrar or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with acknowledgment duly addressed to the Registrar of the Tribunal at and sent to concerned place of sitting:

Provided that where the application is for relief and compensation, it shall be made in Form II.

* * *

(42) Rule 35 of the NGT Rules, 2011 provides as follows:-

“35. Manner and the purposes for which amount of compensation or relief or restitution credited to Environment Relief Fund shall be utilised.—(1) *The amount by way of compensation or relief to the victim or restitution of property and the environment, ordered by the Tribunal to be paid shall be remitted to the authority, specified under sub-section (3) of Section 7-A of the Public Liability Insurance Act, 1991 (6 of 1991), within a period of thirty days from the date of order or award or as otherwise ordered by the Tribunal.*

(2) *In the case of failure to remit the amount by the concerned person, under sub-rule (1), within the time so specified, the District Collector of the concerned district shall file a complaint, before the court having jurisdiction, under clause (a) of sub-section (1) of Section 30 of the Act.*

(3) *The amount referred to in sub-rule (1), shall be credited to the Environment Relief Fund under Section 24 of the Act for utilisation under any heads specified in Schedule II to the Act.*

(4) *A separate account shall be created and maintained by the authority referred to in sub-rule (1) for the purpose of receiving and disbursement of the amount pursuant to the order or award of the Tribunal.”*

(43) Rule 36 of the NGT Rules, 2011 provides for procedure for disbursement of relief or compensation or restitution of property damaged and this Rule provides as follows:-

“36. Procedure for disbursement of relief or compensation or restitution of property damaged.—(1) *A copy of the award or order or decision of the Tribunal passed under clause (a) or clause (b) of sub-section (1) of Section 15 of the Act shall be transmitted to the authority referred to in sub-rule (1) of Rule 35 and the District Collector having local jurisdiction for disbursement.*

(2) *The authority referred to in sub-rule (1) of Rule 35 shall transfer the amount so deposited in the Environment Relief Fund to the concerned District Collector within a period of thirty days from the date of deposit.*

(3) *The District Collector shall arrange to disburse the amount of compensation or relief and restitution of property damaged within a period of thirty days of the receipt of the amount under sub-rule (2), to the affected persons or victims of pollution or other environmental damages arising under the enactments specified in Schedule I, under the heads specified in Schedule II, to the Act.”*

(44) Thus the NGT Act and the NGT Rules, 2011 contain elaborate provisions for filing of applications for imposition of

compensation and adjudication thereof by the NGT, as per which, the Board can file an application before the NGT for claiming compensation from an industry if it is of the view that the industry is liable to pay compensation and the NGT will adjudicate whether the industry is liable to pay compensation, and if yes, what would be the quantum of compensation. The Board cannot itself pass an order imposing the liability for payment of compensation upon an industry.

- (45) The learned Counsel for the Board has submitted that the Board derives the power to impose and recover compensation from the provisions contained in Section 33-A of the Water Act, 1974 and Section 31-A of the Air Act. Both the Sections were inserted way of by amendment with effect from 01.04.1988 and both the Sections are identically worded, which read as follows:-

“Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.

- (46) The directions referred to in Section 33-A of the Water Act and Section 31-A of the Air Act refer to directions of administrative nature so as to prevent water pollution or air pollution. The nature of directions that can be passed in exercise of the powers conferred Section 33-A of the Water Act and Section 31-A of the Air Act is explained by the Explanations appended to the Sections, as per which the directions would include the

directions for closure, prohibition or regulation of any industry, operation or process; or the stoppage or regulation of supply of electricity, water or any other service. The directions contemplated in both the aforesaid Sections are preventive or restrictive in nature. Although the Explanations appended to the Sections state that the directions would 'include' the nature of directions mentioned in the Explanations and the examples are not exhaustive, yet the explanation clarifies that the other directions that may be issued under Section 33-A of the Water Act or Section 31-A of the Air Act would be similar in nature to those administrative directions which are mentioned in the Explanations appended to the Sections.

- (47) The power to issue administrative directions for prevention of water pollution or air pollution would not include the power to impose environmental compensation and recover the same. Had this power been already there in the Water Act and the Air Act, the Legislature would have had no occasion to enact the NGT Act conferring specific provision for conferring jurisdiction upon the NGT to impose environmental compensation on erring industries.
- (48) The learned Counsel for the State Pollution Control Board has placed reliance upon a judgment passed by the NGT in **State Pollution Control Board v. Swastik Ispat Pvt. Ltd.**: 2014 SCC OnLine NGT 13, wherein the NGT held that:-

“32. Keeping in view the legislative scheme and the object of the Air Act, it is evident that the Board is not incapacitated to issue a direction which may not be prohibitory or of closure in substance and application, but may be regulatory with an object to ensure that anti-pollution devices and anti-pollution measures are adopted to prevent and control pollution. For this purpose, the Board may require an industry to furnish a bank guarantee which would serve dual purposes. On the one hand, it would provide incentive to an industry to install anti-pollution devices so as to

ensure non-encashment of the bank guarantee, while on the other, in the event of default, resulting in pollution, the Board would be able to spend that money for remedial purposes to control environmental degradation or damage that has taken place as a result of such default. Both these purposes would squarely fall within the framework of law and the powers and functions of the Board. The purpose of requiring a Unit to furnish a bank guarantee is not penal per se. It is compensatory i.e. an amount which would be required to be spent upon rehabilitation and restoration of the environment due to the damage caused to it by default on the part of the Unit. ... The intention of the Legislature to ensure implementation of these facets is further elucidated by the language of Section 31A of the Air Act where the Board can issue directions as afore-mentioned in exercise of its powers and performance of its functions under the Act. Thus, there has to be a direct nexus between the directions contemplated under Section 31A of the Air Act and the powers and functions of the Board as contemplated under Sections 16, 17 and other relevant provisions of the Air Act. Once these Sections are read co-jointly, then it becomes clear that a direction which would ensure compliance of the conditions of the consent order and further the cause of prevention and control of pollution would be a direction permissible under law.”

The NGT held that “Resolution of the Board for imposing a condition upon the industrial plants/units to furnish a bank guarantee as an interregnum for compliance and/or in the nature of compensation cannot be held to be without the authority of law or jurisdiction, in so far as it is not penal or punitive.”

- (49) Sri Verma has also placed reliance upon a judgment of the NGT in **Thandava Co-operative Sugars Ltd. v. Central Pollution Control Board**: 2020 SCC OnLine NGT 1823, wherein the NGT held that:-

“24. In view of Section 3 of the Environment (Protection) Act, 1986, Central Pollution Control Board has a duty to make measures to protect and improve environment and certain aspects have been provided as to how they have to be dealt with. Sub-clause (xiv) of sub-section (2) of Section 3 the Environment (Protection) Act, 1986 gives power to give further direction for the purpose of effective implementation of the provisions of this Act. Sub-

section (3) of Section 3 of the Environment (Protection) Act, 1986 authorises the Central Government to constitute an ‘appropriate authority’ to take measures, as provided under sub-section (2) of Section 3. That was how Central Pollution Control Board has been constituted for the purpose of effective implementation of the Environment (Protection) Act, 1986 to take all measures to abate pollution that is likely to be caused on account of operation of industrial units due to their non-compliance of the directions issued or conditions imposed in the consent granted. Further, the Apex Court, in several cases, have come to the conclusion that unless the violators are directed to pay compensation for causing pollution by applying the ‘polluter pays’ principle, no purpose will be served and evolved the doctrine of ‘polluter pays’ to realise environmental compensation from the erring units and directed the regulating authorities to take steps to implement the order and realise environmental compensation and utilise that amount for restoration of damage caused to environment.

* * *

27. So the submission made by learned counsel for appellant that Central Pollution Control Board has no power to impose environmental compensation is without any substance and the same is liable to be rejected....”

- (50) The same passage finds place in paragraphs 45 to 48 of the judgment passed by the NGT in the case of **Nutra Specialities (P) Ltd. v. Member Secretary, Central Pollution Control Board**: 2020 SCC OnLine NGT 1572.
- (51) Regarding the binding effect of a judgment passed by the NGT, it would be appropriate to refer to the judgment of this Court in **Dan Bahadur Yadav v. Bank of Baroda**: 2025 SCC OnLine All 600, wherein this Court has held that *“The Tribunals have to follow the law laid down by the Hon’ble Supreme Court and the High Court within whose superintendence they function, but they do not have the power to lay down law.”*
- (52) The learned Counsel for the Board could not place any law under which the observations made by the NGT in its

judgments interpreting a statutory provision may be binding on a Constitutional Court.

- (53) Further, none of the aforesaid judgments of NGT cited by the learned Counsel for the Board take into consideration the provisions of Section 15 of the NGT Act, which specifically confers the jurisdiction to adjudicate upon the claims for imposition of environmental compensation upon the NGT.
- (54) In **Delhi Pollution Control Committee v. Splendor Landbase Ltd.**: 2012 SCC OnLine Del 400, a Division Bench of Delhi High Court held that:-

“37. ...that the power to issue directions under Section 33A of the Water Act and the power to issue directions under Section 31A of the Air Act, on their plain language, does not confer the power to levy any penalty. We would further highlight that under Chapter VII of the Water Act, and under Chapter VI of the Air Act penalties and procedure to levy the same have been set out. A perusal of the provisions under the Water Act would reveal that penalties can be levied as per procedure prescribed and only Courts can take cognizance of offences under the Act and levy penalties, whether by way of imprisonment or fine. Similar is the position under the Air Act. The legislature having enacted specific provisions for levy of penalties and procedures to be followed has specifically made the offences cognizable by Courts and the power to levy penalties under both Acts has been vested in the Courts. The role of the Pollution Control Boards is to initiate proceedings before the Court of Competent Jurisdiction and no more.”

- (55) We find ourselves in complete agreement with the aforesaid view of the Delhi High Court.
- (56) Section 33-B of the Water Act and under Section 31-B of the Air Act contain provisions for filing appeals before the NGT, which provisions are being reproduced below:-

“33-B. Appeal to National Green Tribunal.—Any person aggrieved by,—

(a) an order or decision of the appellate authority under Section 28, made on or after the commencement of the National Green Tribunal Act, 2010; or

(b) an order passed by the State Government under Section 29, on or after the commencement of the National Green Tribunal Act, 2010; or

(c) directions issued under Section 33-A by a Board, on or after the commencement of the National Green Tribunal Act, 2010,

may file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.

* * *

31-B. Appeal to National Green Tribunal.—*Any person aggrieved by an order or decision of the Appellate Authority under Section 31, made on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”*

- (57) Section 16 of the NGT Act provides for filing of appeals against the directions issued under Section 33-A of the Water Act and the relevant part of Section 16 of the NGT Act is being quoted below:-

“16. Tribunal to have appellate jurisdiction.—*Any person aggrieved by,—*

* * *

(c) directions issued, on or after the commencement of the National Green Tribunal Act, 2010, by a Board, under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

* * *

may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

* * *

- (58) Relying upon the aforesaid provisions of the NGT Act, Sri Verma has submitted that when Section 31-B of the Air Act confers appellate jurisdiction upon the NGT in respect of directions issued under Section 31-A of the Air Act; Section 33-B of the Water Act and Section 16 of the NGT Act confer appellate jurisdiction upon the NGT in respect of directions

issued under Section 33-A of the Water Act, the NGT would not have the original jurisdiction to adjudicate upon the subject matter regarding which it has appellate jurisdiction. We find no force in this submission, as we have already held that Section 33-B of the Water Act and Section 31-A of the Air Act confer power upon the Board to issue directions of administrative nature and it does not confer any adjudicatory power on the Board, which power vests in the NGT only.

- (59) Sri Verma has also submitted that Section 18(2) of the NGT Act provides that an application for grant of relief or compensation or settlement of dispute may be made to the NGT without prejudice to the provisions contained in Section 16 of the Act, 2010. Therefore, the provision regarding filing of an application by the Pollution Control Board contained in Section 18(2)(f) of the NGT Act is without prejudice to the appellate powers of the Tribunal contained in Section 16 of the NGT Act and the appellate power under Section 16 will have a precedence over the provisions contained in Section 18(2). This submission also has no force, as we have already held that Section 33-B of the Water Act and Section 31-A of the Air Act confer power upon the Board to issue directions of administrative nature and it does not confer any adjudicatory power on the Board, which power vests in the NGT only.
- (60) The learned counsel for the Board has drawn the attention of this Court to the provisions contained in Article 21 of the Constitution of India which provides that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” He has submitted that the protection of environment and ecological balance is included in the Fundamental Right to life. There can be no dispute against this proposition, but it would not lead to the proposition that the Board has the power to impose environmental compensation

without taking recourse to the process of filing an application under Section 15 read with Section 18 of the NGT Act before the NGT.

- (61) Sri Verma has submitted that 'water pollution' is included in the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India, and therefore, it is a State subject. We do not find it necessary to go into the question whether the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India would include 'water pollution' or not, as in any case, the entries merely provide that the State would have the authority to enact a law on the subject. In the present case, the State has not enacted any such law as may empower the State Pollution Control to impose and recover environmental compensation from any industry.
- (62) Sri Verma has drawn our attention to the directive principles of State policy contained in Part IV of the Constitution of India. Article 48-A provides that the State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Part IV-A of the Constitution of India enlists fundamental duties and Article 51-A(g) provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. He has submitted that the State Authorities have to strike a balance between sustainable development and protection of environment. The State has to ensure that a polluter pays compensation for any damage caused by him to the environment. However, these submissions do not justify the exercise of an adjudicatory power by the Pollution Control Board, which power has been conferred upon the NGT by the

Statute, i.e. NGT Act and no statute has conferred such a power on the Pollution Control Board.

- (63) The learned Counsel for the State Pollution Control Board has also submitted that Chapter VI of the Air Act contains provisions regarding penalties and procedure and it provides that the adjudicating officer may impose penalty. The power to impose penalty under the Air Act vests in the Adjudicating Officer. He has also submitted that in case any industry operates without consent of the Board, it may be prosecuted. However, in the case of other violations, penalty can be imposed by the Adjudicating Officer without prosecution.
- (64) Chapter VI of the Air Act contains Sections 37 to 46. Section 37 (1) of the Air Act provides that “*Whoever contravenes or does not comply with the provisions of Section 22 or directions issued under Section 31-A, shall, in respect of each such contravention, be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.*”
- (65) Section 28 of the Air Act provides for penalties for the following specific acts: -
- “(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board;*
 - (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;*
 - (c) damages any works or property belonging to the Board;*
 - (d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purposes of this Act;*
 - (e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board*

and other prescribed authorities or agencies as required under sub-section (1) of Section 23;

(f) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, shall be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.”

(66) Section 38-A of the Air Act contains provisions for penalty for contravention by Government Departments. Section 39 deals with Penalties for contravention of certain provisions of the Act.

(67) Section 39-A of the Act provides as follows: -

“39-A. Adjudicating officer.—(1) The Central Government, for the purposes of determining the penalties under Sections 37, 38, 38-A and Section 39, shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit under the provisions of Sections 37, 38, 38-A or 39, as the case may be:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

(3) The amount of penalty imposed under the provisions of Sections 37, 38, 38-A and 39, shall be in addition to the liability to pay relief or compensation under Section 15 read with Section 17 of the National Green Tribunal Act, 2010 (19 of 2010).”

(68) Thus it is clear that the Adjudicating Officer has the statutory power to adjudicate the penalty to be imposed in accordance

with the statutory provisions. However, the statute does not confer any adjudicatory power on the Pollution Control Board. Therefore, the adjudicatory powers of the Adjudicating Officer are not relevant for deciding whether the Pollution Control Board has any adjudicatory powers.

- (69) Now we proceed to consider the decision in the case of **Paryavaran Suraksha Samiti v. Union of India**: (2017) 5 SCC 326, in which the Hon'ble Supreme Court has granted liberty to private individual(s) and organizations, to address complaints to the Pollution Control Board if any industry is in default. On the receipt of any such complaint, **the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law**. Such action would be in addition to the discontinuation of industrial activity forthwith. The Hon'ble Supreme Court further provided that the concerned Benches of the National Green Tribunal will maintain running and numbered case files, by dividing the jurisdictional area into units to supervise the complaints of non-implementation of the directions issued by the Hon'ble Supreme Court and the cases will be listed periodically. The Pollution Control Boards were also directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters. Liberty was granted to private individuals, and organizations, to approach the Bench concerned of the jurisdictional National Green Tribunal, for appropriate orders, by pointing out deficiencies, in implementation of the above directions issued by the Hon'ble Supreme Court. It is in furtherance of the aforesaid directions that Original Application No. 593/2017, Paryavaran Suraksha Samiti and another v. Union of India and others, was registered before the National Green Tribunal,

Principal Bench, New Delhi which is still continuing and directions are issued in the said case from time to time.

(70) When the Hon'ble Supreme Court has directed in **Paryavaran Suraksha Samiti** (Supra) that private individual(s) and organizations, can submit complaints to the Pollution Control Board if any industry is in default and on receipt of any such complaint, the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law, the Pollution Control Board can only take action as is permissible in law, which is to issue preventive directions contemplated by Section 33-B of the Water Act and Section 31-A of the Air Act and filing an application for compensation before the NGT under Section 15 read with Section 18 of the NGT Act. Passing an order by the Board imposing the liability for payment of compensation from the industry is not permissible in law and in **Paryavaran Suraksha Samiti** (Supra), the Hon'ble Supreme Court has not directed the Board to pass any order which is not permissible in law.

(71) On 31.08.2018, the National Green Tribunal has issued the following directions in the aforesaid case:-

“(i) We direct the Central Pollution Control Board (CPCB) to forthwith prepare an action plan after looking into all the status reports. The action plans must have mechanism to ensure compliance or all the directions in the order of the Hon'ble Supreme Court. To enable this to be done, a Nodal officer must be identified to deal with the issue of CETPs/ ETPs/STPs.

(ii) A representative of the Ministry of Environment, Forest and Climate Change may be associated with the Nodal Officer of the CETP for monitoring. The Monitoring by the said two officers- the representative of the MoEF and the Nodal Officer of the CPCB must be held atleast once in a month and on the basis of such meeting and the feedback taken further follow up action must be taken and appropriate directions issued. This process may be a continuous process.

(iii) It must be ensured that STPs, CETPs and ETPs are functional and meet the requisite standards.

(iv) There is already a direction in the above judgment under which 50% of the funds for the purpose are to be provided by the Central Government, 25% by the States and remaining 25% to be arranged by way of loans which is to be re-paid by the user industries. Local bodies and the States have duties as clearly stipulated in the judgment. There has to be online monitoring system by each State to display emission levels in public domain in terms of paragraph 17 of the order of the Hon'ble Supreme Court.

(v) A report of the steps taken may be placed on the website of the Central Pollution Control Board atleast once in three months. Deficiencies if any may also be so displayed.

(vi) The Central Pollution Control Board may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs Central Pollution Control Board may also assess and recover compensation for damage to the environment and the said fund be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the Central Pollution Control Board within three months from today.

(vii) A compliance report in terms of the above order may be furnished to this Tribunal within four months from today by e-mail at filing.ngt@gmail.com."

- (72) Again in the order dated 28.08.2019 passed by the NGT in the case of **Paryavaran Suraksha Samiti** (Supra), the NGT referred to two reports - first report dated 30.05.2019 updated on 19.07.2019 prepared by the Central Pollution Control Board regarding status of setting up of ETPs/CETPs/STPs and methodology for assessing environmental compensation for discharge of pollutants in water bodies and other report dated 14.08.2019 with regard to monitoring of CETPs. Extracts of the report on the scale of environmental compensation were quoted in para 14 of the order passed by the National Green Tribunal which is as follows:-

"1. Report dated 30.05.2019 updated on 19.07.2019

13. According to updated report dated 19.07.2019, out of 62,897 number of industries requiring ETPs, 60,944 industries are operating with functional ETPs and 1949 industries are operating without ETPs. 59,258 industries are complying with environmental standards and 1,524 industries are noncomplying. There are total 192 CETPs, out of which 133 CETPs are complying with environmental standards and 59 CETPs are non-complying. There are total 13,709 STPs (Municipal and other than municipal), out of which, 13,113 STPs are complying with environmental standards and 637 STPs are non-complying. 73 CETPs in construction/proposal stage, whereas, for STPs, 1164 projects (municipal and non-municipal) are under construction/proposal stage.

14. A report has also been prepared on the scale of environmental compensation to be recovered from individual/authorities for causing pollution or failure for preventing causing pollution, apart from illegal extraction of ground water, failure to implement Solid waste Management Rules, damage to environment by mining and steps taken to explore preparation of an annual environmental plan for the country. Extracts from the report which are considered significant for this order are:

“I. Environment Compensation to be levied on Industrial Units

Recommendations

The Committee made following recommendations:

To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, b and c, Environmental Compensation may be calculated based on the formula “ $EC = Pl \times N \times R \times S \times LF$ ”, wherein, Pl may be taken as 80, 50 and 30 for red., orange and green category of industries, respectively, and R may be taken as 250. S and LF may be taken as prescribed in the preceding paragraphs

1.5.2 In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.

1.5.3. The Hon’ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others {Writ Petition {Civil) No. 375 of 2012), directed that all running industrial units which require “consent to operate” from concerned State Pollution Control Board, have a primary effluent treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.

1.5.4 EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

II. Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.

