

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 285 OF 2025**

IN THE MATTER OF:

SHIV KUMAR DUBEY

... APPLICANT

VERSUS

UNION OF INDIA & ORS

... RESPONDENTS

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**REJOINDER TO THE REPLY FILED BY RESPONDENT
NOS. 8 (DALBIR SINGH YADAV) AND 9 (CHARAN SINGH
@ CHARANPAL)****MOST RESPECTFULLY SHEWETH:**

1. At the outset, the contents of the Reply filed by the Respondent Nos. 8 and 9 are denied, except for what is expressly admitted herein and no part of the said reply should be presumed to have been admitted. The Applicant reiterates submissions made in the OA.

PRELIMINARY SUBMISSIONS**A. Evasive Reply on Evident Pollution-Causing Activities being carried out by Respondent Nos. 8 and 9**

2. It is respectfully submitted that the Applicant had given detailed description of the pollution-causing activities being carried out at the Subject Land under the control of Respondent Nos. 8 and 9. To this, Respondent Nos. 8 and 9 have given a completely evasive reply, failing to meet or deal with the allegations, and given a vague and broad denial. The Respondents have failed to address, inter alia, the following issues:

3. **First**, there is a complete silence on the obtaining of Cluster/Market-level CTE/CTO. R8/R9 have not produced or pleaded the existence of any Consent to Establish (“CTE”) or Consent to Operate (“CTO”) issued by HSPCB for the commercial cluster/market operated by them. No explanation is provided for this glaring, ongoing, and per se violation of the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, especially when the cluster houses dozens of polluting commercial operations.
4. They have not addressed the legal requirement that for clusters/market complexes—controlled, leased and profited from by R8/R9—the duty to obtain cluster-level consents and undertake pollution control vests upon them as the primary operators.
5. In fact, it is respectfully submitted that only argument raised by Respondent Nos. 8 and 9 is that the non-compliance is not deliberate, is a minor procedural lapse, and does not constitute an environmental offence. Thus, a bare perusal of this reply indicates that the absence of applicable CTE/ CTO requirements is not even disputed by the Respondents, and the operations on the Subject Land are *ex-facie* unlawful and deserve to be ceased immediately.
6. **Second**, the Applicant’s OA contained detailed evidence establishing rampant sale and storage of building materials in the open, contributing to NCR’s severe dust pollution. Apart from superficial references to “covered” materials, R8/R9 do not discuss substantive dust mitigation measures mandated by the CPCB’s Dust Mitigation Guidelines, C&D Waste Management Rules, and repeated NGT directions (*Vardhaman Kaushik*, etc.), and whether any of them is being followed.
7. There is no claim or proof that dust suppression (e.g., regular wetting, barricading, covered transport, prohibition on roadside sale) is maintained or

enforced through standard operating procedures or tenant agreements. Merely a vague submission is made that precautionary measures are taken for vehicular movements to avoid dust emissions, without providing any details regarding the same.

8. **Third**, Respondent Nos. 8 and 9 have produced no data regarding air, noise, or water pollution caused at the Subject Land. There is no evidence of ambient monitoring (air or noise), no laboratory analysis or report, and no data regarding PM/emission/load from DG sets or aggregate market activity.
9. Importantly, apart from a vague claim that precautionary measures are taken for vehicular movements to avoid noise emissions, there is no assertion that any emission or noise control technologies exist, DG sets are soundproofed or stacked adequately, or that commercial activities observe environmental management protocols. A false claim is made that there are no DG sets on the site, which is belied from the reply filed by the HSPCB, which found the existence of a DG set.
10. **Fourth**, barring a false and vague claim that there is no discharge of untreated sewage from any unit, the reply does not deny or document connection to municipal sewers or the existence of standalone STP/ETP, nor scientific treatment of wastewater from the market. The well-documented discharge of untreated sewage and grey water into storm drains or open ground is not addressed.
11. **Fifth**, even for vehicular movements for which a vague claim is made that some precautionary measures are undertaken for avoiding noise or dust emissions, the reply is devoid of any information regarding the nature and description of these measures, the frequency of the same, and their control and monitoring.

