

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 725/2023

IN THE MATTER OF:

Baliram Singh

Applicant

Versus

Wallop Brewing Private Limited & Ors.

Respondents

REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY
AFFIDAVITS FILED BY THE R1 DATED 26-10-2024 AND THE R4
DATED 29-11-2024.

1. That present application was filed by the applicant, pointing out the violations made by the Respondent in establishment of the industry within 300 meters from the boundary of Wildlife Sanctuary and serious violation of conditions of CTE (Consent to Establishment) hereinafter referred as CTE; dated 19-08-2021 issued to the R1 and further pointing out that the said CTE was issued prior to the incorporation of the R1.
2. That this Hon'ble Tribunal vide its order dated 18-12-2023 was pleased to constitute a Joint Committee for physical verification of the facts, pursuant to which Joint Committee submitted its report on 26-02-2024, which further revealed other serious violations by the R1.
(Page 95-97 of the Report Dated 26-02-2024)
3. That Joint Committee deflected from the main issues raised by the applicant while verifying factually in its report, hence, applicant filed short objection on 30-04-2024 to the Joint Committee report.
4. That nothing in the reply dated 26-10-2024 filed by R1 and Response dated 29-11-2024 filed by R4, which are against the applicant, shall be

deemed to be accepted/admitted by the applicant, unless the same is admitted/accepted by the applicant specifically.

5. That the applicant has not replied to each and every para of the replies filed by R1 and R4, for the sake of brevity and avoid repetition, however, applicant reserves the right to contradict the uncontradicted paras before the Hon'ble Tribunal at latter stage during pendency of the OA.
6. It is pertinent to mention here that the Respondent Company was operational during the inspection of Joint Committee which is very clear by the final report of the same.

(Page 92, Joint Committee Report dated 26.02.2024)

Reply to the response filed by R4 on 29-11-2024.

7. That facts submitted by the R4 in paras no. 1 to 9 are introductory/initial facts which are admitted and do not require reply.
8. That for the fact stated in para no. 10, it is submitted that, R4 is not the competent authority to allow change of name of an incorporated company under the Companies Act, 2013. It is only the Registrar of Company, who is empowered to allow, change its name, thus facts stated in the above said para is denied and wrong.
9. That R4 has produces Annexure no. 6 at page no. 22 of its reply, stating that they certify change of name from M/s Wallop Brewing Company to M/s Wallop Brewing Pvt. Ltd. on the basis of document produced by R1, such as MOA, GST Certificate, TAN, PAN, IEC and FSSAI Certificate, however, neither R4 nor R1 has produced any such documents on record.
10. That facts stated in para 11 to 12 are also denied as wrong as above said, R4 is not the competent authority under the Companies Act to allow change of name, hence any application submitted to incompetent authority and further action thereto is of no consequence. Further, R4

ought to have been dismissed the application filed by the R1 for grant of CTO.

11. That UPPCB vide its letter dated 12-02-2024, pursuant to the joint report dated 09-10-2023 submitted by District Magistrate, Sonebhadra, has pointed out flaws in rain water harvesting and registration of the same. Apart from these flaws report has not stated clearly that M/s Wallop Brewing Company has produced NOC obtained from Chandraprabha Wildlife Sanctuary, Ramnagar, Varansai.
12. That the Joint Committee Inspection report dated 09-10-2023 also suggested that operation of R1 Industry should commence only after obtaining certificate from Chandraprabha Wildlife Sanctuary. [Page no. 96]
13. That UPPCB vide order Ref No. G0030/W-1322/CTE/SBD/2004 dated 16-01-2024 had imposed a penalty of Rs 2,25,000/- on R1 for non-compliance of Report No. 6 where the R1 was found to be in non-compliance and was operational without obtaining the license from the State Pollution Board. **(Page No. 94, Inspection Report by the Joint Committee dated 26-02-2024)**

The said penalty is not deposited by R1 till date which is also mentioned in the reply filed by the Respondent No. 4 (UPPCB) dated 29.11.2024.

(Page 227, Annexure No.13 of the Reply filed by R4)

14. That a three-member committee was constituted after a series of complaints made against the R1 for violations. The District Magistrate vide its letter dated 22-11-2023 acknowledged the report of the committee for the inspection of violations made by the R1 and also recommended SEIAA to take action against the R1 for the violations. **(Page No. 103, Inspection Report by the Joint Committee dated 26-02-2024)**

Reply to the reply affidavit filed on behalf of R1, dated 26-10-2024.