Activity	State Of Air Quality	Environmental Compensation ()
<i>Industrial Emissions</i>	SEVERE +/EMERGENCY	RS 1.0 CRORE
	SEVERE	RS 50 LAKH
	VERY POOR	RS 25 LAKH
	MODERATE TO POOR	RS 10 LAKH
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	TARGET DATE	RS 1.0 CRORE
ii. Non functional	VERY POOR TO SEVERE +	RS 50.0 LAKH
	MODERATE TO POOR	RS 25.0 LAKH
Construction sites (Offending plot more than 20,000 Sq.m.)	SEVERE +/EMERGENCY	RS 1.0 CRORE
	SEVERE	RS 50 LAKH
	VERY POOR	RS 25 LAKH
	MODERATE TO POOR	RS 10 LAKH
Solid waste/ garbage dumping in Industrial Estates	VERY POOR TO SEVERE +	RS 25.0 LAKH
	MODERATE TO POOR	RS 10.0 LAKH
Failure to water sprinkling on unpaved roads		
a) Hot-spots	VERY POOR TO SEVERE +	RS 25.0 LAKH
b) Other than Hot-spots	VERY POOR TO SEVERE +	RS 10.0 LAKH

III. Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules:

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge

<i>Class of the City/Town</i>	<i>Mega-City</i>	<i>Million-plus City</i>	<i>Class-I City/Town and others</i>
<i>Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)</i>	<i>MIN. 2000 MAX. 20000</i>	<i>MIN. 1000 MAX. 10000</i>	<i>MIN. 100 MAX. 1000</i>
<i>Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)</i>	<i>MIN. 2 MAX. 20</i>	<i>MIN. 1 MAX. 10</i>	<i>MIN. 0.5 MAX. 5</i>

Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

<i>Class of the City/Town</i>	<i>Mega-City</i>	<i>Million-plus City</i>	<i>Class-I City/Town and others</i>
<i>Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)</i>	<i>MIN. 1000 MAX. 10000</i>	<i>MIN. 500 MAX. 5000</i>	<i>MIN. 100 MAX. 1000</i>
<i>Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)</i>	<i>MIN. 1.0 MAX. 10.0</i>	<i>MIN. 0.5 MAX. 5.0</i>	<i>MIN. 0.1 MAX. 1.0</i>

3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority:

* * *

(73) After referring to the aforesaid reports, the National Green Tribunal issued the following directions:-

“(i) The Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and ground water in the report dated 30.05.2019 is accepted and the same may be acted upon as an interim measure.

(ii) SPCBs/PCCs may ensure remedial action against noncompliant CETPs or individual industries in terms of not having ETPs/fully compliant ETPs or operating without consent or in violation of consent conditions.

This may be overseen by the CPCB. CPCB may continue to compile information on this subject and furnish quarterly reports to this Tribunal which may also be uploaded on its website.

(iii) All the Local Bodies and or the concerned departments of the State Government have to ensure 100% treatment of the generated sewage and in default to pay compensation which is to be recovered by the States/UTs, with effect from 01.04.2020. In default of such collection, the States/UTs are liable to pay such compensation. The CPCB is to collect the same and utilize for restoration of the environment.

(iv) The CPCB needs to collate the available data base with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites and prepare a river basinwise macro picture in terms of gaps and needed interventions.

(v) The Chief Secretaries of all the States/UTs may furnish their respective compliance reports on this subject also in O.A. No. 606/2018.”

- (74) Shri Verma has submitted that the Pollution Control Board is levying environmental compensation in accordance with the aforesaid directions issued by the National Green Tribunal.
- (75) We are unable to accept the aforesaid submission of Sri. Verma, as the directions issued by the NGT do not contain any direction to the State Pollution Control Board to recover compensation. Secondly, adjudication of the liability for payment of compensation is a statutory function and the statute has conferred this adjudicatory power on the NGT. When the Statute has not conferred this power upon the State Pollution Control Board, this power cannot be conferred on the State Board by the NGT.
- (76) In **Benarsi Silk Palace Vs. Commr. of Income Tax** [1964] 52 ITR 220 (All), this Court has held that:-

“Jurisdiction could be conferred only by statute and not by consent and acquiescence. Since jurisdiction is conferred upon Income Tax Officer to proceed under Section 34 (1) only if he issues a notice an assessee cannot confer jurisdiction upon him by waiving the

requirement of a notice because jurisdiction cannot be conferred by consent or acquiescence.”

- (77) In **Chiranjilal Shrilal Goenka v. Jasjit Singh and others:** (1993) 2 SCC 507, the Hon’ble Supreme Court has observed as under:-

*“17. ...In A.R. Antulay v. R.S. Nayak [(1988) 2 SCC 602] when a Constitution Bench directed the High Court Judge to try the offences under the Prevention of Corruption Act with which the petitioner therein was charged and the trial was being proceeded with, he questioned by way of writ petition the jurisdiction of this Court to give such a direction. A Bench of seven judges per majority construed the meaning of the word ‘jurisdiction’. Mukharji, J. as he then was, speaking per himself, Oza and Natarajan, JJ. held that **the power to create or enlarge jurisdiction is legislative in character. So also the power to confer a right of appeal or to take away a right of appeal. The Parliament alone can do it by law and no court, whether superior or inferior or both combined, can enlarge the jurisdiction of a court and divest a person of his rights of appeal or revision. Ranganath Mishra, J. as he then was, held that jurisdiction comes solely from the law of the land and cannot be exercised otherwise. In this country, jurisdiction can be exercised only when provided for either in the Constitution or in the laws made by the legislature. Jurisdiction is thus the authority or power of the court to deal with a matter and make an order carrying binding force in the facts. Oza, J. supplementing the question held that the jurisdiction to try a case could only be conferred by law enacted by the legislature. The Supreme Court could not confer jurisdiction if it does not exist in law. Ray, J. held that the Court cannot confer a jurisdiction on itself which is not provided in the law. In the dissenting opinion Venkatachaliah, J., as he then was, lay down that the expression jurisdiction or prior determination is a “verbal coat of many colours”. In the case of a tribunal, an error of law might become not merely an error in jurisdiction but might partake of the character of an error of jurisdiction. But, otherwise, jurisdiction is a “legal shelter’ and a power to bind despite a possible error in the decision. The existence of jurisdiction does not depend on the correctness of its exercise. The authority to decide embodies a privilege to bind despite error, a privilege which is inherent in and indispensable to every judicial function. The characteristic attribute of a judicial act is that it binds whether it be right or it be wrong. Thus this Court laid***

*down as an authoritative proposition of law that **the jurisdiction could be conferred by statute and this Court cannot confer jurisdiction or an authority on a tribunal.** In that case this Court held that Constitution Bench has no power to give direction contrary to Criminal Law Amendment Act, 1952. The direction per majority was held to be void.”*

- (78) In **Jagmittar Sain Bhagat v. Health Services, Haryana:** (2013) 10 SCC 136, it was held that:-

*“9. Indisputably, it is a settled legal proposition that **conferment of jurisdiction is a legislative function and it can neither be conferred with the consent of the parties nor by a superior court,** and if the court passes a decree having no jurisdiction over the matter, it would amount to nullity as the matter goes to the root of the cause. Such an issue can be raised at any stage of the proceedings. The finding of a court or tribunal becomes irrelevant and unenforceable/inexecutable once the forum is found to have no jurisdiction. Similarly, if a court/tribunal inherently lacks jurisdiction, acquiescence of party equally should not be permitted to perpetrate and perpetuate defeating of the legislative animation. **The court cannot derive jurisdiction apart from the statute.** In such eventuality the doctrine of waiver also does not apply. (Vide *United Commercial Bank Ltd v. Workmen* [1951 SCC 364], *Nai Bahu v. Lala Ramnarayan* [(1978) 1 SCC 58], *Natraj Studios (P) Ltd. v. Navrang Studios* [(1981) 1 SCC 523] and *Kondiba Dagadu Kadam v. Savitribai Sopan Gujar* [(1999) 3 SCC 722].)”*

- (79) In **Kantha Vibhag Yuva Koli Samaj Parivartan Trust v. State of Gujarat:** (2023) 13 SCC 525, the Hon’ble Supreme Court held that:-

*“18. Section 14 and Section 15 entrust adjudicatory functions to NGT. NGT is a specialised body comprising of judicial and expert members. Judicial members bring to bear their experience in adjudicating cases. On the other hand, expert members bring into the decision-making process scientific knowledge on issues concerning the environment. In *Hanuman Laxman Aroskar v. Union of India* [(2019) 15 SCC 401], a two-Judge Bench of this Court noted that NGT is an expert adjudicatory body on the environment.*

19. The Court held :

“133. The NGT Act provides for the constitution of a tribunal consisting both of judicial and expert members. The mix of judicial and technical

members envisaged by the statute is for the reason that the Tribunal is called upon to consider questions which involve the application and assessment of science and its interface with the environment. ...

134. NGT is an expert adjudicatory body on the environment.”

NGT does not have a dearth of “expertise” when it comes to the issues of environment.

20. *Section 15 empowers NGT to award compensation to the victims of pollution and for environmental damage, to provide for restitution of property which has been damaged and for the restitution of the environment. NGT cannot abdicate its jurisdiction by entrusting these core adjudicatory functions to administrative Expert Committees. Expert Committees may be appointed to assist NGT in the performance of its task and as an adjunct to its fact-finding role. But adjudication under the statute is entrusted to NGT and cannot be delegated to the administrative authorities. Adjudicatory functions assigned to the courts and tribunals cannot be hived off to administrative committees. In Sanghar Zuber Ismai v. Union of India [(2021) 17 SCC 827], a three-Judge Bench of this Court noted that NGT cannot refuse to hear a challenge to an environmental clearance under Section 16(h) of the NGT Act and delegate the process of adjudicating on compliance to an Expert Committee.*

21. *The Court held :*

“7. ... NGT has not dealt with the substantive grounds of challenge in the exercise of its appellate jurisdiction. Constitution of an Expert Committee does not absolve NGT of its duty to adjudicate. The adjudicatory function of NGT cannot be assigned to committees, even Expert Committees. The decision has to be that of NGT. NGT has been constituted as an expert adjudicatory authority under an Act of Parliament. The discharge of its functions cannot be obviated by tasking committees to carry out a function which vests in the tribunal.”

22. *NGT has in the present case abdicated its jurisdiction and entrusted judicial functions to an administrative Expert Committee. An Expert Committee may be able to assist NGT, for instance, by carrying out a fact-finding exercise, but the adjudication has to be by NGT. This is not a delegable function....”*

(80) After the aforesaid pronouncement of law made by the Hon’ble Supreme Court, there is no scope to doubt that the adjudicatory duties for ascertaining the liability for payment of

environmental compensation under Section 15 of the NGT Act have to be performed by the NGT alone and the NGT cannot delegate this duty to the State Pollution Control Board.

- (81) Sri Verma has provided a compilation of containing photocopies of 13 judgments running into 396 pages, but he has not referred to any of those judgments in his submissions and the compilation does not have any brief note or index which mentions the ratio or the relevant portion of the judgment. Therefore, we are not referring to those judgments. No other point was pressed before us.
- (82) In view of the foregoing discussion, we hold that the State Pollution Control Board has no power to impose environmental compensation upon any person or Industry and it can merely file an application before the NGT under Section 15 read with Section 18 of the NGT Act for issuance of a direction to the person concerned for payment of compensation.
- (83) Accordingly, all the Writ Petitions are **allowed**. All the orders passed by the State Pollution Control Board imposing environmental compensation upon the petitioners, which are under challenge in the Writ Petitions, are quashed. The State Pollution Control Board will be at liberty to file applications before the NGT for award of compensation. Costs made easy.
- (84) Before parting, it is worthwhile to put on record that Entry 6 and 17 of List II of Seventh Schedule of the Constitution of India give exclusive right to the State Legislature to frame laws with respect to the Water Pollution. However, Article 252 of the Constitution of India provides as under:-

“252. Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State

(1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State.

(2) Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.”

- (85) It appears that in pursuance of Article 252 (1) of the Constitution of India, the Legislatures of the State of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal have passed a resolution that the Parliament may make a law regulating Water Pollution in their States and accordingly, the Parliament enacted the Water (Prevention and Control of Pollution) Act, 1974.
- (86) There does not appear to be anything on record to indicate that the House of Legislature of the State of Uttar Pradesh has passed or adopted any resolution in the above perspective.
- (87) Insofar as National Capital Region (NCR) is concerned, the Parliament has recently promulgated a legislation on The Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 which ousts or dilutes the jurisdiction of National Green Tribunal (NGT) to the extent

of areas governed under this Act. Thus, a situation of overlapping with respect to the redressal mechanism has crept in which requires a clarification and guidance.

- (88) We hope and trust that the laws regulating Pollution Control are streamlined and made effective by rectifying the legislative or executive lapses, if any.

(Subhash Vidyarthi, J.) (Attai Rahman Masoodi, J.)

Order Date: 17.07.2025

Lakshman/-

PROFORMA FOR FRESH FILING [Colly]

- 1. Category : C Writ-C
- 2. Cognizable by : Single Judge / Division Bench / Larger Bench
- 3. District : LUCKNOW
- 4. Petitioner / Appellant / Applicant : Jay Rec Infratech Limited
Age _____ Gender : _____ Mobile _____
E-Mail : _____
- 5. Respondent : State of UP and Ors
- 6. Petitioner's Advocate Name & Roll No. : ShwBham Sripathi Adv. B152099
- 7. Respondent's Advocate Name & Roll No. : Shamuddin B152099 Ahmed
- 8. Notice No. (If any) : 1
- 9. Court Fee Paid : 1 One paid
- 10. No. of Affidavits attached : 1 One

CRIME DETAILS (If Any)

- 11. Crime No. & Year : _____
- 12. Under Section : _____
- 13. Police Station & Crime District : _____

LOWER / HIGH COURT DETAILS (If Any)

- 14. Lower / High Court Case No. details : _____
- 15. Lower / High Court order dated : _____
- 16. Lower / High Court order passed by : _____

EXTRA PARTIES & ADVOCATES (Add additional sheet if required)

- 17. Extra Parties (Petitioner) (Mob. / email) : _____
- 18. Extra Parties (Respondent) (Mob. / email) : _____
- 19. Extra Advocates (Pet)(With Roll No. : _____
- 20. Extra Advocates (Res)(With Roll No. : _____

ACTS & SECTIONS (Mandatory)

- 21. Title of Act involved (Center / State) : _____
- 22. Sections : _____
- 23. Title of Rule involved (Center / State) : _____
- 24. (i) Vires of Acts / Rule Challenged (Yes / No) Act : _____
Rule : _____

(ii)Particulars of cases involving similar / Identical challenge

- 25. Remarks (if any) : _____

ShwBham Sripathi
ShwBham Sripathi
 Advocate's name & signature *ms*
B152099

For Office use Only	
CNR No. (UNIQUE id)
Date of Reporting
Reporter

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH AT LUCKNOW

WRIT- C NO.

OF 2024

JAYPEE INFRATECH LIMITED,

THROUGH ITS AUTHORISED REPRESENTATIVE.

.....PETITIONER

VERSUS

STATE OF UP & ORS.

.....RESPONDENTS

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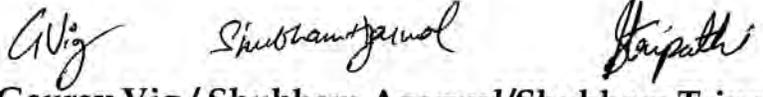
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Lucknow

Dated: 23 September, 2024


(Gaurav Vig/ Shubham Agarwal/Shubham Tripathi)
Advocates
Counsel for the Petitioner
AOR No. B/S 2099
Registration No. UP/5555/12
Phone No. 9198808888

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**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH AT LUCKNOW**

WRIT- C NO.

OF 2024

JAYPEE INFRATECH LIMITED,

THROUGH ITS AUTHORISED REPRESENTATIVE.

.....PETITIONER

VERSUS

STATE OF UP & ORS.

.....RESPONDENTS

LIST OF DATES AND EVENTS

Date	Event
	That the Petitioner is a company incorporated under the Companies Act, 1956 and having its registered address at Noida as detailed in the case title and has been in the business of construction of residential and commercial real estate.
09.08.2017 & 12.08.2017	Upon an application / Petition preferred / filed by IDBI Bank Limited being CP (IB) No. 77 / ALD / 2017 against the Petitioner under Section 7 of Insolvency & bankruptcy Code, 2016, the Hon'ble National Company Law Tribunal vide its order dated 09.08.2017 initiated the Corporate Insolvency Resolution Process (CIRP) and declared moratorium under Section 14 of the Insolvency & bankruptcy Code, 2016 in respect of Petitioner and appointed Mr. Anuj Jain as the Interim Resolution



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	<p>Professional (IRP). It is submitted that in accordance with the provisions of Insolvency & Bankruptcy Code, 2016, on commencement of CIRP, the management of the affairs and control of Petitioner stood vested with the IRP of the Petitioner and the power of the board of directors of Petitioner stood suspended. That on 12.08.2017, the IRP in accordance with the provisions of the Insolvency & Bankruptcy Code, 2016 took over the management and affairs of the Petitioner. It is not out of place to mention here that vide order dated 09.08.2017 as well as in accordance with the provisions of IBC there was a moratorium under Section 14 of IBC against any proceedings qua the Petitioner or any of its assets as on date of 09.08.2017 and thus all the proceedings qua any debt of the Petitioner are required to be stayed in accordance with the provisions of Insolvency & Bankruptcy Code, 2016.</p>
09.08.2018	<p>Subsequent to the moratorium order, in terms of the the mandate of law, the IRP made a public announcement in FORM - A in terms of Regulation 6 (1) of CIRP Regulations, 2016</p> <p>The Hon'ble Supreme Court of India vide its order dated 09.08.2018 in Writ Petition (C) - 744 of 2017 titled Chitra Sharma & Ors. Vs. Union of India & Ors ordered to restart the process of CIRP of Petitioner.</p>

24.03.2021	In the interregnum, pursuant to order dated 24.03.2021, passed in Jaypee Kensington Boulevard Apartments Welfare Association & Ors. vs. NBCC (India) Limited & Ors., being Civil Appeal No. 3395 of 2020, the Hon'ble Supreme Court of India in exercise of powers under Article 142 of the Constitution of India, directed the IRP to invite modified / fresh resolution plans from NBCC and M/s Suraksha Reality Limited & Lakshadeep Investments and Finance Private Limited ('Suraksha') and complete the CIRP of the Petitioner in a time bound manner for revival of the Petitioner.
23.06.2021	That in terms of the directions passed by Hon'ble Supreme Court of India vide order dated 24.03.2021 in Jaypee Kensington Boulevard Apartments Welfare Association & Ors. vs. NBCC (India) Limited & Ors., being Civil Appeal No. 3395 of 2020, the COC approved the Resolution plan dated 07.06.2021 submitted by the Successful Resolution Applicant, Suraksha on 23.06.2021 by 98.66% of votes.
07.07.2021	That on 07.07.2021, the IRP of the Petitioner filed an application being IA No. 2836 of 2021 before the Hon'ble NCLT seeking approval of the resolution plan submitted by the Successful Resolution Applicant under Section 30(6) read with Section 31 of the Insolvency & Bankruptcy Code, 2016.
13.06.2022	That a Letter Petition (email dated 13.06.2022) alleging certain grievances against the Interim Resolution

	<p>Professional for failing to respond to certain queries and particularly on the inadequacy of the management in providing certain services despite the payment of maintenance charges was preferred before the Ld. National Green Tribunal.</p>
03.02.2023	<p>That the aforesaid matter was registered as OA No. 771 of 2022, during the pendency of which, certain inspection was directed to be carried out by the Ld. NGT, which was carried out on 03.02.2023 by ADM (Admin) and UP Pollution Control Board.</p>
09.02.2023	<p>Show-Cause notice dated 09.02.2023 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023 was issued by the Respondent No. 4, in terms of which response/clarification was sought from the Petitioner, within 15 days, to the allegations pertaining to the violations of environmental norms with respect to the residential towers which are under construction in the Township- 'Jaypee Greens' Kingston Park-1, Phase-1, Sector 133, Gautam Budh Nagar. It was sought to alleged that the construction and demolition waste was stored in the open. Further, no arrangements had been made for green net cover and establishment of a proper water sprinkling system at the site. The said Show Cause Notice has further sought to impose a fine of Rs. 5,00,000/- (rupees five lakhs) for alleged non-compliance and improper management of the construction and demolition waste.</p>

07.03.2023	<p>The Hon'ble NCLT, vide order dated 07.03.2023 while allowing the IA No. 2836 of 2021 whereby the IRP has sought approval of the Resolution Plan submitted by the Successful Resolution Applicant, has approved the said Resolution Plan under Section 31 of the Insolvency and Bankruptcy Code, 2016 and directed constitution of Implementation and Monitoring Committee (IMC) in terms of the Resolution Plan for managing the affairs of the Petitioner and overseeing implementation of the Resolution Plan. It is submitted that on approval of the Resolution Plan by Hon'ble NCLT under sub-section (1) of Section 31 of the Insolvency & Bankruptcy Code, 2016, the approved resolution plan becomes binding on all the stakeholders of the Petitioner and its employees, members, creditors), the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the resolution plan.</p>
13.03.2023	<p>In accordance with the directions passed in order dated 07.03.2023 read with Clause 27.4 of the Resolution Plan, Implementation and Monitoring Committee ["IMC"] has been constituted on 13.03.2023 and the management of Petitioner has been vested with IMC for implementation of</p>

	the Resolution Plan under the supervision and control of the IMC
12.05.2023	Owing to the fact that the CIRP process was underway and the Resolution Plan was finally approved by the Id. NCLT on 07.03.2023 and implementation and Monitoring Committee being formed on 13.03.2023, the response to the aforesaid Show-Cause notice dated 09.02.2023 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023 was delayed and came to be submitted on 12.05.2023. In terms of the said replies, it was clarified that Petitioner is taking all the relevant measures under the prevalent rules and statutes and it was further clarified that the Petitioner being under CIRP, cannot be held liable for the claims post the finalization of the Resolution Plan.
15.05.2023	The Respondent No. 4, oblivious to the reply dated 12.05.2023 given by the Petitioner, sent another communication dated 15.05.2023, in terms of which it was incorrectly observed that the Petitioner had failed to tender a response to the Show-Cause Notice dated 09.02.2023 and the Petitioner was directed to deposit a sum of Rs. 5,00,000/- (Five Lakhs) as Environmental Compensation for violation of the environmental norms.
30.05.2023	The Petitioner preferred detailed reply dated 30.05.2023 to the aforesaid Order/Letter dated 15.05.2023, in terms of which it categorically stated that it had in fact, submitted its