12. *Sixth*, apart from a bald denial that there is no open burning or dumping, there is no clear response on solid waste issues. Allegations and evidence regarding open burning and illegal dumping of solid waste, construction debris, and plastic waste, in violation of the applicable laws, and critical to the public health and pollution load, find no reply.
13. *Seventh*, the reply does not even attempt to explain how the ongoing activities on the subject Land comply with, or have attempted to comply with, controlling NGT (e.g., *Vardhaman Kaushik*), CAQM, CPCB, or Supreme Court orders regarding cluster-level consents, market regulation, and pollution penalty regimes.
14. It is settled law that a vague denial of this nature tantamounts to admission on the part of the Respondents. Therefore, Respondent Nos, 8 and 9 are liable for the pollution-causing activities being carried out at the subject Land.

B. Mala Fide attempt to mislead this Hon'ble Tribunal

15. It is respectfully submitted that Respondent Nos. 8 and 9 have in a *mala fide* manner attempted to mislead this Hon'ble Tribunal submitting a handful of photographs purporting to show "covered" material in a classic case of post-facto window-dressing and an eye-wash before this Tribunal.
16. It is respectfully submitted that the images, created and curated only for the purpose of reply to the OA, are isolated, staged, and do not represent the prevailing, persistent state of operations. The overwhelming weight of the Applicant's evidence is of extended, routine non-compliance, uncovered dust banks, and repeated acts of pollution and water, noise, and air quality endangerment.
17. It is submitted that such cover up solely to avoid regulatory scrutiny or litigation is insufficient for statutory compliance, which requires ongoing,

regular, and monitored abatement measures. The reality on the site is, and continues to be, one of unchecked dust, C&D waste, plastic waste, sound, noise, water, and air pollution.

18. It is submitted that Respondent Nos. 8 and 9 fail to show that such “coverings” existed prior to notice, or that they are employed as a systematic or contractual requirement. This eye-wash does not and cannot cure the routine breaches documented in the video/photographic evidence submitted by the Applicant.

C. Attempt to Deflect from Environmental Liability

19. It is respectfully submitted that Respondent Nos. 8 and 9 have, instead of addressing the categorical submissions made by the Applicant regarding the pollution causing activities being carried out at the Subject Land, attempted to deviate from the core environmental issue by falsely claiming that the present is a proxy litigation on account of pending dispute between the Applicant’s employer and Respondent Nos. 8 and 9. This submission is completely misconceived and vehemently denied.

20. It is respectfully submitted that this Hon’ble Tribunal has been vested with the jurisdiction for effective disposal of cases relating to environmental protection. The Preamble reads as follows:

“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.”

21. Recognising the importance of establishing an effective environmental protection regime, the NGT Act deliberately provides broad public access to environmental adjudication. The right to approach the Tribunal is not limited to direct victims or property holders, but extends to any person concerned

about the protection of the environment or affected public health. The legislative intent is to facilitate, not restrict, access to redress pollution and ecological violations. Section 18 (2) of the Act provides as follows:

“(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

...

(e) any person aggrieved, including any representative body or organisation; or

...”

22. In the instant case, the Applicant comes not only within the category of “*any person aggrieved*”, but he is also directly affected and falls within the category of a person “*who has sustained the injury*” as he works in the vicinity of the Subject Land and is directly impacted by the pollution-causing activities being carried out by the Respondents. Thus, he undeniably has the locus to file the present proceedings for ensuring that he does not have to face pollution while at his workplace.

23. Respondent Nos. 8 and 9 have unlawfully sought to project the present application as not being *bona fide* on the basis of pending civil disputes between the Applicant’s employer and the Respondents. It is respectfully submitted that this submission is completely misconceived since the dispute between the Applicant’s employer and the Respondents does not disentitle the Applicant from taking measures to enforce his fundamental right to clean environment under Article 21 of the Constitution. Such an argument is antithetical to the constitutional fabric of this country and its environmental protection regime.