15. That facts stated in para no. 1 to 6 are formal in nature, initial which do not require reply and facts in para no. 7 are Joint Committee Report, hence same is not dispute, however, applicant has already filed objection to the Joint Committee Report dated 26-02-2024.
16. That facts contained in para no. 8 to 14 are new facts which came to light to light pursuant to the order of this Hon'ble Tribunal, whereby, Hon'ble Tribunal was pleased to constitute a Joint Committee for factual report. The said Joint Committee submitted its report dated 26-02-2024, where further violations were pointed out on the part of R1. The said violation pointed out by the Joint Committee are serious in nature and since matter is pending before this Hon'ble Tribunal for effective adjudication, therefore, facts/ explanation contained in above said paras are denied by the applicant as wrong.
17. That facts contained in para no. 22 to 28 are also new facts, pursuant to the Joint Committee Report, hence, considering the pendency of the matter before this Hon'ble Tribunal for adjudication, same are denied as wrong.
18. That facts contained in para no. 42 are wrong and denied, because, UPPCB-R4 is not the competent authority to allow change of name of a company incorporated under Companies Act.
19. That facts contained in para no. 46 is also wrong and denied, since CTE dated 19-08-2021 was granted by R4 has special conditions no. 8 & 21 which has specifically directed the R1 to obtained NOC from Chandraprabha Wildlife Sanctuary [Annexure A4 Page no. 22]. However, R1 has failed to produce the same in its reply. It is also wrong and denied that R1-establishment is 2825 meters away from forest area, it is the specific case of the appellants that, R1-establishment is within 300

meters from Chandraprabha Wildlife Sanctuary, Ramanagr Varanasi. [page no. 11 of the OA].

20. It is humbly submitted that, R1-industry is situated within 300 meters from the south-west boundary of Chandraprabha Wildlife Sanctuary, because the south-west boundary for the Sanctuary was demarcated to be the left bank of the Posta River and then along the bank of the Chnadraprabha Inspection House. It is further submitted that Joint Committee report also got deviated from this point, and failed to measure distance of R1 Industry from left bank of the Posta River and then along the bank of the Chnadraprabha Inspection House. An Objection regarding the same has already been filed before this Hon'ble Tribunal dated 30-04-2024.
21. It is further submitted that R1 industry came into existence on 11-11-2021 [Annexure A5 page no. 26], however, before it came into existence, the CTE dated 19-08-2021 was granted to it (company name M/s Wallop Brewing Company) [Annexure A4 page no 22].
22. That is crystal clear now that Consent to Establish dated 19-08-2021 was granted to M/s Wallop Brewing Company and M/s Wallop Brewing Private Limited has used the same Consent to Establish for its business. It is absolutely wrong and not permissible to use Consent to Establish granted to one company is being used by a completely different company.
23. That the joint committee report has submitted a representation of Kashi Vany Jiv Prabhag, Ram Nagar, Varanasi dated 15-02-2024, where it has specifically stated that R1-industry is just 162 meters away from forest land. [Annexure 10-page no. 133 of the Joint Committee Report]
24. That R1-industry started extraction of groundwater and other business activities without due compliance with statutory obligations, leading to environmental degradation and violation of statutory provisions under the Water (Prevention & Control of Pollution) Act, 1974, and the Air

(Prevention & Control of Pollution) Act, 1981 which have very clearly come out in the Joint Committee Report.

PRAYERS

It is humbly submitted that above stated violation and none compliance of CTE, R1 is causing server degradation and loss to the environment and in the light of above stated facts and circumstances, this Hon'ble Tribunal may be pleased to:

- A. Issue an appropriate order/ direction to the respondents for the compliance of Consolidated Consent to Operate and Authorization under Section 25 of the Water (Prevention & Control of Pollution) Act 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 to Wallop Brewing Private Limited;
- B. Issue an appropriate order/ direction for the assessment of the disputed presence of the R1 establishment from the South-west boundary of the Chandraprabha Wildlife Sanctuary.
- C. Issue an appropriate order/ direction for temporary closure of operation of Wallop Brewing Private Limited till it obtains formal and fair NOC from DFO, Chandra Prabha Sanctuary, Ramnagar, Varanasi with regard to Eco-sensitive Zone;
- D. Issue an appropriate order/ direction for permanent closure of operation of Wallop Brewing Private Limited in case, in case NOC cannot be issued to the respondent - Wallop Brewing Private Limited from DFO,

Chandra Prabha Sanctuary, Ramnagar, Varanasi with regard to Eco-sensitive Zone;

- E. Appoint a committee for assessment of factual condition and damage to the ecology caused by the respondent - Wallop Brewing Private Limited;
- F. Issue appropriate order and directions to the respondents to ensure restoration of the ecology damaged;
- G. Issue any other and further order which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

APPLICANT

THROUGH

ASHISH CHAUBEY
AVINISH KR. SAURABH
ADVOCATES

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NEW DELHI

DATE: - -2025

BALIRAM SINGH

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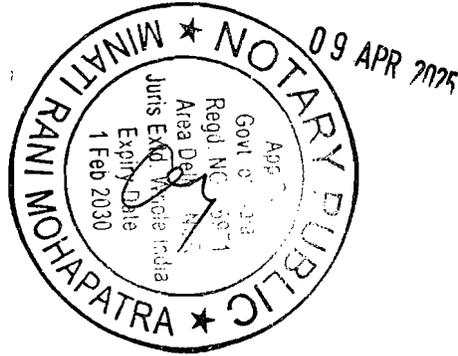
DEPONENT

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of para no. 1 to ___ of my above Rejoinder affidavit, are true to my knowledge and belief. No material has been concealed therefrom.

Verified at ⁹ on this ___ of April 2025.
PRESENTLY AT DELHI

IDENTIFIED



BALIRAM SINGH

BALIRAM SINGH

DEPONENT

M
MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mcb. No.: 8130128457

09 APR 2025