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	reply dated 12.05.2023 to the Show-Cause Notice dated 09.02.2023 and the delay in replying to said Show Cause Notice was on account of the fact that the Petitioner was under CIRP and undergoing change in management.
04.09.2023	Ld. NGT clarified that the show cause notices and the replies submitted thereto are not the subject matter of the hearing of the OA No. 771 of 2022, pending before the NGT
03.11.2023	Since the Respondents did not pay heed to or any consideration to the responses/replies detailing the entire CIRP status of Petitioner and did not provide a fair opportunity to the Petitioner for giving its reasonable justification for such alleged violations therefore left with no choice on 03.11.2023, the Petitioner preferred writ petitions bearing W.P. (C) 39106/2023 titled as "Jaypee Infratech Ltd. vs. Union of India & Ors." challenging the direction dated 15.05.2023 before the Hon'ble High Court of Allahabad.
11.12.2023	Vide Order dated 11.12.2023, the Hon'ble Allahabad High Court had disposed of the said Writ Petition with directions of the Respondents to revisit the Directions in Letter dated 15.05.2023
24.05.2024	The approved Resolution Plan was confirmed/ratified/upheld by the Hon'ble National Company Law Appellate Tribunal vide order dated

	24.05.2024 in Comp Appeal AT Insolvency No. 493 of 2023 titled as " <i>Yamuna Expressway Industrial Development Authority vs. Monitoring Committee of Jaypee Infratech Ltd. Through Anuj Jain, Secretary & Ors.</i> " In the said order, Resolution Plan has been upheld and the Successful Resolution Applicant has been directed to implement the plan.
04.06.2024	Pursuant to the directions dated 11.12.2023 passed by the Hon'ble Allahabad High Court, the Petitioner submitted its Written Submissions before the Respondent No. 2 on 04.06.2024
26.07.2024	That without giving due credence to the written submissions and extant position of law, the Respondent No. 3 upheld the environmental compensation imposed vide Letter dated 15.05.2023.
	HENCE THE PRESENT WRIT PETITION

Lucknow

Dated: 23 September, 2024


 (Gaurav Vig / Shubham Agarwal / Shubham Tripathi)
 Advocates

Counsel for the Petitioner

AOR No. B/S 2099

Registration No. UP/5555/12

Phone No. 9198808888

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH AT LUCKNOW

C.M. APPLICATION NO. OF 2024

In Re:

WRIT C NO. OF 2024

JAYPEE INFRATECH LIMITED, HAVING ITS REGISTERED OFFICE AT SECTOR 128, NOIDA, UTTAR PRADESH THROUGH ITS AUTHORISED REPRESENTATIVE, APURVA PRAGYA, S/O SH. DINESH NARAYAN SINHA, AGED ABOUT 46 YEARS, RESIDENT OF RESIDENT OF BRAHMRISHI, HIGH SCHOOL, MAULABAGA, ARA, ARRAH, BHOJPUR, BIHAR, 802301, CURRENTLY RESIDING AT FLAT NO. 140, VARTALOK APARTMENTS, SECTOR 4C, VASUNDHRA, GHAZIABAD - 201012, DISTRICT GAUTAM BUDH NAGAR, UTTAR PRADESH.



.....PETITIONER

VERSUS

1. **STATE OF UTTAR PRADESH THROUGH ITS ADDITIONAL CHIEF SECRETARY, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, CIVIL SECRETARIATE, LUCKNOW, UTTAR PRADESH.**
2. **UTTAR PRADESH POLLUTION CONTROL BOARD, BUILDING NO. TC-12 V, VIBHUTI KHAND, GOMTI NAGAR, LUCKNOW THROUGH ITS MEMBER SECRETARY.**
3. **MEMBER SECRETARY, UTTAR PRADESH POLLUTION CONTROL BOARD, BUILDING NO. TC-12 V, VIBHUTI KHAND, GOMTI NAGAR, LUCKNOW.**
4. **CHIEF ENVIRONMENTAL OFFICER, CIRCLE - 1, UPPCB REGIONAL OFFICE, E-12/1, SECTOR 1, NOIDA GAUTAM BUDDH NAGAR, UTTAR PRADESH.**
5. **COLLECTOR/ DISTRICT MAGISTRATE, GAUTAM BUDH NAGAR, UTTAR PRADESH.**

.....RESPONDENTS .

APPLICATION FOR INTERIM RELIEF

That the Applicant/Petitioner most respectfully begs to submit
as under:



For the facts and circumstances mentioned in the accompanying memo of Writ Petition, duly supported with an affidavit, it is most respectfully prayed that this Hon'ble Court in exercise of its writ jurisdiction may kindly be pleased to stay the operation, implementation, enforcement of the impugned Order dated 26.07.2024 and Letter/Order dated 15.05.2023 issued under the signature of Respondent No. 3 and 4 respectively and may further be pleased to restrain the Respondents from taking any coercive steps against Petitioner during the pendency of the present writ petition.

Further, such other relief as may be deemed fit in the facts and circumstances of the case protecting the rights of the Petitioner may also be passed by this Hon'ble Court in the interest of justice.

Lucknow

Dated: 23 September, 2024


(Gaurav Vig/ Shubham Agarwal/Shubham Tripathi)
Advocates
Counsel for the Petitioner
AOR No. B/S 2099
Registration No. UP/5555/12
Phone No. 9198808888

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH AT LUCKNOW

WRIT C NO. OF 2024

JAYPEE INFRATECH LIMITED, HAVING ITS REGISTERED OFFICE AT SECTOR 128, NOIDA, UTTAR PRADESH THROUGH ITS AUTHORISED REPRESENTATIVE, APURVA PRAGYA, S/O SH. DINESH NARAYAN SINHA, AGED ABOUT 46 YEARS, RESIDENT OF RESIDENT OF BRAHMRISHI, HIGH SCHOOL, MAULABAGA, ARA, ARRAH, BHOJPUR, BIHAR, 802301, CURRENTLY RESIDING AT FLAT NO. 140, VARTALOK APARTMENTS, SECTOR 4C, VASUNDHRA, GHAZIABAD - 201012, DISTRICT GAUTAM BUDH NAGAR, UTTAR PRADESH.

.....PETITIONER

VERSUS

1. STATE OF UTTAR PRADESH THROUGH ITS ADDITIONAL CHIEF SECRETARY, MINISTRY OF



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ENVIRONMENT, FOREST AND CLIMATE CHANGE,
CIVIL SECRETARIATE, LUCKNOW, UTTAR PRADESH.

2. **UTTAR PRADESH POLLUTION CONTROL BOARD,**
BUILDING NO. TC-12 V, VIBHUTI KHAND, GOMTI
NAGAR, LUCKNOW THROUGH ITS MEMBER
SECRETARY.
3. **MEMBER SECRETARY, UTTAR PRADESH POLLUTION**
CONTROL BOARD, BUILDING NO. TC-12 V, VIBHUTI
KHAND, GOMTI NAGAR, LUCKNOW.
4. **CHIEF ENVIRONMENTAL OFFICER, CIRCLE - 1,**
UPPCB REGIONAL OFFICE, E-12/1, SECTOR 1, NOIDA
GAUTAM BUDDH NAGAR, UTTAR PRADESH.
5. **COLLECTOR/ DISTRICT MAGISTRATE, GAUTAM**
BUDH NAGAR, UTTAR PRADESH.

.....RESPONDENTS

WRIT PETITION UNDER ARTICLE 226

OF THE CONSTITUTION OF INDIA

To,

Hon'ble The Chief Justice & his other companion Hon'ble Judges of this
Hon'ble Court, Lucknow Bench, Lucknow.

The Petitioners above named most humbly begs to submit as under:

1. That the Petitioner declares that no other writ petition, application
including review application etc. or any other proceedings arising
from or related to the relief sought before this Hon'ble Court has



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been filed or is pending to the best of the knowledge of the Petitioners before this Hon'ble Court, at Allahabad or Lucknow or any other Court/ Authority Tribunal, etc.

2. That the Petitioner further declare that it has not received any notice, information or copy of any caveat application by Registered Post or otherwise from any of the Respondents or from any other source.
3. That the order dated 26.07.2024 sought to be impugned in the present writ petition has been passed by the Respondent No. 3 at Uttar Pradesh Pollution Control Board, Lucknow.
4. That being aggrieved against the order dated 26.07.2024 and 15.05.2023 passed by the Respondent No. 3 and Respondent No. 4 respectively, the true copies of which are annexed as **ANNEXURE NO. 1 and 2**, the Petitioner begs to prefer the present Writ Petition interalia on the grounds that the impugned exercise is wholly without jurisdiction in as much as that neither of the Acts viz The Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as 'Water Act' and 'Air Act' respectively) confers jurisdiction upon any authority to impose any penalty in terms of money as environmental damages and that in view of the resolution plan approved vide order dated 24.05.2024 under the aegis of National Company Law Tribunal / National Company Appellate Tribunal no liability at all can be fastened against the Petitioner in terms of Section 31 and 32A of Insolvency and Bankruptcy Code,



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2016 (hereinafter referred to as 'IBC') which has got overriding effect over any other law for the time being in force. Copy of the Order dated 26.07.2024 passed by the Respondent No. 3 and Copy of the Order/Letter dated 15.05.2023 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023 passed by Respondent No. 4 are annexed herewith as ANNEXURE NO. 1 and ANNEXURE NO. 2, respectively.

5. That the Respondents No. 3 & 4 in absolute defiance of the bare provisions of IBC and also the judicial pronouncements, went ahead to propound that environmental compensation is not covered under Penalty, Tax or Fees but is levied under the Polluter Pay principle upon any individual or corporate who causes damage to the environment. The Order dated 26.07.2024 is a specie of absolute non application of mind in as much as the Respondent No. 3 held that Section 14, 31 and 32 A of IBC pertain to merely imposed fines, Taxes and Charge and Section 32A relates to criminal proceedings whereas Environmental Compensation does not come under criminal proceedings. Further the authoritative pronouncements by the Hon'ble Supreme Court which have been relied upon by the Petitioner have been frivolously distinguished on the basis that the cases do not pertain to environmental compensation.

That the Order dated 26.07.2024 passed by the Respondent No. 3 is an anathema to the settled jurisprudence under the IBC in as much as that the legislative intent of CIRP under the IBC provisions is to



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revive the entity/company under moratorium and in terms of the provisions of IBC and pronouncements of the Hon'ble Supreme Court as well, the Successful Resolution Applicant cannot be saddled with any alleged past claims or unclaimed alleged claims, otherwise the entire process of CIRP and implementation of Resolution Plan will become impossible. It is for giving an entity/company the best chance of revival that the Hon'ble Supreme Court has laid down the principles of Fresh Plate and Clean Slate, that no such liability can be fastened on the Petitioner after the approval of the Resolution Plan. That the unambiguous legislative intent is that on the date of the approval of the Resolution Plan by the Adjudicating Authority, all claims shall stand frozen so that the resolution applicant starts on a clean slate and is not flung with any surprise claims.

7. That the Respondents while passing the Order dated 26.07.2024 failed to appreciate the legislative framework mandates that once the resolution plan receives approval from the Adjudicating Authority, signifying its compliance with the criteria set forth in Section 30(2) of the IBC, it becomes binding on all stakeholders. This approval is designed to pre-empt any unforeseen claims against the Successful Resolution Applicant, thereby allowing them to commence operations afresh, unaffected by past encumbrances. The overarching intent is to ensure that the Applicant starts on a clean slate, guided solely by the terms of the Resolution Plan.



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8. That further, the law with regard to immunity to the Corporate Debtor post approval of its Resolution Plan as has been well settled in terms of Section 32A of IBC has been callously brushed aside by the Respondent No. 3 while passing the Order dated 26.07.2024. Section 32 A of IBC categorically provides that all liabilities of the Corporate Debtor i.e. Jaypee Infratech Limited for any offence committed prior to or during CIRP will stand extinguished from the date of approval of the Resolution.
9. That to bring home certain relevant facts for better adjudication of the instant writ petition it is humbly submitted that Petitioner is a company incorporated under the Companies Act, 1956 and having its registered address at Noida as detailed in the case title and has been in the business of construction of residential and commercial real estate.
10. That upon an application / Petition preferred / filed by IDBI Bank Limited being CP (IB) No. 77 / ALD / 2017 against the Petitioner under Section 7 of Insolvency & bankruptcy Code, 2016, the Hon'ble National Company Law Tribunal vide its order dated 09.08.2017 initiated the Corporate Insolvency Resolution Process (CIRP) and declared moratorium under Section 14 of the Insolvency & bankruptcy Code, 2016 in respect of Petitioner and appointed Mr. Anuj Jain as the Interim Resolution Professional (IRP). It is submitted that in accordance with the provisions of Insolvency & Bankruptcy Code, 2016, on commencement of CIRP, the management of the affairs and control of Petitioner stood vested



with the IRP of the Petitioner and the power of the board of directors of Petitioner stood suspended. That on 12.08.2017, the IRP in accordance with the provisions of the Insolvency & Bankruptcy Code, 2016 took over the management and affairs of the Petitioner. It is not out of place to mention here that vide order dated 09.08.2017 as well as in accordance with the provisions of IBC there was a moratorium under Section 14 of IBC against any proceedings qua the Petitioner or any of its assets as on date of 09.08.2017 and thus all the proceedings qua any debt of the Petitioner are required to be stayed in accordance with the provisions of Insolvency & Bankruptcy Code, 2016. Copy of the order dated 09.08.2017 passed by the Hon'ble NCLT in CP (IB) No. 77 / ALD / 2017 titled "IDBI Bank Limited vs. Jaypee Infratech Limited" is annexed herewith as **ANNEXURE NO. 3.**

11. That subsequent to the moratorium order, in terms of the the mandate of law, the IRP made a public announcement in FORM - A in terms of Regulation 6 (1) of CIRP Regulations, 2016.
12. That subsequently, The Hon'ble Supreme Court of India vide its order dated 09.08.2018 in Writ Petition (C) - 744 of 2017 titled Chitra Sharma & Ors. Vs. Union of India & Ors ordered to restart the process of CIRP of Petitioner.
13. That pursuant to order dated 24.03.2021, passed in Jaypee Kensington Boulevard Apartments Welfare Association & Ors. vs. NBCC (India) Limited & Ors., being Civil Appeal No. 3395 of 2020, the Hon'ble Supreme Court of India in exercise of powers under



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Article 142 of the Constitution of India, directed the IRP to invite modified / fresh resolution plans from NBCC and M/s Suraksha Reality Limited & Lakshadeep Investments and Finance Private Limited ('Suraksha') and complete the CIRP of the Petitioner in a time bound manner for revival of the Petitioner.

14. That in terms of the directions passed by Hon'ble Supreme Court of India vide order dated 24.03.2021 in Jaypee Kensington Boulevard Apartments Welfare Association & Ors. vs. NBCC (India) Limited & Ors., being Civil Appeal No. 3395 of 2020, the COC approved the Resolution plan dated 07.06.2021 submitted by the Successful Resolution Applicant, Suraksha on 23.06.2021 by 98.66% of votes.
15. That on 07.07.2021, the IRP of the Petitioner filed an application being IA No. 2836 of 2021 before the Hon'ble NCLT seeking approval of the resolution plan submitted by the Successful Resolution Applicant under Section 30(6) read with Section 31 of the Insolvency & Bankruptcy Code, 2016.
16. That a Letter Petition (email dated 13.06.2022) alleging certain grievances against the Interim Resolution Professional for failing to respond to certain queries and particularly on the inadequacy of the management in providing certain services despite the payment of maintenance charges was preferred before the Ld. National Green Tribunal.



17. That the aforesaid matter was registered as OA No. 771 of 2022, during the pendency of which, certain inspection was directed to be carried out by the Ld. NGT, which was carried out on 03.02.2023 by ADM (Admin) and UP Pollution Control Board.
18. That the Show-Cause notice dated 09.02.2023 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023 was issued by the Respondent No. 4, in terms of which response/clarification was sought from the Petitioner, within 15 days, to the allegations pertaining to the violations of environmental norms with respect to the residential towers which are under construction in the Township- 'Jaypee Greens' Kingston Park-1, Phase-1, Sector 133, Gautam Budh Nagar. It was sought to alleged that the construction and demolition waste was stored in the open. Further, no arrangements had been made for green net cover and establishment of a proper water sprinkling system at the site. The said Show Cause Notice has further sought to impose a fine of Rs. 5,00,000/- (rupees five lakhs) for alleged non-compliance and improper management of the construction and demolition waste. Copy of the Show Cause Notice dated 09.02.2023 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023 is annexed herewith as **ANNEXURE NO. 4.**
19. That the Hon'ble NCLT, vide order dated 07.03.2023 while allowing the IA No. 2836 of 2021 whereby the IRP has sought approval of the Resolution Plan submitted by the Suraksha, has approved the said Resolution Plan under Section 31 of the Insolvency and Bankruptcy



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Code, 2016 and directed constitution of Implementation and Monitoring Committee (IMC) in terms of the Resolution Plan for managing the affairs of the Petitioner and overseeing implementation of the Resolution Plan. It is submitted that on approval of the Resolution Plan by Hon'ble NCLT under subsection (1) of Section 31 of the Insolvency & Bankruptcy Code, 2016, the approved resolution plan becomes binding on all the stakeholders of the Petitioner and its employees, members, creditors), the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the resolution plan. Copy of the order dated 07.03.2023 passed by the Hon'ble NCLT in Company Petition No. (IB)-77(ALD)/2017 titled "IDBI Bank vs. Jaypee Infratech Limited" is annexed herewith as ANNEXURE No. 5.

20. That in accordance with the directions passed in order dated 07.03.2023 read with Clause 27.4 of the Resolution Plan, Implementation and Monitoring Committee ["IMC"] has been constituted on 13.03.2023 and the management of Petitioner has been vested with IMC for implementation of the Resolution Plan under the supervision and control of the IMC.

21. That owing to the fact that the CIRP process was underway and the Resolution Plan was finally approved by the Id. NCLT on 07.03.2023 and implementation and Monitoring Committee being



formed on 13.03.2023, the response to the aforesaid Show-Cause notice dated 09.02.2023 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023 was delayed and came to be submitted on 12.05.2023. In terms of the said replies, it was clarified that Petitioner is taking all the relevant measures under the prevalent rules and statutes and it was further clarified that the Petitioner being under CIRP, cannot be held liable for the claims post the finalization of the Resolution Plan. Copy of the Reply to Show Cause Notice dated 09.02.2024 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023 dated 12.05.2023 is annexed herewith as ANNEXURE NO. 6.

22. That the Respondent No. 4, oblivious to the reply dated 12.05.2023 given by the Petitioner, sent another communication dated 15.05.2023, in terms of which it was incorrectly observed that the Petitioner had failed to tender a response to the Show-Cause Notice dated 09.02.2023 and the Petitioner was directed to deposit a sum of Rs. 5,00,000/- (Five Lakhs) as Environmental Compensation for violation of the environmental norms.
23. That the Petitioner preferred detailed reply dated 30.05.2023 to the aforesaid Letter/Order dated 15.05.2023, in terms of which it categorically stated that it had in fact, submitted its reply dated 12.05.2023 to the Show-Cause Notice dated 09.02.2023 and the delay in replying to said Show Cause Notice was on account of the fact that the Petitioner was under CIRP and undergoing change in management. It was further reiterated that the Petitioner post



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finalization of the Resolution Plan the alleged liability is not sustainable. Copies of Reply to Letter dated 15.05.2023 bearing Ref No. H93575/C-1/Air/ 1040/ Env Comp/ 2023 dated 30.05.2023 by the Petitioner is annexed herewith as ANNEXURE NO. 7.

24. That it is categorically submitted that the show cause notices and the replies submitted thereto are not the subject matter of the hearing of the OA No. 771 of 2022, pending before the NGT as categorically recorded in the order of the NGT dated 04.09.2023. Copy of the Order dated 04.09.2023 passed by the Ld. NGT in OA No. 771 of 2022 is annexed herewith as ANNEXURE NO. 8.
25. That it is submitted that since the Respondents did not pay heed to or any consideration to the responses/replies detailing the entire CIRP status of Petitioner and did not provide a fair opportunity to the Petitioner for giving its reasonable justification for such alleged violations therefore left with no choice on 03.11.2023, the Petitioner preferred writ petitions bearing W.P. (C) 39106/2023 titled as "Jaypee Infratech Ltd. vs. Union of India & Ors." challenging the directions dated 15.05.2023 before the Hon'ble High Court of Allahabad.
26. That vide Order dated 11.12.2023, the Hon'ble Allahabad High Court had disposed of the said Writ Petition, and categorically held that:



“the Ld. Authority (Uttar Pradesh Pollution Control Board) to revisit the Direction dated 15.05.2023 and the show cause notice 09.02.2023 taking into consideration the reply dated 12.05.2023, within four weeks. Further, no other coercive steps should be taken in pursuance of the impugned order until the decision is taken on the representation”.