24. In order to protect his right to clean environment, the Applicant has provided documentary, photographic, regulatory, and judicial evidence of widespread statutory and environmental violations being carried out by the Respondents. The reliefs sought are also grounded in binding legal norms, not private disputes. The Applicant's locus and interest is explicitly permitted by Section 18 of the NGT Act, 2010, and the record establishes authorities' inaction despite repeated public complaints and documentary evidence.
25. The prayers set out in the OA focus solely on (i) cessation and remediation of environmental pollution, (ii) enforcement of existing statutory guidelines and regulatory orders, and (iii) the protection of public health and the environment in a highly urbanized and pollution-prone area. No "private" or property-related relief has been sought.
26. It is further submitted that while the present case involves litigation on the part of the Applicant's employer, even if there were some personal civil litigation of the Applicant with the Respondents, the same would not have disintitiled him from seeking enforcement of his fundamental right to a clean environment especially where statutory norms and public interests are at stake. Pollution concerns cannot be trivialised or ignored simply because the complainant is an interested or affected party in some other context. It is settled law that as long as the environmental grievance is genuine and the breach of law is substantiated, alleged ulterior motive or collateral interest does not defeat adjudication or bar public interest litigation.
27. It is respectfully submitted that as submitted above, Respondent Nos. 8 and 9 are attempting to evade their statutory obligations by casting aspersions on the Applicant's standing, without addressing the detailed evidence provided by the Applicant regarding the violations carried out by the Respondents. Such

an attempt is completely unfounded especially where NGT proceedings are evidence-driven and the violations are manifest and ongoing.

28. Therefore, it is respectfully submitted that the instant OA is a bona fide public interest action highlighting major and persistent environmental violations directly affecting the Applicant herein. The Respondents cannot be permitted to use some other distinct title litigation as a ruse to avoid statutory liability or defeat environmental justice. The focus must remain on the overwhelming evidence of unlawful, polluting activities and regulatory failures in the present case.

PARA-WISE REPLY

29. The contents of Paragraph 1 of the Reply are false, misconceived, and denied. It is denied that the present OA is not a bona fide action aimed at environmental protection. It is denied that the present OA is a proxy litigation to exert pressure in an ongoing legal dispute. The ownership claims of Respondent Nos. 8 and 9 are misconceived and denied. It is denied that the present OA is an abuse of process of this Hon'ble Tribunal. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

30. The contents of Paragraph 2 and 3 of the Reply are false, misconceived, and denied. It is denied that the Applicant is not a neutral or public-spirited individual. The existence of separate litigation between the Applicant's employer and the Respondents has no bearing on the present proceedings concerning environmental pollution on the Subject Land. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

31. The contents of Paragraph 4 of the Reply are false, misconceived, and denied.

32. The contents of Paragraphs 5 to 15 of the Reply are misconceived and denied.

It is respectfully submitted that the pending disputes regarding ownership and possession of the Subject Land have no bearing on the present OA, and submissions regarding the same have been made by Respondent Nos. 8 and 9 only as a red herring to mislead this Hon'ble Tribunal. The Applicant is not making any submissions regarding the same as that is a dispute between Respondent Nos. 8 and 9 and M/s. Rajdarbar, and is subject matter of different proceedings.

33. The contents of Paragraphs 16 to 18 of the Reply are false, misconceived, and denied.

It is denied that the construction on the subject Land is approximately three decades old. It is vehemently denied that the construction has been standing lawfully. It is denied that these structures cannot be brought within the purview of environmental violations. It is denied that any sweeping or vague allegations have been made without conducting any due diligence or verification. It is denied that the tenants and occupants carrying out small-scale commercial activities on the Subject Land. It is denied that the activities are being carried out peacefully under valid arrangements with Respondent Nos. 8 and 9. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

34. The contents of Paragraphs 19 and 20 of the Reply are misconceived and denied.

It is denied that the Applicant is not an aggrieved person acting in furtherance of any public or environmental interest. It is denied that the Applicant is pursuing this litigation as a proxy for Rajdarbar Iconic Venture Ltd. with the sole objective of misusing the jurisdiction of this Hon'ble Tribunal. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