Copy of the Orders dated 11.12.2023 passed by the Hon'ble High Court of Allahabad W.P. (C) 39106/2023 titled as “Jaypee Infratech Ltd. vs. Union of India & Ors.” Is annexed herewith as **ANNEXURE NO. 9.**

27. That the approved Resolution Plan was confirmed/ratified/upheld by the Hon'ble National Company Law Appellate Tribunal vide order dated 24.05.2024 in Comp Appeal AT Insolvency No. 493 of 2023 titled as “Yamuna Expressway Industrial Development Authority vs. Monitoring Committee of Jaypee Infratech Ltd. Through Anuj Jain, Secretary & Ors.” In the said order, Resolution Plan has been upheld and the Successful Resolution Applicant has been directed to implement the plan. Copy of the order dated 24.05.2024 passed by the Ld. NCLAT in Comp AT Insolvency No. 493 of 2023 titled as “Yamuna Expressway Industrial Development Authority vs. Monitoring Committee of Jaypee Infratech Ltd. Through Anuj Jain, Secretary & Ors.” Is annexed herewith as **ANNEUXRE NO.10.**

28. That pursuant to the directions dated 11.12.2023 passed by the Hon'ble Allahabad High Court, the Petitioner submitted its Written Submissions to the Respondent No. 2 on 04.06.2024. Copy of the Written Submissions dated 04.06.2024 filed by the Petitioner before the Respondent No. 2 is annexed herewith as **ANNEXURE NO. 11.**



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29. That without giving due credence to the written submissions and extant position of law, the Respondent No. 2 upheld the environmental compensation imposed vide Order/Letter dated 15.05.2023.
30. That the present petition is being filed by the Petitioner through its Authorized Representative, Mr. Apurva Pragya, S/o Sh. Dinesh Narayan Sinha, aged about 46 years, M.A., LL. B., Resident of Flat No. 140, Vartalok Apartments, Sector 4C, Vasundhra, Ghaziabad - 201012, District Gautam Budh Nagar, Uttar Pradesh, presently working as Resident Manager (Legal) with Petitioner Company, presently at Lucknow who has been authorised to file, sign, verify the present petition for and on behalf of the Petitioner Company. Copy of the Power of Attorney dated 31.07.2024 is annexed herewith as ANNEXURE NO. 12.
31. That challenging the similar exercise of levying damages by Respondent No. 2 upon the Petitioner by way of another Order/Letter dated 15.05.2023 bearing Ref No. H93574/ C-1/ Water/1177/ Env Comp/2023 passed by Respondent No. 4, the Petitioner sought to assuage its grievance by preferring WRIT C No. 7563 of 2024 wherein interim protection has been granted by this Hon'ble Court, relying upon the order dated 29.05.2024, passed in WRIC No.4816 of 2024 (Suez India Pvt. Ltd. Through Its Authorized Signatory, Rajesh Chandra Mathpal v. Uttar Pradesh Pollution Control Board, Through its Chairman and 6 Ors.). Copy of the order dated 29.05.2024 passed in WRIC No.4816 of 2024 and order dated



06.09.2024 passed in WRIT C no. 7563 of 2024 annexed herewith as

ANNEXURE NO. 13.

32. That the Petitioner has no adequate or equally efficacious remedy but to approach this Hon'ble Court by way of the present Petition. This Hon'ble Court has the jurisdiction to hear and entertain the instant petition in as much as substantial question of law is involved and grave injustice is being caused to the Petitioner if the present petition is not entertained by this Hon'ble Court and the present case falls under the exceptional category for this Hon'ble Court to exercise its jurisdiction under Article 226 of the Constitution of India to interfere with the Order passed by Respondent No. 3 and 4 which has been passed in absolute contravention of the Scheme of the IBC. That this Hon'ble Court has the territorial jurisdiction to entertain the present Petition.
33. That the present petition is filed bona fide and in the interest of justice and is being filed to protect the legal rights of the Petitioner which stand at peril at the hands of the Respondents herein.
34. That the Petitioner has no other equally efficacious and alternative remedy than to approach this Hon'ble Court by way of present Writ Petition under Article 226 of the Constitution of India seeking setting aside/quashing of Order dated 26.07.2024 whereby the direction issued by the Respondents vide Letter dated 15.05.2023 which was allegedly issued as a corollary to the show cause notice dated 09.02.2023 issued by the Respondent No. 3 & 4, has been held to be valid and effective on the following amongst many other grounds: -



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- A. **BECAUSE**, any authority under The Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 has got no jurisdiction and authority to impose any penalty in terms of money as environmental damages and, therefore, the impugned exercise is solely without jurisdiction.
- B. **BECAUSE**, the Petitioner is registered as Private Limited Company under the Companies Act, 1956 having gone into the insolvency proceedings under the Insolvency and Bankruptcy Code, 2016 and the proceedings having been concluded finally under the order / judgement dated 24.05.2024 delivered by the Hon'ble National Company Law Appellate Tribunal, New Delhi, the impugned exercise is de-hors the overriding statutory prescriptions as contained under Section 31 read with 32A of this code. The impugned exercise, thus, also suffers from the vice of lack of jurisdiction on this count as well.
- C. **BECAUSE**, the National Green Tribunal under its order dated 04.09.2023 has nowhere determined any environmental damages on its own to be levied against the Petitioner. The National Green Tribunal Act, 2010 otherwise also does not contain any provision envisaging any delegation of power by it in favour of the Respondents.
- D. **BECAUSE**, it is more than well settled that any fiscal liability, be it as a measure of tax liability, fine liability, levy liability, damages

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liability or for that sake any fiscal liability cannot be fastened by any person, officer/ authority upon any person unless there is specific empowerment vested by any statute.

- E. **BECAUSE**, the power under the provision outlined in Section 33A of the Water (Prevention and Control of pollution), Act, 1981 includes the power of the Board (Respondent No. 3 & 4 herein) to issue "any directions in writing to any person". The 'Explanation' to the provision clarifies that the power to issue directions includes the power to direct "closure, prohibition or regulation of any industry, operation or process or the stoppage or regulation of supply of electricity, water or any other service". Yet, this power has to be one coupled with a duty to act reasonably and fairly. It cannot be stretched to include a power to levy a penalty.
- F. **BECAUSE**, the power to levy a penalty on any party is in the nature of a penal power. It is settled law that unless there is a specific power in the statute enabling the authority to do so, it cannot levy penalties or damages. Hence the Order/Direction dated 15.05.2023 bearing Ref No. H93575/C-1/Air/ 1040/ Env Comp/ 2023 is without any authority and ought to be set aside.
- G. **BECAUSE**, the Order dated 26.07.2024 validating the imposition of penalty upon the Petitioner vide Letters dated 15.05.2023 has been passed in absolute defiance of the scheme of IBC. That the Respondents failed to appreciate that the legislative framework mandates that once the resolution plan receives approval from the Adjudicating Authority, signifying its compliance with the criteria



set forth in Section 30(2) of the IBC, it becomes binding on all stakeholders. This approval is designed to pre-empt any unforeseen claims against the Successful Resolution Applicant, thereby allowing them to commence operations afresh, unaffected by past encumbrances. The overarching intent is to ensure that the Applicant starts on a clean slate, guided solely by the terms of the resolution plan.

H. BECAUSE, the Order dated 26.07.2024 if not interfered with or set aside, it will also have an adverse effect on the smooth and effective implementation of the approved Resolution Plan inasmuch as the orders / judgments as has been passed by State Authorities shall jeopardize the approved resolution plan by imposing / creating monetary liabilities running into crores of rupees which will again push the Company towards fresh insolvency / liquidation. The said course, is definitely not intended by the legislature while enacting the Insolvency and Bankruptcy Code. It is also against the public interest as thousands of Homebuyers are waiting for their units since last more than a decade and are hoping on Successful Resolution Applicant to complete their units and handover the same as per the terms mandated under the plan.

I. BECAUSE, in terms of Section 238 of the Insolvency and Bankruptcy Code, 2016 which is a non-obstante clause stating that the provisions of the Code shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any

such law. The Hon'ble Apex Court in catena of judgments including "*M/s. Innoventive Industries Ltd. versus ICICI Bank & Anr., 2017 SCC OnLine SC 1025*" has held that Section 238 of the IBC overrides all other laws in the event of any inconsistency. In the said judgment, the Hon'ble Supreme Court held as under:

"34. On the facts of the present case, we find that in answer to the application made under Section 7 of the Code, the appellant only raised the plea of suspension of its debt under the Maharashtra Act, which, therefore, was that no debt was due in law. The adjudicating authority correctly referred to the non-obstante clause in Section 238 and arrived at a conclusion that a notification under the Maharashtra Act would not stand in the way of the corporate insolvency resolution process under the Code."

Similarly, in the case of "*Anand Rao Karoda vs Varsha Fabrics (P) Ltd & Ors (2020) 14 SCC 198*", the Hon'ble Supreme Court held as under:

"9. Section 238 gives an overriding effect to the IBC over all other laws. The provisions of the IBC vest exclusive jurisdiction on the NCLT and the NCLAT to deal with all issues pertaining to the insolvency process of a corporate debtor, and the mode and manner of disposal of its assets. Section 238 reads as follows:

"11. In view of the provisions of the IBC, the High Court ought not to have proceeded with the auction of the property of the Corporate Debtor – Respondent No. 4 herein, once the proceedings under the IBC had commenced, and an Order declaring moratorium was passed by the NCLT."



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J. BECAUSE, the IBC supersedes environmental law/policy and treatment given under plan shall be binding on all parties and liability that arose due to default of ex-management or regime of IRP during the CIRP or Prior to the approval of the Resolution Plan cannot be bounden upon the Petitioner.

K. BECAUSE, under the prescribed scheme of IBC no previous/outstanding/contingent is transferred to the new management which otherwise mandated in other laws. This superseding of insolvency over other laws is facilitated by a non-obstante clause inserted in IBC which overrides laws in conflict with it.

L. BECAUSE, in terms of Section 31 of IBC on the approval of the Resolution Plan by the Hon'ble NCLT/NCLAT, the resolution plan shall be binding on the corporate debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the resolution plan. Also, the resolution applicant in terms of Clause 31(4) IBC has a period of a year to implement such approved resolution plan. The relevant section 31 of IBC is extracted below for your reference and perusal: -



"31. (1) If the Adjudicating Authority is satisfied that the resolution plan as approved by the committee of creditors under sub-section (4) of section 30 meets the requirements as referred to in sub-section (2) of section 30, it shall by order approve³ the resolution plan which shall be binding on the corporate debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed,] guarantors and other stakeholders involved in the resolution plan....."

"31(4) the resolution applicant shall, pursuant to the resolution plan approved under sub-section (1), obtain the necessary approval required under any law for the time being in force within a period of one year from the date of approval of the resolution plan by the Adjudicating Authority under sub-section (1) or within such period as provided for in such law, whichever is later". That in the case of "Ms. Barkha Agarwal v. Kunal Structural Developers & Industries Pvt. Ltd." NCLT it was observed that:

" 16. As can be seen from Section 31(4) of IBC 2016, the Resolution Applicant shall pursuant to the Resolution Plan approved under sub-Section 1 of Section 31 of IBC 20...shall act in terms of the provisions of Section 31(4) of IBC 2016.

- M. BECAUSE,** all liabilities, claims, dues, and any waivers, reliefs, or exemptions for past periods are extinguished and on the date of approval of the resolution plan, all such past and prior liabilities/claims, shall stand extinguished.
- N. BECAUSE,** that the legislative intent of CIRP under the IBC provisions is to revive the entity/company under moratorium and in terms of the provisions of IBC and pronouncements of the Hon'ble Supreme Court as well, the Petitioner on approval of

Resolution Plan cannot be saddled with any alleged past claims or unclaimed alleged claims, otherwise the entire process of CIRP and implementation of Resolution Plan will become impossible. It is for giving an entity/company the best chance of revival that the Hon'ble Supreme Court has laid down the principles of Fresh Plate and Clean Slate, that no such liability can be fastened on the Petitioner / Successful Resolution Applicant. That the unambiguous legislative intent is that on the date of the approval of the Resolution Plan by the Adjudicating Authority, all claims shall stand frozen so that the resolution applicant starts on a clean slate and is not flung with any surprise claims. That any deviance from the resolution plan, firstly, is not permissible under law and secondly, would be contrary to the intent and mandate of the CIRP process of IBC as the whole and sole objective of the same is revival of the company under CIRP. In this regard relevant extract of Judgment passed by Hon'ble Supreme Court of India in **"Committee of Creditors in Essar Steel India Ltd. vs. Satish Kumar Gupta & Ors. Being Civil Appeal No. 8766-67 of 2019"** is reproduced as under: -

"66. Section 31(1) of the Code makes it clear that once a resolution plan is approved by the Committee of Creditors it shall be binding on all stakeholders, including guarantors. This is for the reason that this provision ensures that the successful resolution applicant starts running the business of the corporate debtor on a fresh slate as it were. In State Bank of India v. V. Ramakrishnan, 2018 (9) SCALE 597, this Court relying upon Section 31 of the Code has held:

"22. Section 31 of the Act was also strongly relied upon by the Respondents. This Section only states that once a

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Resolution Plan, as approved by the Committee of Creditors, takes effect, it shall be binding on the corporate debtor as well as the guarantor. This is for the reason that otherwise, Under Section 133 of the Indian Contract Act, 1872, any change made to the debt owed by the corporate debtor, without the surety's consent, would relieve the guarantor from payment. Section 31(1), in fact, makes it clear that the guarantor cannot escape payment as the Resolution Plan, which has been approved, may well include provisions as to payments to be made by such guarantor. This is perhaps the reason that Annexure VI(e) to Form 6 contained in the Rules and Regulation 36(2) referred to above, require information as to personal guarantees that have been given in relation to the debts of the corporate debtor. Far from supporting the stand of the Respondents, it is clear that in point of fact, Section 31 is one more factor in favour of a personal guarantor having to pay for debts due without any moratorium applying to save him."

Following this judgment, it is difficult to accept Shri Rohatgi's argument that that part of the resolution plan which states that the claims of the guarantor on account of subrogation shall be extinguished, cannot be applied to the guarantees furnished by the erstwhile directors of the corporate debtor. So far as the present case is concerned, we hasten to add that we are saying nothing which may affect the pending litigation on account of invocation of these guarantees. However, the NCLAT judgment being contrary to Section 31(1) of the Code and this Court's judgment in State Bank of India (supra), is set aside.

67. For the same reason, the impugned NCLAT judgment in holding that claims that may exist apart from those decided on merits by the resolution professional and by the Adjudicating Authority/Appellate Tribunal can now be decided by an appropriate forum in terms of Section 60(6) of the Code, also militates against the rationale of Section

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31 of the Code. A successful resolution applicant cannot suddenly be faced with "undecided" claims after the resolution plan 112 submitted by him has been accepted as this would amount to a hydra head popping up which would throw into uncertainty amounts payable by a prospective resolution applicant who successfully take over the business of the corporate debtor. All claims must be submitted to and decided by the resolution professional so that a prospective resolution applicant knows exactly what has to be paid in order that it may then take over and run the business of the corporate debtor. This the successful resolution applicant does on a fresh slate, as has been pointed out by us hereinabove. For these reasons, the NCLAT judgment must also be set aside on this count.

86. The legislative intent of making the resolution plan binding on all the stakeholders is that after the approval of the resolution plan, no surprise claims should be flung on the successful resolution applicant. The dominant purpose is that it should start with fresh slate on the basis of the resolution plan approved. (c) The legislative intent behind this is to freeze all the claims so that the resolution applicant starts on a clean slate and is not flung with any surprise claims. If that is permitted, the very calculations on the basis of which the resolution applicant submits its plans, would go haywire and the plan would be unworkable. (d) That once a resolution plan is duly approved by the AA under sub-section (1) of section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the CD and its employees, members, creditors, including the Central Government, any State Government or any local authority, guarantors and other stakeholders.

87. We have no hesitation to say, that the word "other stakeholders" would squarely cover the Central

government, any State Government or any local authorities. The legislature, noticing that on account of obvious omission, certain tax authorities were not abiding by the mandate of I&B Code and continuing with the proceedings, has brought out the 2019 amendment so as to cure the said mischief. We therefore hold that the 2019 amendment is declaratory and clarificatory in nature and therefore retrospective in operation.

95. (i) That once a resolution plan is duly approved by the Adjudicating Authority under subsection (1) of Section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the Corporate Debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority, guarantors and other stakeholders. On the date of approval of resolution plan by the Adjudicating Authority, all such claims, which are not a part of resolution plan, shall stand extinguished and no person will be entitled to initiate or continue any proceedings in respect to a claim, which is not part of the resolution plan.

(ii) 2019 amendment to Section 31 of the I&B Code is clarificatory and declaratory in nature and therefore will be effective from the date on which I&B Code has come into effect.

(iii) Consequently, all the dues including the statutory dues owed to the Central Government, any State Government or any local authority, if not part of the resolution plan, shall stand extinguished and no proceedings in respect of such dues for the period prior to the date on which the Adjudicating Authority grants its approval under Section 31 could be continued.

In the foregoing paragraphs, we have held, that 2019 amendment to Section 31 of I&B Code is clarificatory and declaratory in nature and therefore will have retrospective operation. As such, when the resolution plan is approved by NCLT, the claims, which are not part of the resolution plan, shall stand extinguished and the proceedings related thereto shall stand terminated. Since the subject matter of the petition are the proceedings, which relate to the claims of the respondents prior to the approval of the plan, in the light of the view taken by us, the same cannot be continued. Equally the claims, which are not part of the resolution plan, shall stand extinguished."

O. BECAUSE, the Hon'ble Supreme Court in the case titled as **'Ghanshyam Mishra and Sons Private Limited through the Authorized Signatory Vs. Edelweiss Asset Reconstruction Company Limited through the Director & Ors' [(2021) SCC OnLine SC 313]** has reaffirmed the settled position of law that once the Resolution Plan is approved by the Adjudicating Authority under Section 31 of the Code in respect of the corporate debtor, it becomes binding on all the stakeholders. The Hon'ble Supreme held as under:

"...That once a resolution plan is duly approved by the Adjudicating Authority under subsection (1) of Section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the Corporate Debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority, guarantors and other stakeholders. On the date of approval of resolution plan by the Adjudicating Authority, all such claims,

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which are not a part of resolution plan, shall stand extinguished and no person will be entitled to initiate or continue any proceedings in respect to a claim, which is not part of the resolution plan....”

The position of law prior to the judgment of Ghanashyam Mishra (supra), as enunciated by the Hon’ble Supreme Court in case titled as ‘Committee of Creditors of Essar Steel India Limited vs. Satish Kumar Gupta and others’ [2020] 8 SCC 531] (famously known as Essar Judgment) has laid down the law and held in para 105 & 107 as under:

“105...Section 31(1) of the Code makes it clear that once a resolution plan is approved by the Committee of Creditors it shall be binding on all stakeholders, including guarantors. This is for the reason that this provision ensures that the successful resolution applicant starts running the business of the corporate debtor on a fresh slate as it were...”

“107... For the same reason, the impugned NCLAT judgment in holding that claims that may exist apart from those decided on merits by the resolution professional and by the Adjudicating Authority/Appellate Tribunal can now be decided by an appropriate forum in terms of Section 60(6) of the Code, also militates against the rationale of Section 31 of the Code. A successful resolution applicant cannot suddenly be faced with “undecided” claims after the resolution

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plan submitted by him has been accepted as this would amount to a hydra head popping up which would throw into uncertainty amounts payable by a prospective resolution applicant who successfully take over the business of the corporate debtor. All claims must be submitted to and decided by the resolution professional so that a prospective resolution applicant knows exactly what has to be paid in order that it may then take over and run the business of the corporate debtor. This the successful resolution applicant does on a fresh slate, as has been pointed out by us hereinabove. For these reasons, the NCLAT judgment must also be set aside on this count....”

- P. BECAUSE,** the legislative intent and command of Sections 30 and 31 of the IBC is an issue which is no longer res integra. In Ghanashyam Mishra (supra) as well as the host of judgments rendered in that context and which were duly noticed by the Supreme Court in that decision, the underlying theme has been the recognition of the right of the successful Resolution Applicant to take over the corporate debtor on a “clean” or “fresh” slate. Those decisions lay primordial importance of the successful Resolution Applicant being enabled to take over the corporate debtor without being burdened by any uncertainties or a spectre of irresolution. The approval of the Resolution Plan is statutorily recognised as conferring a closure upon all claims that persons or entities may have had against the corporate debtor. The claims or liabilities which could have been enforced against the corporate debtor are duly considered in the course of the CIRP with the

Adjudicating Authority undertaking a detailed exercise with respect to identification of the various creditors of the corporate debtor, including the classes thereof, the scrutiny of claims received, and the ultimate apportionment of the amounts deposited by the successful Resolution Applicant amongst the creditors inter se. However, once the aforesaid process has been completed and the Resolution Plan comes to be approved, no fresh claims can be laid or enforced against the successful Resolution Applicant. The successful Resolution Applicant is only bound to meet the claims as may have been accepted and ultimately form part of the approved Resolution Plan. This issue assumes seminal importance since the successful Resolution Applicant cannot be left open to defend or oppose claims which are either not factored in the Resolution Plan nor can it be left to fend off actions that may be brought with respect to alleged or asserted dues of the corporate debtor which were not admitted. Taking any other position would clearly violate the clean and fresh slate doctrines which inform and imbue the resolution process under the IBC. The Hon'ble Supreme Court while alluding to the intent of the resolution process underlying the IBC had described this aspect as the "hydra headed monster". In fact, Ghanashyam Mishra (supra) significantly observes that all claims which are not part of the Resolution Plan shall stand extinguished and no person would be entitled to "initiate or continue" any proceedings in respect of the claim.

Q. BECAUSE, the Hon'ble Supreme Court has clearly held that after the approval of the resolution plan, no surprise claims should be flung on the successful resolution applicant. The dominant

purpose is that successful Resolution Applicant should start with fresh slate on the basis of the resolution plan approved. Further if such claim and liabilities be imposed on the Resolution Applicant, the very calculations on the basis of which the resolution applicant submits its plans, would go haywire and the plan would be unworkable. Therefore, as the plan is to complete the construction of the homes of 20,000 homebuyers, if any such liability is imposed which is due to default of ex-management, then it not only be against the law but also against the interest of homebuyers who are waiting for so many years to get their homes. The principle of fresh start is to reassure the successful resolution applicant that no new liabilities will emerge after the resolution of the Corporate Debtor i.e. Petitioner herein.

- R. BECAUSE,** the law with regard to immunity to the Company post approval of its Resolution Plan has been well settled in terms of Section 32A of the Insolvency and Bankruptcy Code, 2016 which provides all liabilities of the Company for any offence committed prior to or during CIRP will stand extinguished from the date of approval of the Resolution. The relevant extract of the section 32 A is herein reproduced for your reference as follows:

"32A. (1) Notwithstanding anything to the contrary contained in this Code or any other law for the time being in force, the liability of a Corporate Debtor for an offence committed prior to the commencement of the Corporate Insolvency Resolution Process shall cease, and the Corporate Debtor shall not be prosecuted for such an offence from the date the Resolution Plan approved by the Adjudicating Authority under section 31, if the Resolution Plan results in the change in the management or control of the Corporate Debtor to a person who was not—

(a) a promoter or in the management or control of the Corporate Debtor or a related party of such a person; or

(b) a person with regard to whom the relevant investigating authority has, on the basis of material in its possession, reason to believe that he had abetted or conspired for the commission of the offence, and has submitted or filed a report or a complaint to the relevant statutory authority or Court:

Provided that if a prosecution had been instituted during the corporate insolvency resolution process against such Corporate Debtor, it shall stand discharged from the date of approval of the resolution plan subject to requirements of this sub-section having been fulfilled:

Provided further that every person who was a "designated partner" as defined in clause (j) of section 2 of the Limited Liability Partnership Act, 2008, or an "officer who is in default", as defined in clause (60) of section 2 of the Companies Act, 2013, or was in any manner in charge of, or responsible to the Corporate Debtor for the conduct of its business or associated with the Corporate Debtor in any manner and who was directly or indirectly involved in the commission of such offence as per the report submitted or complaint filed by the investigating authority, shall continue to be liable to be prosecuted and punished for such an offence committed by the Corporate Debtor notwithstanding that the Corporate Debtor's liability has ceased under this sub-section.

(2) No action shall be taken against the property of the Corporate Debtor in relation to an offence committed prior to the commencement of the corporate insolvency resolution process of the Corporate Debtor, where such property is covered under a resolution plan approved by the Adjudicating Authority under section 31, which results in the change in control of the Corporate Debtor to a person, or

sale of liquidation assets under the provisions of Chapter III of Part II of this Code to a person, who was not—

- (i) a promoter or in the management or control of the Corporate Debtor or a related party of such a person; or*
- (ii) a person with regard to whom the relevant investigating authority has, on the basis of material in its possession reason to believe that he had abetted or conspired for the commission of the offence and has submitted or filed a report or a complaint to the relevant statutory authority or Court.*

Explanation. —for the purposes of this sub-section, it is hereby clarified that,—

- (i) an action against the property of the Corporate Debtor in relation to an offence shall include the attachment, seizure, retention or confiscation of such property under such law as may be applicable to the Corporate Debtor.*
- (ii) nothing in this sub-section shall be construed to bar an action against the property of any person, other than the Corporate Debtor or a person who has acquired such property through corporate insolvency resolution process or liquidation process under this Code and fulfils the requirements specified in this*

section, against whom such an action may be taken under such law as may be applicable.

(3) Subject to the provisions contained in sub-sections (1) and (2), and notwithstanding the immunity given in this section, the Corporate Debtor and any person who may be required to provide assistance under such law as may be applicable to such Corporate Debtor or person, shall extend all assistance and co-operation to any authority investigating an offence committed prior to the commencement of the corporate insolvency resolution process.”

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S. BECAUSE, the sole object of Section 32A of the Code is that once the Resolution Plan is approved by the Adjudicating Authority i.e. the Hon'ble NCLT, a Successful Resolution Applicant shall take over a Company on a clean slate else the basic object of the Code stands defeated. That upon approval of the Resolution Plan, there will be change in the management or control of the Company. Thus, to provide the Resolution Applicant a fair chance to revive the company and it is essential not to impose any additional liabilities on the Resolution Applicant, arising from mala-fide acts which occurred during the regime of the erstwhile Promoters or Management. Therefore, in terms of the said section 32A and the current position in law, all the liabilities including Civil/Criminal Proceedings initiated against the Company i.e the Petitioner stands extinguished, and it cannot be held liable for any alleged offence/liabilities committed prior to the approval date of the Resolution plan by the NCLT. More so, when all the requirements of Section 32A are evenly met.

T. BECAUSE, The IBC and the resolution process does not contemplate matters being left inchoate. In fact, and to the contrary it exhorts one to accept the seal of finality and quietude which stands attached to the approval of a Resolution Plan. The Hon'ble Supreme Court and High Courts in a catena of judgments have upheld that after approval of resolution plan, all the liabilities including civil and criminal actions against the Company stands discharged. [Ref: *Manish Kumar Vs. UOI* [(2021) 5 SCC 1; *Tata Steel BSL Limited v. Union of India* [W.P.(CRL) 3037/2019 and CRL.M.A. 39126, March 16, 2020; *Paramjit Gandhi Vs. Ashwini Mehra & Ors* [Company Appeal (AT)



(Insolvency) No.06 of 2023 With Company Appeal (AT) (Insolvency) No.30 of 2023 & I.A. No.79 of 2023; M/s Vasan Healthcare Pvt. Ltd. Vs the Deputy Director of Income Tax (Crl.O.P. No. 134 of 2024), Madras High Court; Ebix Singapore P Ltd vs Committee of Creditors of Educomp Solutions (2022) 2 SCC 401]

- U. BECAUSE,** any enforcement of any penalty order/ imposition of fine passed by any particular authority for an offence committed prior to commencement of CIRP, would have a direct impact upon the property of the Company which forms part of the resolution plan in as the same would be in contravention of Section 32A subclause 2 for the enforcement might amount to attachment/ seizure/ confiscation of property under the approved resolution plan.
- V. BECAUSE,** Resolution Applicant has already dealt with all such claim/liabilities including the present liability/ penalty due to the default of ex-management and has clearly stated in clause 34.36 of the Resolution plan all penalties, charges etc arising out of non-compliance of requirement under any applicable laws shall stand extinguish. The relevant extract of the Resolution Plan has been extracted below:

Clause 34.36. All the penalties, charges, fees, etc. arising out of non-compliance of the requirements if any of the Applicable Laws and regulations, rules, circulars, notifications, etc. made/issued thereunder shall be deemed to have been arisen prior to the Insolvency Commencement Date and / or Approval Date and shall permanently extinguished upon Approval Date. Further, in terms of the Resolution plan more specifically in terms of clause 34.67 the Corporate Debtor/Resolution Applicant shall not be

disqualified or blacklisted or liable for any non-compliance, default etc during the period prior to the approval date. As mentioned above the Resolution Plan was approved only on March 07, 2023, and there is no occasion wherein the Resolution applicant can be held liable for any act(s) or omission(s) of the erst while management of the Corporate Debtor The relevant clause 34.67 of the Resolution Plan has been extracted below:

Clause 34.67. On and from the Approval Date, the Corporate Debtor or the Resolution Applicants shall not be disqualified or blacklisted or liable for any non-compliance, default, breach etc., during the period prior to the Approval Date, in relation to failure to take or obtain or failure to comply with any approvals, consent or permits from Governmental Authorities and such Governmental Authorities concerned shall extinguish any such non-compliances by the Corporate Debtor under Applicable Laws prior to the Approval Date.”.

W. BECAUSE, the Order dated 26.07.2024 is bad in law and also a nullity/infructuous in view of the extant mandate of law and is a creature of absolute non application of mind.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may very graciously be pleased to allow this Petition and

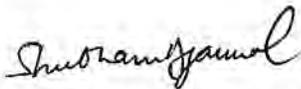
- I. Issue a Writ, Order or Direction in the nature of Certiorari setting side/quashing the Order dated 26.07.2024 passed by the Respondent No. 3, the true copy of which is contained as **Annexure No. 1** to this writ petition.
- II. Issue a Writ, Order or Direction in the nature of Certiorari setting side/quashing the Order/Letter dated 15.05.2023, issued by Respondent No. 4, the true copy of which is contained as **Annexure No. 2** to this writ petition.

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- III. Issue a Writ, Order or Direction in the nature of Mandamus prohibiting the Respondent No. 2, 3, 4 and 5 from taking any coercive action against the Petitioner in terms of the Order/Letter dated 15.05.2023 and Order dated 26.07.2024 issued by Respondent No. 3 and 4 respectively;
- IV. Issue any suitable Writ, Order or Direction in addition to and in supplement to refer to above, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case;
- V. Award cost of the petition to the Petitioner.

Lucknow

Dated: 23 September, 2024

  
(Gaurav Vig / Shubham Agarwal/Shubham Tripathi)
Advocates

Counsel for the Petitioner
AOR No. B/S 2099
Registration No. UP/5555/12
Phone No. 9198808888

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH AT LUCKNOW**

WRIT- C NO.

OF 2024

**JAYPEE INFRATECH LIMITED,
THROUGH ITS AUTHORISED REPRESENTATIVE**

.....PETITIONER

VERSUS

STATE OF UP & ORS

.....RESPONDENTS

ANNEXURE NO. 1



PROFORMA FOR FRESH FILING

- 1. Category : C. writ - C
- 2. Cognizable by : Single Judge / Division Bench / Larger Bench
- 3. District : LUCKNOW
- 4. Petitioner / Appellant / Applicant : Jaypee Imprested Limited
Age : _____ Gender : _____ Mobile : _____
E-Mail : _____
- 5. Respondent : State of U.P. & others
- 6. Petitioner's Advocate Name & Roll No. : Shri Prashant Tripathi & Anamuddi (Advocate)
- 7. Respondent's Advocate Name & Roll No. : State of U.P. BIS 2099
- 8. Notice No. (If any) : _____
- 9. Court Fee Paid : 1 Paid
- 10. No. of Affidavits attached : 1 One

CRIME DETAILS (If Any)

- 11. Crime No. & Year : _____
- 12. Under Section : _____
- 13. Police Station & Crime District : _____

LOWER / HIGH COURT DETAILS (If Any)

- 14. Lower / High Court Case No. details : _____
- 15. Lower / High Court order dated : _____
- 16. Lower / High Court order passed by : _____

EXTRA PARTIES & ADVOCATES (Add additional sheet if required)

- 17. Extra Parties (Petitioner) (Mob. / email) : _____
- 18. Extra Parties (Respondent) (Mob. / email) : _____
- 19. Extra Advocates (Pet)(With Roll No. : _____
- 20. Extra Advocates (Res)(With Roll No. : _____

ACTS & SECTIONS (Mandatory)

- 21. Title of Act involved (Center / State) : _____
- 22. Sections : _____
- 23. Title of Rule involved (Center / State) : _____
- 24. (i) Vires of Acts / Rule Challenged (Yes / No) Act : _____
Rule : _____

(ii) Particulars of cases involving similar / Identical challenge

25. Remarks (if any)

Shri Prashant Tripathi
Shri Prashant Tripathi
 Advocate's name & signature
BIS 2099

For Office use Only	
CNR No. (UNIQUE id)
Date of Reporting
Reporter

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**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH AT LUCKNOW**

WRIT- C NO.

OF 2024

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THROUGH ITS AUTHORISED REPRESENTATIVE**

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Lucknow

Dated: 23 September, 2024




(Gaurav Vig / Shubham Agarwal/Shubham Tripathi)
Advocates
Counsel for the Petitioner
AOR No. B/S 2099
Registration No. UP/5555/12
Phone No. 9198808888

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH AT LUCKNOW**

WRIT- C NO.

OF 2024

**JAYPEE INFRATECH LIMITED,
THROUGH ITS AUTHORISED REPRESENTATIVE**

.....**PETITIONER**

VERSUS

UNION OF UP & ORS

.....**RESPONDENTS**

LIST OF DATES AND EVENTS

Date	Event
	That the Petitioner is a company incorporated under the Companies Act, 1956 and having its registered address at Noida as detailed in the case title and has been in the business of construction of residential and commercial real estate.
09.08.2017 & 12.08.2017	Upon an application / Petition preferred / filed by IDBI Bank Limited being CP (IB) No. 77 / ALD / 2017 against the Petitioner under Section 7 of Insolvency & bankruptcy Code, 2016, the Hon'ble National Company Law Tribunal vide its order dated 09.08.2017 initiated the Corporate Insolvency Resolution Process (CIRP) and declared moratorium under Section 14 of the Insolvency & bankruptcy Code, 2016 in respect of Petitioner and appointed Mr. Anuj Jain as the Interim Resolution Professional (IRP). It is submitted that in accordance with the provisions of Insolvency & Bankruptcy Code, 2016,

[Handwritten Signature]

	<p>on commencement of CIRP, the management of the affairs and control of Petitioner stood vested with the IRP of the Petitioner and the power of the board of directors of Petitioner stood suspended. That on 12.08.2017, the IRP in accordance with the provisions of the Insolvency & Bankruptcy Code, 2016 took over the management and affairs of the Petitioner. It is not out of place to mention here that vide order dated 09.08.2017 as well as in accordance with the provisions of IBC there was a moratorium under Section 14 of IBC against any proceedings qua the Petitioner or any of its assets as on date of 09.08.2017 and thus all the proceedings qua any debt of the Petitioner are required to be stayed in accordance with the provisions of Insolvency & Bankruptcy Code, 2016.</p>
<p>09.08.2018</p>	<p>Subsequent to the moratorium order, in terms of the the mandate of law, the IRP made a public announcement in FORM – A in terms of Regulation 6 (1) of CIRP Regulations, 2016</p> <p>The Hon'ble Supreme Court of India vide its order dated 09.08.2018 in Writ Petition (C) – 744 of 2017 titled Chitra Sharma & Ors. Vs. Union of India & Ors ordered to restart the process of CIRP of Petitioner.</p>



24.03.2021	In the interregnum, pursuant to order dated 24.03.2021, passed in Jaypee Kensington Boulevard Apartments Welfare Association & Ors. vs. NBCC (India) Limited & Ors., being Civil Appeal No. 3395 of 2020, the Hon'ble Supreme Court of India in exercise of powers under Article 142 of the Constitution of India, directed the IRP to invite modified / fresh resolution plans from NBCC and M/s Suraksha Reality Limited & Lakshadeep Investments and Finance Private Limited ('Suraksha') and complete the CIRP of the Petitioner in a time bound manner for revival of the Petitioner.
23.06.2021	That in terms of the directions passed by Hon'ble Supreme Court of India vide order dated 24.03.2021 in Jaypee Kensington Boulevard Apartments Welfare Association & Ors. vs. NBCC (India) Limited & Ors., being Civil Appeal No. 3395 of 2020, the COC approved the Resolution plan dated 07.06.2021 submitted by the Successful Resolution Applicant, Suraksha on 23.06.2021 by 98.66% of votes
07.07.2021	That on 07.07.2021, the IRP of the Petitioner filed an application being IA No. 2836 of 2021 before the Hon'ble NCLT seeking approval of the resolution plan submitted by the Successful Resolution Applicant under Section 30(6) read with Section 31 of the Insolvency & Bankruptcy Code, 2016.
13.06.2022	That a Letter Petition (email dated 13.06.2022) alleging certain grievances against the Interim Resolution Professional for failing to respond to certain queries and particularly on the inadequacy of the management in providing certain services despite

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	the payment of maintenance charges was preferred before the Ld. National Green Tribunal.
03.02.2023	That the aforesaid matter was registered as OA No. 771 of 2022, during the pendency of which, certain inspection was directed to be carried out by the Ld. NGT, which was carried out on 03.02.2023 by ADM (Admin) and UP Pollution Control Board.
09.02.2023	Show-Cause notice dated 09.02.2023 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023 was issued by the Respondent No. 3, in terms of which response/clarification was sought from the Petitioner, within 15 days, to the allegations pertaining to the violations of environmental norms with respect to the residential towers which are under construction in the Township- 'Jaypee Greens' Kingston Park-1, Phase-1, Sector 133, Gautam Budh Nagar. It was sought to alleged that the construction and demolition waste was stored in the open. Further, no arrangements had been made for green net cover and establishment of a proper water sprinkling system at the site. The said Show Cause Notice has further sought to impose a fine of Rs. 5,00,000/- (rupees five lakhs) for alleged non-compliance and improper management of the construction and demolition waste.
09.02.2023	On even date, another Show-Cause Notice dated 09.02.2023 bearing Ref No. H- 88844/C-1/Water/ N 1177/ CAG no./ 2023 came to be issued by the Respondent No. 3 in terms of which response/clarification was sought from the Petitioner,



	<p>within 15 days, to the allegations that in absence of the Sewage Treatment Plant, the sewage was being disposed of in the manholes leading to overflowing of the same. The said Show Cause Notice further sought to impose a fine of Rs. 5,47,80,000/- (Five Crores Forty-Seven Lakhs Eighty Thousand) for alleged violations for 1862 days in the past five years.</p>
07.03.2023	<p>The Hon'ble NCLT, vide order dated 07.03.2023 while allowing the IA No. 2836 of 2021 whereby the IRP has sought approval of the Resolution Plan submitted by the Successful Resolution Applicant, has approved the said Resolution Plan under Section 31 of the Insolvency and Bankruptcy Code, 2016 and directed constitution of Implementation and Monitoring Committee (IMC) in terms of the Resolution Plan for managing the affairs of the Petitioner and overseeing implementation of the Resolution Plan. It is submitted that on approval of the Resolution Plan by Hon'ble NCLT under sub-section (1) of Section 31 of the Insolvency & Bankruptcy Code, 2016, the approved resolution plan becomes binding on all the stakeholders of the Petitioner and its employees, members, creditors), the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the resolution plan.</p>
13.03.2023	<p>In accordance with the directions passed in order dated 07.03.2023 read with Clause 27.4 of the Resolution Plan, Implementation and Monitoring</p>



	<p>Committee [“IMC”] has been constituted on 13.03.2023 and the management of Petitioner has been vested with IMC for implementation of the Resolution Plan under the supervision and control of the IMC</p>
12.05.2023	<p>Owing to the fact that the CIRP process was underway and the Resolution Plan was finally approved by the Id. NCLT on 07.03.2023 and implementation and Monitoring Committee being formed on 13.03.2023, the response to the aforesaid show cause notices was delayed and came to be submitted on 12.05.2023. In terms of the said replies, it was clarified that the sewage was being disposed of using trucks and in accordance with the Solid Waste Management Rules, 2016 and the conditions of Environment Clearance obtained under Environment Impact Assessment Notification, 2006 and consent obtained under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and it was further clarified that the Petitioner being under CIRP, cannot be held liable for the claims post the finalization of the Resolution Plan.</p>
15.05.2023	<p>The Respondents, without considering the detailed response submitted by the Petitioner on 12.05.2023 proceeded to send a communication dated 15.05.2023 in terms of which it was recorded that no response had been received by the Petitioner. The Petitioner was further directed to deposit a sum of Rs. 5,47,80,000/- (Five Crores Forty-Seven Lakhs Eighty Thousand) as Environmental Compensation for violation of the environmental norms. Oblivious to the</p>

	<p>reply dated 12.05.2023 given by the Petitioner, the Respondent No. 1 sent a another communication dated 15.05.2023, in terms of which it was incorrectly observed that the Petitioner had failed to tender a response to the Show-Cause Notice dated 09.02.2023 and the Petitioner was directed to deposit a sum of Rs. 5,00,000/- (Five Lakhs) as Environmental Compensation for violation of the environmental norms.</p>
30.05.2023	<p>The Petitioner preferred detailed replies dated 30.05.2023 to the aforesaid communications dated 15.05.2023, in terms of which it categorically stated that it had in fact, submitted its replies dated 12.05.2023 to the Show-Cause Notices dated 09.02.2023 and the delay in replying to said Show Cause Notice was on account of the fact that the Petitioner was under CIRP and undergoing change in management.</p>
04.09.2023	<p>Ld. NGT clarified that the show cause notices and the replies submitted thereto are not the subject matter of the hearing of the OA No. 771 of 2022, pending before the NGT</p>
03.11.2023	<p>Since the Respondents did not pay heed to or any consideration to the responses/replies detailing the entire CIRP status of Petitioner and did not provide a fair opportunity to the Petitioner for giving its reasonable justification for such alleged violations therefore left with no choice on 03.11.2023, the Petitioner preferred writ petitions bearing W.P. (C) 390409 & 39106/2023 titled as "Jaypee Infratech</p>