35. The contents of Paragraphs 21 to 27 of the Reply are false, misconceived, and denied. It is vehemently denied that the Applicant has no personal, legal, or environmental interest in the matter. It is denied that the Applicant lacks locus standi to maintain the present OA. It is denied that the Applicant's sole connection to the subject Land arises from his employment with M/s Rajdarbar Iconic Venture Ltd. It is denied that the said M/s Rajdarbar is the real party-in-person behind this application. It is denied that the Applicant's signing of any document as employee of Ms/ Rajdarbar has any impact on the present proceedings. It is respectfully submitted that the cases relied upon by the Respondents have no bearing on the present proceedings. It is denied that the present is a proxy litigation driven by rivalry, devoid of any genuine environmental grievance or affected party status. It is denied that the Applicant does not work in the vicinity of the Subject Land. It is denied that there is any abuse of process. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

36. The contents of Paragraph 28 of the Reply are false, misconceived, and denied. It is denied that the Applicant has not approached this Hon'ble Tribunal with clean hands. It is denied that the Applicant has deliberately suppressed material facts crucial to the maintainability and integrity of the present proceedings. It is denied that the Applicant is not a neutral or disinterested individual concerned with environmental welfare. It is submitted that the litigation between the Applicant's employer and the Respondents has no bearing on the present proceedings. It is denied that there is fraud on the process of law or an abuse of jurisdiction of this Hon'ble Tribunal. It is denied that the Applicant has misrepresented his standing and has consciously attempted to the mislead this Hon'ble Tribunal. It is denied that the OA warrants rejection at the very threshold. The submissions made in the OA and

in Preliminary Submissions may be read as part of reply to this paragraph as well.

37. The contents of Paragraph 29 of the Reply are misconceived and denied. It is denied that the Applicant has not approached with clean hands and failed to disclose material facts. The decision in *Prestige Lights* is not applicable on the present case. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

38. The contents of Paragraph 30 of the Reply are misconceived and denied. It is denied that the Applicant has abused the environmental jurisdiction of this Hon'ble Tribunal. It is denied that the present is a proxy litigation. It is denied that the OA is founded on suppression, falsehood, or mala fide intent. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

39. The contents of Paragraph 31 of the Reply are false, misconceived, and denied. It is denied that the present OA is an example of forum shopping and duplicative litigation. It is denied that the prayers made in the present OA are covered by CWP No. 5913 of 2025. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

40. The contents of Paragraph 32 of the Reply are false, misconceived, and denied. It is denied that there is any there is any admission by Rajdarbar Iconic Venture Pvt. Ltd. that Respondent Nos. 8 and 9 have obtained any statutory approvals. It is respectfully submitted that the prayer to seek revocation of approvals does not amount to an admission of existence of such permissions. In fact, the proof is in the pudding, since apart from indirectly relying upon prayers in a different petition, Respondent Nos. 8 and 9 have failed to produce even a single alleged approval or permission granted to them by any authority to carry out the activities on the Subject Land. It is denied that the Applicant

is reagitating the same dispute before this Hon'ble Tribunal as is *sub judice* before the Hon'ble Punjab and Haryana High Court. It is denied that there is any abuse of judicial process. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

41. The contents of Paragraphs 33 to 35 of the Reply are false, misconceived, and denied. It is denied that the Applicant's allegation regarding unauthorised operation of DG sets on the subject Land are untrue and intended to mislead this Hon'ble Tribunal. It is vehemently denied that no DG sets have been used for supplying power to any unauthorised establishments. It is denied that there is no commercial supply of electricity to any third party from DG sets. The falsity of this claim is evident even from the reply of the HSPCB which has found operation of DG sets on the Subject Land. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

42. The contents of Paragraphs 36 and 37 of the Reply are false, misconceived, and denied. It is denied that the absence of CTE or CTO is not a deliberate violation. It is denied that such absence does not constitute an environmental offence. It is denied that the absence of such consents is a minor technical or procedural lapse and is rectifiable and capable of being regularised. It is vehemently denied that the present application has been filed not out of environmental concern but is a proxy litigation. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