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	Ltd. vs. Union of India & Ors.” challenging the direction dated 15.05.2023 before the Hon’ble High Court of Allahabad.
14.11.2023	In addition to the aforesaid Show Cause Notices and orders, the Respondents issued the following Show Cause Notices dated 14.11.2023 bearing reference no. H02911/C-1/Air-1040/ CAG Env Comp/ 2023; H02912/C-1/Air-1040/ CAG Env Comp/ 2023; H02913/C-1/Air-1040/ CAG Env Comp/ 2023; H02914/C-1/Air-1040/ CAG Env Comp/ 2023; H02915/C-1/Air-1040/ CAG Env Comp/ 2023; H02934/C-1/Air-1040/ CAG Env Comp/ 2023; H02935/C-1/Air-1040/ CAG Env Comp/ 2023 and H02936/C-1/Air-1040/ CAG Env Comp/ 2023
11.12.2023	Vide Order dated 11.12.2023, the Hon’ble Allahabad High Court had disposed of W.P. (C) 390409 & 39106/2023 with directions of the Respondents to revisit the Directions in Letter dated 15.05.2023
10.02.2024	Given the construction of the STP-2 was complete, the Petitioner (IMC at the relevant time) submitted an application before the Respondent No. 2 seeking consolidation consent and authorization (CTO) for STP-2 under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. Along with the Application the Petitioner submitted the prescribed fee.
	The Petitioner submitted its Replies dated 19.03.2024 to Show Cause Notice dated 14.11.2023 bearing

19.03.2024	Reference No. H02911/C-1/Air-1040/ CAG Env Comp/ 2023; Reference No. H02934/C-1/Air-1040/ CAG Env Comp/ 2023 outlining the steps undertaken by the Petitioner in terms of prevalent laws and it was further clarified that the Petitioner being under CIRP, cannot be held liable for the claims post the finalization of the Resolution Plan.
29.03.2024	The Petitioner submitted its Replies dated Replies dated 29.03.2024 to Show Cause Notice dated 14.11.2023 bearing Reference No. H02912/C-1/Air-1040/ CAG Env Comp/ 2023; Reference No. H02913/C-1/Air-1040/ CAG Env Comp/ 2023; No. H02914/C-1/Air-1040/ CAG Env Comp/ 2023; No. H02915/C-1/Air-1040/ CAG Env Comp/ 2023; Reference No. H02934/C-1/Air-1040/ CAG Env Comp/ 2023 and Reference No. H02935/C-1/Air-1040/ CAG Env Comp/ 2023; No. H02936/C-1/Air-1040/ CAG Env Comp/ 2023 outlining the steps undertaken by the Petitioner in terms of prevalent laws and it was further clarified that the Petitioner being under CIRP, cannot be held liable for the claims post the finalization of the Resolution Plan.
29.03.2024	Rejection certificate dated 29.03.2024 issued by the Respondent No. 2 in response to the CTO Application dated 10.02.2024 on the premise of non-compliance of the penalty orders dated 15.05.2023 and also the Show Cause Notices which are the subject matter of challenge in the present Petition.
	Another Application for grant of CTO with respect to STP-2 was submitted by the Petitioner (through IMC)



09.05.2024	under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981
24.05.2024	The approved Resolution Plan was confirmed/ratified/upheld by the Hon'ble National Company Law Appellate Tribunal vide order dated 24.05.2024 in Comp Appeal AT Insolvency No. 493 of 2023 titled as " <i>Yamuna Expressway Industrial Development Authority vs. Monitoring Committee of Jaypee Infratech Ltd. Through Anuj Jain, Secretary & Ors.</i> " In the said order, Resolution Plan has been upheld and the Successful Resolution Applicant has been directed to implement the plan.
04.06.2024	Pursuant to the directions dated 11.12.2023 passed by the Hon'ble Allahabad High Court, the Petitioner submitted its Written Submissions before the Respondent No. 2 on 04.06.2024
20.06.2024	Again Rejection certificate dated 20.06.2024 issued by the Respondent No. 2 in response to the CTO Application dated 10.02.2024 on the premise of non-compliance of the penalty orders dated 15.05.2023 and also the Show Cause Notices which are the subject matter of challenge in the present Petition.
26.07.2024	That without giving due credence to the written submissions and extant position of law, the Respondent No. 3 upheld the environmental compensation imposed vide Letter dated 15.05.2023 bearing Ref No. H93574/ C-1/ Water/1177/ Env

	Comp/2023 and Ref No. H93575/C-1/Air/ 1040/ Env Comp/ 2023
30.08.2024	Order dated 26.07.2024 along with the Penalty order dated 15.05.2023 bearing ref no. H93574/ C-1/ Water/1177/ Env Comp/2023 was challenged before this Hon'ble Court vide WRIC No. 7563/2024
06.09.2024	Vide order dated 06.09.2024, as an interim measure, the Penalty Order dated 15.05.2023 has been kept in abeyance
	HENCE THE PRESENT WRIT PETITION

Lucknow

Dated: 23 September, 2024




(Gaurav Vig / Shubham Agarwal/Shubham Tripathi)
Advocates
Counsel for the Petitioner
 AOR No. B/S 2099
 Phone No. 9198808888

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH AT LUCKNOW**

C.M. APPLICATION NO. OF 2024

InRE:

WRIT C NO. OF 2024

JAYPEE INFRATECH LIMITED, HAVING ITS REGISTERED OFFICE AT SECTOR 128, NOIDA, UTTAR PRADESH THROUGH ITS AUTHORISED REPRESENTATIVE, APURVA PRAGYA, S/O SH. DINESH NARAYAN SINHA, AGED ABOUT 46 YEARS, RESIDENT OF RESIDENT OF BRAHMRISHI, HIGH SCHOOL, MAULABAGA, ARA, ARRAH, BHOJPUR, BIHAR, 802301, CURRENTLY RESIDING AT FLAT NO. 140, VARTALOK APARTMENTS, SECTOR 4C, VASUNDHRA, GHAZIABAD – 201012, DISTRICT GAUTAM BUDH NAGAR, UTTAR PRADESH.

.....**PETITIONER**

VERSUS

1. **STATE OF UTTAR PRADESH** THROUGH ITS ADDITIONAL CHIEF SECRETARY, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, CIVIL SECRETARIATE, LUCKNOW, UTTAR PRADESH.
2. **UTTAR PRADESH POLLUTION CONTROL BOARD**, BUILDING NO. TC-12 V, VIBHUTI KHAND, GOMTI NAGAR, LUCKNOW THROUGH ITS MEMBER



SECRETARY.

3. **CHIEF ENVIRONMENTAL OFFICER, CIRCLE - 1, UPPCB REGIONAL OFFICE, E-12/1, SECTOR 1, NOIDA GAUTAM BUDDH NAGAR, UTTAR PRADESH.**
4. **COLLECTOR/ DISTRICT MAGISTRATE, GAUTAM BUDH NAGAR, UTTAR PRADESH.**

.....**RESPONDENTS**

APPLICATION FOR INTERIM RELIEF

That the Applicant/Petitioner most respectfully begs to submit as under:

For the facts and circumstances mentioned in the accompanying memo of Writ Petition, duly supported with an affidavit, it is most respectfully prayed that this Hon'ble Court in exercise of its writ jurisdiction may kindly be pleased to stay the operation, implementation, enforcement of the Impugned Show Cause Notices dated 14.11.2023 issued under the signature of Respondent No. 3 and may further be pleased to restrain the Respondents from taking any coercive steps against Petitioner and or pass any penalty order against the during the pendency of the present writ petition. Further consider the Application for grant of CTO as per extant law and not reject the same on the basis of the Impugned Show Cause Notices.

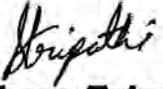
Further, such other relief as may be deemed fit in the facts and circumstances of the case protecting the rights of the



Petitioner may also be passed by this Hon'ble Court in the interest of justice.

Lucknow

Dated: 23 September, 2024

  
(Gaurav Vig / Shubham Agarwal/Shubham Tripathi)

Advocates

Counsel for the Petitioner

AOR No. B/S 2099

Phone No. 9198808888

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH AT LUCKNOW**

WRIT C NO.

OF 2024

JAYPEE INFRATECH LIMITED, HAVING ITS REGISTERED OFFICE AT SECTOR 128, NOIDA, UTTAR PRADESH THROUGH ITS AUTHORISED REPRESENTATIVE, APURVA PRAGYA, S/O SH. DINESH NARAYAN SINHA, AGED ABOUT 46 YEARS, RESIDENT OF RESIDENT OF BRAHMRISHI, HIGH SCHOOL, MAULABAGA, ARA, ARRAH, BHOJPUR, BIHAR, 802301, CURRENTLY RESIDING AT FLAT NO. 140, VARTALOK APARTMENTS, SECTOR 4C, VASUNDHRA, GHAZIABAD - 201012, DISTRICT GAUTAM BUDH NAGAR, UTTAR PRADESH.

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4. **COLLECTOR/ DISTRICT MAGISTRATE, GAUTAM BUDH NAGAR, UTTAR PRADESH.**

.....**RESPONDENTS**

WRIT PETITION UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA

To,

Hon'ble The Chief Justice & his other companion Hon'ble Judges of this Hon'ble Court, Lucknow Bench, Lucknow.

The Petitioners above named most humbly begs to submit as under:

1. That the Petitioner declares that no other writ petition, application including review application etc. or any other proceedings arising from or related to the relief sought before this Hon'ble Court has been filed or is pending to the best of the knowledge of the Petitioners before this Hon'ble Court, at Allahabad or Lucknow or any other Court/Authority Tribunal, etc.
2. That the Petitioner further declare that it has not received any notice, information or copy of any caveat application by Registered Post or otherwise from any of the Respondents or from any other source.



3. That the Show Cause Notices dated 14.11.2023 sought to be impugned in the present writ petition has been passed by the Respondent No. 3 at Uttar Pradesh Pollution Control Board, Lucknow.
4. That being aggrieved against the Show Cause Notices dated 14.11.2023 passed by the Respondent No. 3, the true copies of which are collectively annexed as **ANNEXURE NO. 1**, the Petitioner begs to prefer the present Writ Petition interalia on the grounds that the impugned exercise is wholly without jurisdiction in as much as that neither of the Acts viz The Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as 'Water Act' and 'Air Act' respectively) confers jurisdiction upon any authority to impose any penalty in terms of money as environmental damages and that in view of the resolution plan approved vide order dated 24.05.2024 under the aegis of National Company Law Tribunal / National Company Appellate Tribunal no liability at all can be fastened against the Petitioner in terms of Section 31 and 32A of Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'IBC') which has got overriding effect over any other law for the time being in force. Copy of Show Cause Notices dated 14.11.2023 issued by Respondent No. 3 bearing reference no. H02911/C-1/Air-1040/ CAG Env Comp/ 2023; H02912/C-1/Air-1040/ CAG Env Comp/ 2023; H02913/C-1/Air-1040/ CAG Env Comp/ 2023; H02914/C-1/Air-1040/ CAG Env Comp/ 2023; H02915/C-1/Air-1040/ CAG Env Comp/ 2023; H02934/C-1/Air-1040/



CAG Env Comp/ 2023; H02935/C-1/Air-1040/ CAG Env Comp/ 2023 and H02936/C-1/Air-1040/ CAG Env Comp/ 2023 are annexed herewith as **ANNEXURE NO. 1 colly**.

5. That the Respondents No. 3 in absolute defiance of the bare provisions of IBC and also the judicial pronouncements, went ahead to issue the Impugned Show Cause Notices. That the implication of approval of approval of resolution plan vis a vis any order and or show cause notice has been detailed and put forth before the Respondents by the Petitioner prior to the issuance of the Impugned Show Cause Notices vide its reply to Show Cause Notices dated 09.02.2024 (which were issued prior in time to the Impugned Show Cause Notices) bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023; H- 88844/C-1/Water/ N 1177/ CAG no./ 2023 dated 12.05.2023 and also Reply to Letters dated 15.05.2023 (penalty order which were issued prior in time to the Impugned Show Cause Notices) bearing Ref No. H93574/ C-1/ Water/1177/ Env Comp/2023 and Ref No. H93575/C-1/Air/ 1040/ Env Comp/ 2023 dated 30.05.2023. The Impugned Show Cause Notices are a specie of absolute non application of mind in as much as the Respondent No. 3 have not given any consideration to the implication of approval of resolution plan as per the extant law.
6. That the Impugned Show Cause Notices dated 14.11.2023 by the Respondent No. 3 are an anathema to the settled jurisprudence under the IBC in as much as that the legislative intent of CIRP under the IBC provisions is to revive the entity/company under moratorium and in terms of the provisions of IBC and



pronouncements of the Hon'ble Supreme Court as well, the Successful Resolution Applicant cannot be saddled with any alleged past claims or unclaimed alleged claims, otherwise the entire process of CIRP and implementation of Resolution Plan will become impossible. It is for giving an entity/company the best chance of revival that the Hon'ble Supreme Court has laid down the principles of Fresh Plate and Clean Slate, that no such liability can be fastened on the Petitioner after the approval of the Resolution Plan. That the unambiguous legislative intent is that on the date of the approval of the Resolution Plan by the Adjudicating Authority, all claims shall stand frozen so that the resolution applicant starts on a clean slate and is not flung with any surprise claims.

7. That the Respondents while issuing the Impugned Show Cause Notices dated 14.11.2023 failed to appreciate the legislative framework mandates that once the resolution plan receives approval from the Adjudicating Authority, signifying its compliance with the criteria set forth in Section 30(2) of the IBC, it becomes binding on all stakeholders. This approval is designed to pre-empt any unforeseen claims against the Successful Resolution Applicant, thereby allowing them to commence operations afresh, unaffected by past encumbrances. The overarching intent is to ensure that the Applicant starts on a clean slate, guided solely by the terms of the Resolution Plan.

8. That further, the law with regard to immunity to the Corporate Debtor post approval of its Resolution Plan as has been well settled in terms of Section 32A of IBC. Section 32 A of IBC



categorically provides that all liabilities of the Corporate Debtor i.e. Jaypee Infratech Limited for any offence committed prior to or during CIRP will stand extinguished from the date of approval of the Resolution.

9. That further, the rejection of CTO Applications dated 10.02.2024 and 09.05.2024 by the Respondent No. 2 on the sole premise of non-compliance of penalty orders dated 15.05.2023 and the Impugned Show Cause Notices, which in itself is non est null and void exercise of jurisdiction, is illegal and an anathema to the settled principles of extant jurisprudence
10. That to bring home certain relevant facts for better adjudication of the instant writ petition it is humbly submitted that Petitioner is a company incorporated under the Companies Act, 1956 and having its registered address at Noida as detailed in the case title and has been in the business of construction of residential and commercial real estate.
11. That upon an application / Petition preferred / filed by IDBI Bank Limited being CP (IB) No. 77 / ALD / 2017 against the Petitioner under Section 7 of Insolvency & bankruptcy Code, 2016, the Hon'ble National Company Law Tribunal vide its order dated 09.08.2017 initiated the Corporate Insolvency Resolution Process (CIRP) and declared moratorium under Section 14 of the Insolvency & bankruptcy Code, 2016 in respect of Petitioner and appointed Mr. Anuj Jain as the Interim Resolution Professional (IRP). It is submitted that in accordance with the provisions of Insolvency & Bankruptcy Code, 2016, on commencement of CIRP, the management of the affairs and control of Petitioner



stood vested with the IRP of the Petitioner and the power of the board of directors of Petitioner stood suspended. That on 12.08.2017, the IRP in accordance with the provisions of the Insolvency & Bankruptcy Code, 2016 took over the management and affairs of the Petitioner. It is not out of place to mention here that vide order dated 09.08.2017 as well as in accordance with the provisions of IBC there was a moratorium under Section 14 of IBC against any proceedings qua the Petitioner or any of its assets as on date of 09.08.2017 and thus all the proceedings qua any debt of the Petitioner are required to be stayed in accordance with the provisions of Insolvency & Bankruptcy Code, 2016. Copy of the order dated 09.08.2017 passed by the Hon'ble NCLT in CP (IB) No. 77 / ALD / 2017 titled "IDBI Bank Limited vs. Jaypee Infratech Limited" is annexed herewith as **ANNEXURE NO. 2.**

12. That subsequent to the moratorium order, in terms of the the mandate of law, the IRP made a public announcement in FORM - A in terms of Regulation 6 (1) of CIRP Regulations, 2016.
13. That subsequently, The Hon'ble Supreme Court of India vide its order dated 09.08.2018 in Writ Petition (C) - 744 of 2017 titled Chitra Sharma & Ors. Vs. Union of India & Ors ordered to restart the process of CIRP of Petitioner.
14. That pursuant to order dated 24.03.2021, passed in Jaypee Kensington Boulevard Apartments Welfare Association & Ors. vs. NBCC (India) Limited & Ors., being Civil Appeal No. 3395 of 2020, the Hon'ble Supreme Court of India in exercise of powers



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under Article 142 of the Constitution of India, directed the IRP to invite modified / fresh resolution plans from NBCC and M/s Suraksha Reality Limited & Lakshadeep Investments and Finance Private Limited (**'Suraksha'**) and complete the CIRP of the Petitioner in a time bound manner for revival of the Petitioner.

15. That in terms of the directions passed by Hon'ble Supreme Court of India vide order dated 24.03.2021 in Jaypee Kensington Boulevard Apartments Welfare Association & Ors. vs. NBCC (India) Limited & Ors., being Civil Appeal No. 3395 of 2020, the COC approved the Resolution plan dated 07.06.2021 submitted by the Successful Resolution Applicant, Suraksha on 23.06.2021 by 98.66% of votes.
16. That on 07.07.2021, the IRP of the Petitioner filed an application being IA No. 2836 of 2021 before the Hon'ble NCLT seeking approval of the resolution plan submitted by the Successful Resolution Applicant under Section 30(6) read with Section 31 of the Insolvency & Bankruptcy Code, 2016.
17. That a Letter Petition (email dated 13.06.2022) alleging certain grievances against the Interim Resolution Professional for failing to respond to certain queries and particularly on the inadequacy of the management in providing certain services despite the payment of maintenance charges was preferred before the Ld. National Green Tribunal.
18. That the aforesaid matter was registered as OA No. 771 of 2022, during the pendency of which, certain inspection was directed



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to be carried out by the Ld. NGT, which was carried out on 03.02.2023 by ADM (Admin) and UP Pollution Control Board.

19. That Show-Cause notice dated 09.02.2023 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023 was issued by the Respondent No. 3, in terms of which response/clarification was sought from the Petitioner, within 15 days, to the allegations pertaining to the violations of environmental norms with respect to the residential towers which are under construction in the Township- 'Jaypee Greens' Kingston Park-1, Phase-1, Sector 133, Gautam Budh Nagar. It was sought to alleged that the construction and demolition waste was stored in the open. Further, no arrangements had been made for green net cover and establishment of a proper water sprinkling system at the site. The said Show Cause Notice has further sought to impose a fine of Rs. 5,00,000/- (rupees five lakhs) for alleged non-compliance and improper management of the construction and demolition waste. On even date, another Show-Cause Notice dated 09.02.2023 bearing Ref No. H- 88844/C-1/Water/ N 1177/ CAG no./ 2023 came to be issued by the Respondent No. 3 in terms of which response/clarification was sought from the Petitioner, within 15 days, to the allegations that in absence of the Sewage Treatment Plant, the sewage was being disposed of in the manholes leading to overflowing of the same. The said Show Cause Notice further sought to impose a fine of Rs. 5,47,80,000/- (Five Crores Forty-Seven Lakhs Eighty Thousand) for alleged violations for 1862 days in the past five years. Copy of the Show Cause Notices dated 09.02.2023 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023; H- 88844/C-



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1/Water/ N 1177/ CAG no./ 2023 is collectively annexed herewith as **ANNEXURE No. 3**

20. That the Hon'ble NCLT, vide order dated 07.03.2023 while allowing the IA No. 2836 of 2021 whereby the IRP has sought approval of the Resolution Plan submitted by the Suraksha, has approved the said Resolution Plan under Section 31 of the Insolvency and Bankruptcy Code, 2016 and directed constitution of Implementation and Monitoring Committee (IMC) in terms of the Resolution Plan for managing the affairs of the Petitioner and overseeing implementation of the Resolution Plan. It is submitted that on approval of the Resolution Plan by Hon'ble NCLT under sub-section (1) of Section 31 of the Insolvency & Bankruptcy Code, 2016, the approved resolution plan becomes binding on all the stakeholders of the Petitioner and its employees, members, creditors), the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the resolution plan. Copy of the order dated 07.03.2023 passed by the Hon'ble NCLT in Company Petition No. (IB)-77(ALD)/2017 titled "IDBI Bank vs. Jaypee Infratech Limited" is annexed herewith as **ANNEXURE No. 4**.

21. That in accordance with the directions passed in order dated 07.03.2023 read with Clause 27.4 of the Resolution Plan, Implementation and Monitoring Committee ["IMC"] has been



constituted on 13.03.2023 and the management of Petitioner has been vested with IMC for implementation of the Resolution Plan under the supervision and control of the IMC.

22. That owing to the fact that the CIRP process was underway and the Resolution Plan was finally approved by the Id. NCLT on 07.03.2023 and implementation and Monitoring Committee being formed on 13.03.2023, the response to the aforesaid show cause notices bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023; H- 88844/C-1/Water/ N 1177/ CAG no./ 2023 was delayed and came to be submitted on 12.05.2023. In terms of the said replies, it was clarified that the sewage was being disposed of using trucks and in accordance with the Solid Waste Management Rules, 2016 and the conditions of Environment Clearance obtained under Environment Impact Assessment Notification, 2006 and consent obtained under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and it was further clarified that the Petitioner being under CIRP, cannot be held liable for the claims post the finalization of the Resolution Plan. Copy of the Reply to Show Cause Notices dated 09.02.2023 bearing Ref No. H-88845/ C-1/Air/1040/CAG Env Comp/2023; H- 88844/C-1/Water/ N 1177/ CAG no./ 2023 dated 12.05.2023 is collectively annexed herewith as **ANNEXURE No. 5**

23. That the Respondents, without considering the detailed response submitted by the Petitioner on 12.05.2023 proceeded to send a communication dated 15.05.2023 in terms of which it was recorded that no response had been received by the



Petitioner. The Petitioner was further directed to deposit a sum of Rs. 5,47,80,000/- (Five Crores Forty-Seven Lakhs Eighty Thousand) as Environmental Compensation for violation of the environmental norms. Oblivious to the reply dated 12.05.2023 given by the Petitioner, the Respondent No. 1 sent a another communication dated 15.05.2023, in terms of which it was incorrectly observed that the Petitioner had failed to tender a response to the Show-Cause Notice dated 09.02.2023 and the Petitioner was directed to deposit a sum of Rs. 5,00,000/- (Five Lakhs) as Environmental Compensation for violation of the environmental norms. Copy of the Letters dated 15.05.2023 bearing Ref No. H93574/ C-1/ Water/1177/ Env Comp/2023 and Ref No. H93575/C-1/Air/ 1040/ Env Comp/ 2023 is collectively annexed herewith as **ANNEXURE No. 6**

24. That the Petitioner preferred detailed replies dated 30.05.2023 to the aforesaid communications dated 15.05.2023, in terms of which it categorically stated that it had in fact, submitted its replies dated 12.05.2023 to the Show-Cause Notices dated 09.02.2023 and the delay in replying to said Show Cause Notice was on account of the fact that the Petitioner was under CIRP and undergoing change in management. Copy of Reply to Letters dated 15.05.2023 bearing Ref No. Ref No. H93574/ C-1/ Water/1177/ Env Comp/2023 and Ref No. H93575/C-1/Air/ 1040/ Env Comp/ 2023 dated 30.05.2023 is collectively annexed herewith as **ANNEXURE No. 7**

25. That it is categorically submitted that the show cause notices and the replies submitted thereto are not the subject matter of



the hearing of the OA No. 771 of 2022, pending before the NGT as categorically recorded in the order of the NGT dated 04.09.2023. Copy of the Order dated 04.09.2023 passed by the Ld. NGT in OA No. 771 of 2022 is annexed herewith as **ANNEXURE NO. 8.**

- 26.** That it is submitted that since the Respondents did not pay heed to or any consideration to the responses/replies detailing the entire CIRP status of Petitioner and did not provide a fair opportunity to the Petitioner for giving its reasonable justification for such alleged violations therefore left with no choice on 03.11.2023, the Petitioner preferred writ petitions bearing W.P. (C) 390409 & 39106/2023 titled as "Jaypee Infratech Ltd. vs. Union of India & Ors." challenging the directions dated 15.05.2023 before the Hon'ble High Court of Allahabad.
- 27.** That in addition to the aforesaid Show Cause Notices and orders, the Respondents issued the Impugned Show Cause Notices dated 14.11.2023 bearing reference no. H02911/C-1/Air-1040/ CAG Env Comp/ 2023; H02912/C-1/Air-1040/ CAG Env Comp/ 2023; H02913/C-1/Air-1040/ CAG Env Comp/ 2023; H02914/C-1/Air-1040/ CAG Env Comp/ 2023; H02915/C-1/Air-1040/ CAG Env Comp/ 2023; H02934/C-1/Air-1040/ CAG Env Comp/ 2023; H02935/C-1/Air-1040/ CAG Env Comp/ 2023 and H02936/C-1/Air-1040/ CAG Env Comp/ 2023.



28. That vide Order dated 11.12.2023, the Hon'ble Allahabad High Court had disposed of the said W.P. (C) 390409 & 39106/2023, and categorically held that:

"the Ld. Authority (Uttar Pradesh Pollution Control Board) to revisit the Direction dated 15.05.2023 and the show cause notice 09.02.2023 taking into consideration the reply dated 12.05.2023, within four weeks. Further, no other coercive steps should be taken in pursuance of the impugned order until the decision is taken on the representation".

Copy of the Orders dated 11.12.2023 passed by the Hon'ble High Court of Allahabad W.P. (C) 390409 & 39106/2023 titled as "Jaypee Infratech Ltd. vs. Union of India & Ors." Is annexed herewith as **ANNEXURE NO. 9.**

29. That given the construction of the STP-2 was complete, the Petitioner (IMC at the relevant time) submitted an application before the Respondent No. 2 seeking consolidation consent and authorization (CTO) for STP-2 under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. Along with the Application the Petitioner submitted the prescribed fee. Copy of Application dated 10.02.2024 filed by the Petitioner before the Respondent No. 2 seeking consolidation consent and authorization (CTO) with respect to STP along with Fee receipt is annexed herewith as **ANNEXURE No. 10.**

30. The Petitioner submitted its Replies dated 19.03.2024 to the Impugned Show Cause Notice dated 14.11.2023 bearing Reference No. H02911/C-1/Air-1040/ CAG Env Comp/ 2023; Reference No. H02934/C-1/Air-1040/ CAG Env Comp/ 2023



outlining the steps undertaken by the Petitioner in terms of prevalent laws and it was further clarified that the Petitioner being under CIRP, cannot be held liable for the claims post the finalization of the Resolution Plan. Copy of Replies dated 19.03.2024 to Show Cause Notice dated 14.11.2023 bearing Reference No. H02911/C-1/Air-1040/ CAG Env Comp/ 2023; Reference No. H02934/C-1/Air-1040/ CAG Env Comp/ 2023 is collectively annexed herewith as **ANNEXURE No. 11.**

- 31.** That the Petitioner submitted its Replies dated Replies dated 29.03.2024 to Show Cause Notice dated 14.11.2023 bearing Reference No. H02912/C-1/Air-1040/ CAG Env Comp/ 2023; Reference No. H02913/C-1/Air-1040/ CAG Env Comp/ 2023; No. H02914/C-1/Air-1040/ CAG Env Comp/ 2023; No. H02915/C-1/Air-1040/ CAG Env Comp/ 2023; Reference No. H02934/C-1/Air-1040/ CAG Env Comp/ 2023 and Reference No. H02935/C-1/Air-1040/ CAG Env Comp/ 2023; No. H02936/C-1/Air-1040/ CAG Env Comp/ 2023 outlining the steps undertaken by the Petitioner in terms of prevalent laws and it was further clarified that the Petitioner being under CIRP, cannot be held liable for the claims post the finalization of the Resolution Plan. Copy of Replies dated 29.03.2024 to Show Cause Notice dated 14.11.2023 bearing Reference No. H02912/C-1/Air-1040/ CAG Env Comp/ 2023; Reference No. H02913/C-1/Air-1040/ CAG Env Comp/ 2023; No. H02914/C-1/Air-1040/ CAG Env Comp/ 2023; No. H02915/C-1/Air-1040/ CAG Env Comp/ 2023; Reference No. H02934/C-1/Air-1040/ CAG Env Comp/ 2023 and Reference No. H02935/C-1/Air-1040/ CAG Env Comp/ 2023; No. H02936/C-1/Air-



1040/ CAG Env Comp/ 2023 is collectively annexed as **ANNEXURE No. 12.**

32. That rejection certificate dated 29.03.2024 issued by the Respondent No. 2 in response to the CTO Application dated 10.02.2024 on the premise of non-compliance of the penalty orders dated 15.05.2023 and also the Impugned Show Cause Notices which are the subject matter of challenge in the present Petition. Copy of Rejection certificate dated 29.03.2024 issued by the Respondent No. 2 in response to the CTO Application dated 10.02.2024 is annexed herewith as **ANNEXURE No. 13**

33. That another Application for grant of CTO with respect to STP-2 was submitted by the Petitioner (through IMC) under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. Copy of Application dated 09.05.2024 filed by the Petitioner before the Respondent No. 2 seeking consolidation consent and authorization (CTO) is annexed herewith as **ANNEXURE No. 14.**

34. That the approved Resolution Plan was confirmed/ratified/upheld by the Hon'ble National Company Law Appellate Tribunal vide order dated 24.05.2024 in Comp Appeal AT Insolvency No. 493 of 2023 titled as "*Yamuna Expressway Industrial Development Authority vs. Monitoring Committee of Jaypee Infratech Ltd. Through Anuj Jain, Secretary & Ors.*" In the said order, Resolution Plan has been upheld and the Successful Resolution Applicant has been directed to implement the plan. Copy of the order dated 24.05.2024 passed



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by the Ld. NCLAT in Comp AT Insolvency No. 493 of 2023 titled as "*Yamuna Expressway Industrial Development Authority vs. Monitoring Committee of Jaypee Infratech Ltd. Through Anuj Jain, Secretary & Ors.*" Is annexed herewith as **ANNEUXRE NO. 15**

35. That pursuant to the directions dated 11.12.2023 passed by the Hon'ble Allahabad High Court, the Petitioner submitted its Written Submissions to the Respondent No. 2 on 04.06.2024 with respect to penalty imposed vide Letters dated 15.05.2023 bearing Ref No. H93574/ C-1/ Water/1177/ Env Comp/2023 and Ref No. H93575/C-1/Air/ 1040/ Env Comp/ 2023. Copy of the Written Submissions dated 04.06.2024 filed by the Petitioner before the Respondent No. 2 filed pursuant to orders of Hon'ble High Court of Allahabad W.P. (C) 390409 & 39106/2023 titled as "*Jaypee Infratech Ltd. vs. Union of India & Ors.*" is annexed herewith as **ANNEXURE NO. 16**

36. That again Rejection certificate dated 20.06.2024 issued by the Respondent No. 2 in response to the CTO Application dated 10.02.2024 on the premise of non-compliance of the penalty orders dated 15.05.2023 and also the Show Cause Notices which are the subject matter of challenge in the present Petition. Copy of Rejection certificate dated 20.06.2024 issued by the Respondent No. 2 in response to the CTO Application dated 04.06.2024 is annexed herewith as **ANNEXURE No. 17.**

37. That without giving due credence to the written submissions and extant position of law, the Respondent No. 2 upheld the environmental compensation imposed vide Order/Letter dated 15.05.2023.



38. That without giving due credence to the written submissions and extant position of law, the Respondent No. 3 upheld the environmental compensation imposed vide Letter dated 15.05.2023 bearing Ref No. H93574/ C-1/ Water/1177/ Env Comp/2023 and Ref No. H93575/C-1/Air/ 1040/ Env Comp/ 2023. Copy of the Order dated 26.07.2024 passed by the Respondent No. 2 is annexed herewith as **ANNEXURE No. 18.**
39. That challenging the exercise of levying damages by Respondent No. 2 upon the Petitioner by way of Order/Letter dated 15.05.2023 bearing Ref No. H93574/ C-1/ Water/1177/ Env Comp/2023 passed by Respondent No. 3, the Petitioner sought to assuage its grievance by preferring WRIT C No. 7563 of 2024 wherein interim protection has been granted by this Hon'ble Court, relying upon the order dated 29.05.2024, passed in WRIC No. 4816 of 2024 (Suez India Pvt. Ltd. Through Its Authorized Signatory, Rajesh Chandra Mathpal v. Uttar Pradesh Pollution Control Board, Through Its Chairman And 6 Others). Copy of the order dated 29.05.2024, passed in WRIC No. 4816 of 2024 (Suez India Pvt. Ltd. Through Its Authorized Signatory, Rajesh Chandra Mathpal v. Uttar Pradesh Pollution Control Board, Through Its Chairman And 6 Others) and order dated 06.09.2024 passed in WRIT C no. 7563 of 2024 are collectively annexed herewith as **ANNEXURE NO. 19(colly)**
40. That the present petition is being filed by the Petitioner through its Authorized Representative, Mr. Apurva Pragya, S/o Sh. Dinesh Narayan Sinha, aged about 46 years, M.A., LL. B., Resident of Flat No. 140, Vartalok Apartments, Sector 4C,



Vasundhra, Ghaziabad – 201012, District Gautam Budh Nagar, Uttar Pradesh, presently working as Resident Manager (Legal) with Petitioner Company, presently at Lucknow who has been authorised to file, sign, verify the present petition for and on behalf of the Petitioner Company. Copy of the Power of Attorney dated 31.07.2024 is annexed herewith as **ANNEXURE NO. 20.**

41. That the Petitioner has no adequate or equally efficacious remedy but to approach this Hon'ble Court by way of the present Petition. This Hon'ble Court has the jurisdiction to hear and entertain the instant petition in as much as substantial question of law is involved and grave injustice is being caused to the Petitioner if the present petition is not entertained by this Hon'ble Court and the present case falls under the exceptional category for this Hon'ble Court to exercise its jurisdiction under Article 226 of the Constitution of India to interfere with the Impugned Show Cause Notices dated 14.11.2023 issued by the Respondent No. 3 which have been issued in absolute contravention of the Scheme of the IBC. That this Hon'ble Court has the territorial jurisdiction to entertain the present Petition.
42. That the present petition is filed bona fide and in the interest of justice and is being filed to protect the legal rights of the Petitioner which stand at peril at the hands of the Respondents herein.
43. That the Petitioner has no other equally efficacious and alternative remedy than to approach this Hon'ble Court by way of present Writ Petition under Article 226 of the Constitution of India seeking setting aside/quashing of the Impugned Show





Cause Notices dated 14.11.2023 on the following amongst many other grounds: -

GROUNDS

- A. BECAUSE,** any authority under The Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 has got no jurisdiction and authority to impose any penalty in terms of money as environmental damages and, therefore, the impugned exercise is solely without jurisdiction.
- B. BECAUSE,** the Petitioner is registered as Private Limited Company under the Companies Act, 1956 having gone into the insolvency proceedings under the Insolvency and Bankruptcy Code, 2016 and the proceedings having been concluded finally under the order / judgement dated 24.05.2024 delivered by the Hon'ble National Company Law Appellate Tribunal, New Delhi, the impugned exercise is dehors the overriding statutory prescriptions as contained under Section 31 read with 32A of this code. The impugned exercise, thus, also suffers from the vice of lack of jurisdiction on this count as well.
- C. BECAUSE,** the National Green Tribunal in OA No. 771/2022 has nowhere determined any environmental damages on its own to be levied against the Petitioner. The National Green Tribunal Act, 2010 otherwise also does not contain any provision envisaging any delegation of power by it in favour of the Respondents.



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- D. BECAUSE,** it is more than well settled that any fiscal liability, be it as a measure of tax liability, fine liability, levy liability, damages liability or for that sake any fiscal liability cannot be fastened by any person, officer/ authority upon any person unless there is specific empowerment vested by any statute.
- E. BECAUSE,** The power under the provision outlined in of the Water (Prevention and Control of pollution), Act, 1974 which is pari materia to the provisions of the Air (Prevention and Control of pollution), Act, 1981, includes the power of the Board (Respondent No. 2 & 3 herein) to issue "any directions in writing to any person". The "Explanation" to the provision clarifies that the power to issue directions includes the power to direct "closure, prohibition or regulation of any industry, operation or process or the stoppage or regulation of supply of electricity, water or any other service". Yet, this power has to be one coupled with a duty to act reasonably and fairly. It cannot be stretched to include a power to levy a penalty.
- F. BECAUSE,** the power to levy a penalty on any party is in the nature of a penal power. It is settled law that unless there is a specific power in the statute enabling the authority to do so, it cannot levy penalties or damages and or issue any show cause notice calling upon any Noticee to justify its stand qua the alleged penalty. Hence the Impugned Show Cause Notices dated 14.11.2023 are without any authority and ought to be set aside.



- G. **BECAUSE**, the Impugned Show Cause Notices dated 14.11.2023 have been issued in absolute defiance of the scheme of IBC. That the Respondents failed to appreciate that the legislative framework mandates that once the resolution plan receives approval from the Adjudicating Authority, signifying its compliance with the criteria set forth in Section 30(2) of the IBC, it becomes binding on all stakeholders. This approval is designed to pre-empt any unforeseen claims against the Successful Resolution Applicant, thereby allowing them to commence operations afresh, unaffected by past encumbrances. The overarching intent is to ensure that the Applicant starts on a clean slate, guided solely by the terms of the resolution plan.
- H. **BECAUSE**, the Impugned Show Cause Notices dated 14.11.2023 if not interfered with or set aside, it will also have an adverse effect on the smooth and effective implementation of the approved Resolution Plan inasmuch as the orders / judgments as has been passed by State Authorities shall jeopardize the approved resolution plan by imposing / creating monetary liabilities running into crores of rupees which will again push the Company towards fresh insolvency / liquidation. The said course, is definitely not intended by the legislature while enacting the Insolvency and Bankruptcy Code. It is also against the public interest as thousands of Homebuyers are waiting for their units since last more than a decade and are hoping on Successful Resolution Applicant to complete their units and handover the same as per the terms mandated under the plan.
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- I. **BECAUSE**, in terms of Section 238 of the Insolvency and Bankruptcy Code, 2016 which is a non-obstante clause stating that the provisions of the Code shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law. The Hon'ble Apex Court in catena of judgments including "*M/s. Innoventive Industries Ltd. versus ICICI Bank & Anr., 2017 SCC OnLine SC 1025*" has held that Section 238 of the IBC overrides all other laws in the event of any inconsistency. In the said judgment, the Hon'ble Supreme Court held as under:

"34. On the facts of the present case, we find that in answer to the application made under Section 7 of the Code, the appellant only raised the plea of suspension of its debt under the Maharashtra Act, which, therefore, was that no debt was due in law. The adjudicating authority correctly referred to the non-obstante clause in Section 238 and arrived at a conclusion that a notification under the Maharashtra Act would not stand in the way of the corporate insolvency resolution process under the Code."

Similarly, in the case of "*Anand Rao Karoda vs Varsha Fabrics (P) Ltd & Ors (2020) 14 SCC 198*", the Hon'ble Supreme Court held as under:

"9. Section 238 gives an overriding effect to the IBC over all other laws. The provisions of the IBC vest exclusive jurisdiction on the NCLT and the NCLAT to deal with all issues pertaining to the insolvency process of a corporate debtor, and the mode and manner of disposal of its assets. Section 238 reads as follows:

"11. In view of the provisions of the IBC, the High Court ought not to have proceeded with the auction of the property of the Corporate Debtor – Respondent No. 4 herein, once the proceedings under the IBC had commenced, and an Order declaring moratorium was passed by the NCLT."

- J. **BECAUSE**, the IBC supersedes environmental law/policy and treatment given under plan shall be binding on all parties and liability that arose due to default of ex-

management or regime of IRP during the CIRP or Prior to the approval of the Resolution Plan cannot be bounden upon the Petitioner.

K. **BECAUSE**, under the prescribed scheme of IBC no previous/outstanding/contingent is transferred to the new management which otherwise mandated in other laws. This superseding of insolvency over other laws is facilitated by a non-obstante clause inserted in IBC which overrides laws in conflict with it.

L. **BECAUSE**, in terms of Section 31 of IBC on the approval of the Resolution Plan by the Hon'ble NCLT/NCLAT, the resolution plan shall be binding on the corporate debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the resolution plan. Also, the resolution applicant in terms of Clause 31(4) IBC has a period of a year to implement such approved resolution plan. The relevant section 31 of IBC is extracted below for your reference and perusal: -

"31. (1) If the Adjudicating Authority is satisfied that the resolution plan as approved by the committee of creditors under sub-section (4) of section 30 meets the requirements as referred to in sub-section (2) of section 30, it shall by order approve³ the resolution plan which shall be binding on the corporate debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority to



whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed,] guarantors and other stakeholders involved in the resolution plan.....

“31(4) the resolution applicant shall, pursuant to the resolution plan approved under sub-section (1), obtain the necessary approval required under any law for the time being in force within a period of one year from the date of approval of the resolution plan by the Adjudicating Authority under sub-section (1) or within such period as provided for in such law, whichever is later”. That in the case of “Ms. Barkha Agarwal v. Kunal Structural Developers & Industries Pvt. Ltd.” NCLT it was observed that:

“ 16. As can be seen from Section 31(4) of IBC 2016, the Resolution Applicant shall pursuant to the Resolution Plan approved under sub-Section 1 of Section 31 of IBC 20...shall act in terms of the provisions of Section 31(4) of IBC 2016.