43. The contents of Paragraphs 38 to 40 of the Reply are false, misconceived, and denied. It is vehemently denied that no activity being carried out amounts to a polluting or hazardous process. It is denied that the business operations on the subject Land are modest in scale and include covered storage of building

materials, workshops, and minor service units. It is denied that the operations on the subject Land operate with minimal environmental impact. It is denied that Respondent Nos. 8 and 9 have ensure that no dust-generating activity is carried out openly, and that construction materials are kept covered under proper tarpaulin sheets. It is denied that the site is maintained in a clean and organised manner. It is denied that there is no handling or dumping in public areas. It is denied that there is no discharge or untreated sewage from any unit. It is denied that there is no open burning or vehicular congestion. It is denied that vehicular movement is limited, regulated, or follows any precautionary measures. The attached photographs are an eye wash to mislead this Hon'ble Tribunal. The submissions made in the OA and in Preliminary Submissions may be read as part of reply to this paragraph as well.

REJOINDER TO PARA-WISE REPLY TO THE ORIGINAL APPLICATION

44. The contents of Paras (i) to (v) of Para-Wise Reply are denied as false and misconceived. The submissions made in the OA and the previous paragraphs may be read as part of reply to this paragraph as well.
45. The contents of Para (vi) of Para-Wise Reply are denied as false and misconceived. It is denied that the building material is covered. It is denied that the material is stored in a lawful and non-polluting manner using proper tarpaulin cover. It is denied that only minimal activity involving sand or bricks takes place and that too in a regulated way. It is denied that no DG sets are being used. It is denied that the structures in question are decades-old existing shops under valid possession. It is denied that the allegations of unauthorised construction are wholly false. It is denied that there is no discharge of untreated sewage. It is denied that waste management is being appropriately handled. It is denied that commercial vehicle movement is limited to night hours and carried out with dust and noise suppression

measures in place. The submissions made in the OA and the previous paragraphs may be read as part of reply to this paragraph as well.

46. The contents of Paras (vii) to (xviii) of Para-Wise Reply are denied as false and misconceived. The submissions made in the OA and the previous paragraphs may be read as part of reply to this paragraph as well.

47. In view of the facts and circumstances stated hereinabove, this Hon'ble Tribunal may be pleased to allow the captioned OA in the interest of justice, and pass necessary directions to put an immediate stop to the pollution-causing activities being carried out by the Respondents herein.

Filed by:



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... Applicant

Versus

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... Respondents

AFFIDAVIT

I, Shiv Kumar Dubey s/o Late Shri Ram Dubey, aged about 48 years, having office at 10, Central Avenue, 2nd Floor Maharani Bagh, New Delhi, Delhi, India – 110065 do hereby solemnly affirm and state as under:

1. That I am the Applicant in the present application and I am well conversant with the facts and circumstances of the case and, as such, I am competent to swear this affidavit.
2. That I have read over and understood the contents of the accompanying Rejoinder to the Reply filed on behalf of Respondent No. 8 (Dalbir Singh) and 9 (Charan Singh @Charanpal) dated 28.07.2025, that has been drafted by my counsel under my instructions. I say that the same is true and correct to my knowledge and belief.
3. That the Annexure(s) appended to the accompanying Rejoinder are true copies of their respective originals.

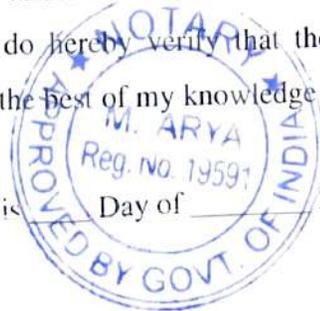
Shiv Kumar

DEPONENT

VERIFICATION

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

Verified at _____ on this _____ Day of _____ 2025.



Shiv Kumar

DEPONENT

ATT: M
 NOTARY PUBLIC 11 AUG 2025