- M. **BECAUSE,** all liabilities, claims, dues, and any waivers, reliefs, or exemptions for past periods are extinguished and on the date of approval of the resolution plan, all such past and prior liabilities/claims, shall stand extinguished.
- N. **BECAUSE,** that the legislative intent of CIRP under the IBC provisions is to revive the entity/company under moratorium and in terms of the provisions of IBC and pronouncements of the Hon’ble Supreme Court as well, the Petitioner on approval of Resolution Plan cannot be saddled with any alleged past claims or unclaimed alleged claims, otherwise the entire process of CIRP and implementation of Resolution Plan will become impossible. It is for giving an entity/company the best chance of revival that the Hon’ble Supreme Court has laid down the principles of Fresh Plate



and Clean Slate, that no such liability can be fastened on the Petitioner / Successful Resolution Applicant. That the unambiguous legislative intent is that on the date of the approval of the Resolution Plan by the Adjudicating Authority, all claims shall stand frozen so that the resolution applicant starts on a clean slate and is not flung with any surprise claims. That any deviance from the resolution plan, firstly, is not permissible under law and secondly, would be contrary to the intent and mandate of the CIRP process of IBC as the whole and sole objective of the same is revival of the company under CIRP. In this regard relevant extract of Judgment passed by Hon'ble Supreme Court of India in "**Committee of Creditors in Essar Steel India Ltd. vs. Satish Kumar Gupta & Ors. Being Civil Appeal No. 8766-67 of 2019**" is reproduced as under: -

"66. Section 31(1) of the Code makes it clear that once a resolution plan is approved by the Committee of Creditors it shall be binding on all stakeholders, including guarantors. This is for the reason that this provision ensures that the successful resolution applicant starts running the business of the corporate debtor on a fresh slate as it were. In State Bank of India v. V. Ramakrishnan, 2018 (9) SCALE 597, this Court relying upon Section 31 of the Code has held:

"22. Section 31 of the Act was also strongly relied upon by the Respondents. This Section only states that once a Resolution Plan, as approved by the Committee of Creditors, takes effect, it shall be binding on the corporate debtor as well as the guarantor. This is for the reason that otherwise, Under Section 133 of the Indian Contract Act, 1872, any change made to the debt owed by the corporate debtor, without the surety's consent, would relieve the guarantor from payment. Section 31(1), in fact, makes it clear that the guarantor cannot escape payment as the Resolution Plan, which has been approved, may well include provisions as to payments to be made by such guarantor. This is perhaps the reason that Annexure VI(e) to Form 6 contained in the

Rules and Regulation 36(2) referred to above, require information as to personal guarantees that have been given in relation to the debts of the corporate debtor. Far from supporting the stand of the Respondents, it is clear that in point of fact, Section 31 is one more factor in favour of a personal guarantor having to pay for debts due without any moratorium applying to save him."

Following this judgment, it is difficult to accept Shri Rohatgi's argument that that part of the resolution plan which states that the claims of the guarantor on account of subrogation shall be extinguished, cannot be applied to the guarantees furnished by the erstwhile directors of the corporate debtor. So far as the present case is concerned, we hasten to add that we are saying nothing which may affect the pending litigation on account of invocation of these guarantees. However, the NCLAT judgment being contrary to Section 31(1) of the Code and this Court's judgment in *State Bank of India (supra)*, is set aside.

67. For the same reason, the impugned NCLAT judgment in holding that claims that may exist apart from those decided on merits by the resolution professional and by the Adjudicating Authority/Appellate Tribunal can now be decided by an appropriate forum in terms of Section 60(6) of the Code, also militates against the rationale of Section 31 of the Code. A successful resolution applicant cannot suddenly be faced with "undecided" claims after the resolution plan 112 submitted by him has been accepted as this would amount to a hydra head popping up which would throw into uncertainty amounts payable by a prospective resolution applicant who successfully take over the business of the corporate debtor. All claims must be submitted to and decided by the resolution professional so that a prospective resolution applicant knows exactly what has to be paid in order that it may then take over and run the business of the corporate debtor. This the successful resolution applicant does on a fresh slate, as has been pointed out by us hereinabove. For these reasons, the NCLAT judgment must also be set aside on this count.

86. The legislative intent of making the resolution plan binding on all the stakeholders is that after the approval of the resolution plan, no surprise claims should be flung on the successful resolution applicant. The dominant purpose is that it should start with fresh slate on the basis of the resolution plan approved. (c) The legislative intent behind this is to freeze all the claims so that the resolution applicant starts on a clean slate and is not flung with any surprise claims. If that is permitted, the very calculations on the basis of which the resolution applicant submits its plans, would go haywire and the plan would be unworkable. (d) That once a resolution plan is duly approved by the AA under sub-

section (1) of section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the CD and its employees, members, creditors, including the Central Government, any State Government or any local authority, guarantors and other stakeholders.

87. We have no hesitation to say, that the word "other stakeholders" would squarely cover the Central government, any State Government or any local authorities. The legislature, noticing that on account of obvious omission, certain tax authorities were not abiding by the mandate of I&B Code and continuing with the proceedings, has brought out the 2019 amendment so as to cure the said mischief. We therefore hold that the 2019 amendment is declaratory and clarificatory in nature and therefore retrospective in operation.

95. (i) That once a resolution plan is duly approved by the Adjudicating Authority under subsection (1) of Section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the Corporate Debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority, guarantors and other stakeholders. On the date of approval of resolution plan by the Adjudicating Authority, all such claims, which are not a part of resolution plan, shall stand extinguished and no person will be entitled to initiate or continue any proceedings in 104 respect to a claim, which is not part of the resolution plan.

(ii) 2019 amendment to Section 31 of the I&B Code is clarificatory and declaratory in nature and therefore will be effective from the date on which I&B Code has come into effect.

(iii) Consequently, all the dues including the statutory dues owed to the Central Government, any State Government or any local authority, if not part of the resolution plan, shall stand extinguished and no proceedings in respect of such dues for the period prior to the date on which the Adjudicating Authority grants its approval under Section 31 could be continued.

In the foregoing paragraphs, we have held, that 2019 amendment to Section 31 of I&B Code is clarificatory and declaratory in nature and therefore will have retrospective operation. As such, when the resolution plan is approved by NCLT, the claims, which are not part of the resolution plan, shall stand extinguished and the proceedings related thereto shall stand terminated. Since the subject matter of the petition are the proceedings, which relate to the claims of the respondents prior to the approval of the plan, in the light of the view taken by us, the same

cannot be continued. Equally the claims, which are not part of the resolution plan, shall stand extinguished.”

- O. **BECAUSE**, the Hon’ble Supreme Court in the case titled as **‘Ghanshyam Mishra and Sons Private Limited through the Authorized Signatory Vs. Edelweiss Asset Reconstruction Company Limited through the Director & Ors’ [(2021) SCC OnLine SC 313]** has reaffirmed the settled position of law that once the Resolution Plan is approved by the Adjudicating Authority under Section 31 of the Code in respect of the corporate debtor, it becomes binding on all the stakeholders. The Hon’ble Supreme held as under:

“...That once a resolution plan is duly approved by the Adjudicating Authority under subsection (1) of Section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the Corporate Debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority, guarantors and other stakeholders. On the date of approval of resolution plan by the Adjudicating Authority, all such claims, which are not a part of resolution plan, shall stand extinguished and no person will be entitled to initiate or continue any proceedings in respect to a claim, which is not part of the resolution plan....”

The position of law prior to the judgment of Ghanashyam Mishra (supra), as enunciated by the Hon’ble Supreme Court in case titled as ‘Committee of Creditors of Essar Steel India Limited vs. Satish Kumar Gupta and others’ [2020] 8 SCC 531] (famously known as Essar Judgment) has laid down the law and held in para 105 & 107 as under:

“105...Section 31(1) of the Code makes it clear that once a resolution plan is approved by the Committee of Creditors it shall be binding on all stakeholders, including guarantors. This is for the reason that this provision ensures that the successful resolution applicant starts running the business of the corporate debtor on a fresh slate as it were...”

“107... For the same reason, the impugned NCLAT judgment in holding that claims that may exist apart from those decided on merits by the resolution professional and by the Adjudicating Authority/Appellate Tribunal can now be decided by an

appropriate forum in terms of Section 60(6) of the Code, also militates against the rationale of Section 31 of the Code. A successful resolution applicant cannot suddenly be faced with “undecided” claims after the resolution plan submitted by him has been accepted as this would amount to a hydra head popping up which would throw into uncertainty amounts payable by a prospective resolution applicant who successfully take over the business of the corporate debtor. All claims must be submitted to and decided by the resolution professional so that a prospective resolution applicant knows exactly what has to be paid in order that it may then take over and run the business of the corporate debtor. This the successful resolution applicant does on a fresh slate, as has been pointed out by us hereinabove. For these reasons, the NCLAT judgment must also be set aside on this count....”

1. **BECAUSE**, the legislative intent and command of Sections 30 and 31 of the IBC is an issue which is no longer res integra. In Ghanashyam Mishra (supra) as well as the host of judgments rendered in that context and which were duly noticed by the Supreme Court in that decision, the underlying theme has been the recognition of the right of the successful Resolution Applicant to take over the corporate debtor on a “clean” or “fresh” slate. Those decisions lay primordial importance of the successful Resolution Applicant being enabled to take over the corporate debtor without being burdened by any uncertainties or a spectre of irresolution. The approval of the Resolution Plan is statutorily recognised as conferring a closure upon all claims that persons or entities may have had against the corporate debtor. The claims or liabilities which could have been enforced against the corporate debtor are duly considered in the course of the CIRP with the Adjudicating Authority undertaking a detailed exercise with respect to identification of the various creditors of the corporate debtor, including the classes thereof, the scrutiny

of claims received, and the ultimate apportionment of the amounts deposited by the successful Resolution Applicant amongst the creditors inter se. However, once the aforesaid process has been completed and the Resolution Plan comes to be approved, no fresh claims can be laid or enforced against the successful Resolution Applicant. The successful Resolution Applicant is only bound to meet the claims as may have been accepted and ultimately form part of the approved Resolution Plan. This issue assumes seminal importance since the successful Resolution Applicant cannot be left open to defend or oppose claims which are either not factored in the Resolution Plan nor can it be left to fend off actions that may be brought with respect to alleged or asserted dues of the corporate debtor which were not admitted. Taking any other position would clearly violate the clean and fresh slate doctrines which inform and imbue the resolution process under the IBC. The Hon'ble Supreme Court while alluding to the intent of the resolution process underlying the IBC had described this aspect as the "hydra headed monster". In fact, Ghanashyam Mishra (supra) significantly observes that all claims which are not part of the Resolution Plan shall stand extinguished and no person would be entitled to "initiate or continue" any proceedings in respect of the claim.

- P. **BECAUSE**, the Hon'ble Supreme Court has clearly held that after the approval of the resolution plan, no surprise claims should be flung on the successful resolution applicant. The dominant purpose is that successful Resolution Applicant

should start with fresh slate on the basis of the resolution plan approved. Further if such claim and liabilities be imposed on the Resolution Applicant, the very calculations on the basis of which the resolution applicant submits its plans, would go haywire and the plan would be unworkable. Therefore, as the plan is to complete the construction of the homes of 20,000 homebuyers, if any such liability is imposed which is due to default of ex-management, then it not only be against the law but also against the interest of homebuyers who are waiting for so many years to get their homes. The principle of fresh start is to reassure the successful resolution applicant that no new liabilities will emerge after the resolution of the Corporate Debtor i.e. Petitioner herein.

- Q. **BECAUSE**, the law with regard to immunity to the Company post approval of its Resolution Plan has been well settled in terms of Section 32A of the Insolvency and Bankruptcy Code, 2016 which provides all liabilities of the Company for any offence committed prior to or during CIRP will stand extinguished from the date of approval of the Resolution. The relevant extract of the section 32 A is herein reproduced for your reference as follows:

“32A. (1) Notwithstanding anything to the contrary contained in this Code or any other law for the time being in force, the liability of a Corporate Debtor for an offence committed prior to the commencement of the Corporate Insolvency Resolution Process shall cease, and the Corporate Debtor shall not be prosecuted for such an offence from the date the Resolution Plan approved by the Adjudicating Authority under section 31, if the Resolution Plan results in the change in the management or control of the Corporate Debtor to a person who was not—

(a) a promoter or in the management or control of the Corporate Debtor or a related party of such a person; or

(b) a person with regard to whom the relevant investigating authority has, on the basis of material in its possession, reason to believe that he had abetted or conspired for the commission of the offence, and has submitted or filed a report or a complaint to the relevant statutory authority or Court:

Provided that if a prosecution had been instituted during the corporate insolvency resolution process against such Corporate Debtor, it shall stand discharged from the date of approval of the resolution plan subject to requirements of this sub-section having been fulfilled:

Provided further that every person who was a "designated partner" as defined in clause (j) of section 2 of the Limited Liability Partnership Act, 2008, or an "officer who is in default", as defined in clause (60) of section 2 of the Companies Act, 2013, or was in any manner in charge of, or responsible to the Corporate Debtor for the conduct of its business or associated with the Corporate Debtor in any manner and who was directly or indirectly involved in the commission of such offence as per the report submitted or complaint filed by the investigating authority, shall continue to be liable to be prosecuted and punished for such an offence committed by the Corporate Debtor notwithstanding that the Corporate Debtor's liability has ceased under this sub-section.

(2) No action shall be taken against the property of the Corporate Debtor in relation to an offence committed prior to the commencement of the corporate insolvency resolution process of the Corporate Debtor, where such property is covered under a resolution plan approved by the Adjudicating Authority under section 31, which results in the change in control of the Corporate Debtor to a person, or sale of liquidation assets under the provisions of Chapter III of Part II of this Code to a person, who was not—

(i) a promoter or in the management or control of the Corporate Debtor or a related party of such a person; or

(ii) a person with regard to whom the relevant investigating authority has, on the basis of material in its possession reason to believe that he had abetted or conspired for the commission of the offence and has submitted or filed a report or a complaint to the relevant statutory authority or Court.

Explanation. —for the purposes of this sub-section, it is hereby clarified that,—

(i) an action against the property of the Corporate Debtor in relation to an offence shall include the attachment, seizure, retention or

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confiscation of such property under such law as may be applicable to the Corporate Debtor.

(ii) nothing in this sub-section shall be construed to bar an action against the property of any person, other than the Corporate Debtor or a person who has acquired such property through corporate insolvency resolution process or liquidation process under this Code and fulfils the requirements specified in this

section, against whom such an action may be taken under such law as may be applicable.

(3) Subject to the provisions contained in sub-sections (1) and (2), and notwithstanding the immunity given in this section, the Corporate Debtor and any person who may be required to provide assistance under such law as may be applicable to such Corporate Debtor or person, shall extend all assistance and co-operation to any authority investigating an offence committed prior to the commencement of the corporate insolvency resolution process.”

- R. **BECAUSE**, the sole object of Section 32A of the Code is that once the Resolution Plan is approved by the Adjudicating Authority i.e. the Hon'ble NCLT, a Successful Resolution Applicant shall take over a Company on a clean slate else the basic object of the Code stands defeated. That upon approval of the Resolution Plan, there will be change in the management or control of the Company. Thus, to provide the Resolution Applicant a fair chance to revive the company and it is essential not to impose any additional liabilities on the Resolution Applicant, arising from mala-fide acts which occurred during the regime of the erstwhile Promoters or Management. Therefore, in terms of the said section 32A and the current position in law, all the liabilities including Civil/Criminal Proceedings initiated against the Company i.e the Petitioner stands extinguished, and it cannot be held liable for any alleged offence/liabilities committed prior to

the approval date of the Resolution plan by the NCLT. More so, when all the requirements of Section 32A are evenly met.

S. **BECAUSE,** The IBC and the resolution process does not contemplate matters being left inchoate. In fact, and to the contrary it exhorts one to accept the seal of finality and quietude which stands attached to the approval of a Resolution Plan. The Hon'ble Supreme Court and High Courts in a catena of judgments have upheld that after approval of resolution plan, all the liabilities including civil and criminal actions against the Company stands discharged. [Ref: *Manish Kumar Vs. UOI* [(2021) 5 SCC 1; *Tata Steel BSL Limited v. Union of India* [W.P.(CRL) 3037/2019 and CRL.M.A. 39126, March 16, 2020; *Paramjit Gandhi Vs. Ashwini Mehra & Ors* [Company Appeal (AT) (Insolvency) No.06 of 2023 With Company Appeal (AT) (Insolvency) No.30 of 2023 & I.A. No.79 of 2023; *M/s Vasan Healthcare Pvt. Ltd. Vs the Deputy Director of Income Tax* (Crl.O.P. No. 134 of 2024), Madras High Court; *Ebix Singapore P Ltd vs Committee of Creditors of Educomp Solutions* (2022) 2 SCC 401]

T. **BECAUSE,** any enforcement of any penalty order/ imposition of fine passed in pursuance of any Show Cause notice or otherwise by any particular authority for an offence committed prior to commencement of CIRP, would have a direct impact upon the property of the Company which forms part of the resolution plan in as the same would be in contravention of Section 32A subclause 2 for the

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enforcement might amount to attachment/ seizure/ confiscation of property under the approved resolution plan.

- U. **BECAUSE**, Resolution Applicant has already dealt with all such claim/liabilities including the present liability/ penalty due to the default of ex-management and has clearly stated in clause 34.36 of the Resolution plan all penalties, charges etc arising out of non-compliance of requirement under any applicable laws shall stand extinguish. The relevant extract of the Resolution Plan has been extracted below:

Clause 34.36. All the penalties, charges, fees, etc. arising out of non-compliance of the requirements if any of the Applicable Laws and regulations, rules, circulars, notifications, etc. made/issued thereunder shall be deemed to have been arisen prior to the Insolvency Commencement Date and / or Approval Date and shall permanently extinguished upon Approval Date. Further, in terms of the Resolution plan more specifically in terms of clause 34.67 the Corporate Debtor/Resolution Applicant shall not be disqualified or blacklisted or liable for any non-compliance, default etc during the period prior to the approval date. As mentioned above the Resolution Plan was approved only on March 07, 2023, and there is no occasion wherein the Resolution applicant can be held liable for any act(s) or omission(s) of the erst while management of the Corporate Debtor The relevant clause 34.67 of the Resolution Plan has been extracted below:

Clause 34.67. On and from the Approval Date, the Corporate Debtor or the Resolution Applicants shall not be disqualified or blacklisted or liable for any non-compliance, default, breach etc., during the period prior to the Approval Date, in relation to failure to take or obtain or failure to comply with

any approvals, consent or permits from Governmental Authorities and such Governmental Authorities concerned shall extinguish any such non-compliances by the Corporate Debtor under Applicable Laws prior to the Approval Date."

V. BECAUSE, the rejection of CTO Applications dated 10.02.2024 and 09.05.2024 by the Respondent No. 2 on the sole premise of non-compliance of directions in Letter 15.05.2023 whereby penalty has been imposed upon the Petitioner, which in itself is non est null and void, is illegal and the settled principles of extant jurisprudence.

W. BECAUSE, non grant of CTO by the Respondent No. 2 is only ensuring that the sewage treatment plant is not operable despite being complete and the said non grant of CTO will only cause difficulties for the public at large in as much as the same is required for effective sewage treatment in terms of extant rules and provisions.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may very graciously be pleased to allow this Petition and

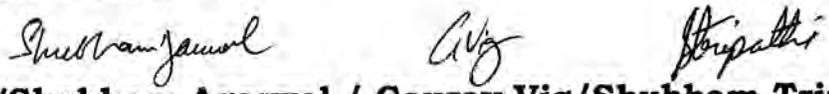
- I. Issue a Writ, Order or Direction in the nature of Certiorari setting aside/quashing the Impugned Show Cause Notices dated 14.11.2023 issued by Respondent No. 3, the true copy of which is collectively contained as **ANNEXURE No. 1** to this writ petition.
- II. Issue a Writ, Order or Direction in the nature of Mandamus directing the Respondents No. 2 & 3 to grant the CTO to the Petitioner under Section 25/26 of the Water

(Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 in terms of Applications dated 10.02.2024 and 09.05.2024 contained in **ANNEXURE No. 10 and ANNEXURE No. 14** to this writ petition.

- III. Issue any suitable Writ, Order or Direction in addition to and in supplement to refer to above, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case;
- IV. Award cost of the petition to the Petitioner.

Lucknow

Dated: 23 September 2024


(Shubham Agarwal / Gaurav Vig/Shubham Tripathi)
Advocates
Counsel for the Petitioner
AOR No. B/S 2099
Phone No. 9198808888

ANNEXURE R/8

Item No.12

Court No. 2

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

Original Application No.83/2024

Om Prakash and Ors

Applicant

Versus

State of Himachal Pradesh & Ors.

Respondents

Date of hearing: 21.05.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**Applicant: Mr. Bharat Bhushan and Mr. Vineet Kumar Singh,
Advocates for Applicant (through VC)

Respondents: None

ORDER

1. Mr. Bharat Bhushan and Mr. Vineet Kumar Singh, advocate have appeared representing complainants.

2. This Tribunal has already held, if complainant has all resources and can engage advocates to represent himself/themselves than the letter petition should not be entertained by this Tribunal, and complainant must file proper application in accordance with rules, if he/they have any grievance which involves a substantial question relating to environment arising due to contamination of the enactments mentioned in Schedule of NGT Act, 2010.

3. In view thereof, we decline to proceed further on this letter petition but a liberty is granted to the complainant to approach Tribunal by filing

a proper application in accordance with rules, if any grievance cognizable by this Tribunal under NGT Act, 2010, exists.

4. With above observations, this application is disposed of.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

May 21, 2024
OA No. 83/2024
PU

-TRUE COPY-



Service in Nishant Bhargava vs State of Uttar Pradesh & Anr. (O.A. No. 771/2022/PB)1 message

ELDF <eldflegal@gmail.com>

Sat, Aug 23, 2025 at 3:15 PM

To: filings.shravan28@gmail.com, bhanwar jadon <bhanwar09jadon@gmail.com>, nishant@basilroots.com, pradeepmisra@yahoo.com, anandbhadola1979@yahoo.com, narendra_kasana@rediffmail.com, Service@ukca.in
Cc: Mansi Bachani <mansi@eldfindia.com>, Shubham Upadhyay <Shubham@eldfindia.com>

Dear Sir/Ma'am

Please find the attached copy of the Rejoinder to Reply Affidavit dated 22.08.2025 by the Applicant to the IA No. 699/2025 on behalf of Jaypee Infratech Ltd.

Thanks & Regards

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Sameer Manher*Clerk**Enviro Legal Defence Firm**29, Presidential Estate LGF,**Nizamuddin East New Delhi – 110013**Ph. No. 011-40573181*

Rejoinder.pdf