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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 61 OF 2025

IN THE MATTER OF:

Narender Sirohi

...APPLICANT

Versus

Central Pollution Control Board & Ors.

...RESPONDENTS

RESPONSE/REJOINDER ON BEHALF OF THE APPLICANT TO THE ACTION
TAKEN REPORT (ATR) FILED BY RESPONDENT NO. 3 (HSPCB) DATED
13.01.2026

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Place: Gurugram
Date: 13.04.2026

File By:



Sanjaya Kumar Mishra
Advocate for the Applicant
O-1047/2011

Contact No. 9818326647, 9310326647
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MOST RESPECTFULLY SHOWETH

1. That pursuant to the Order dated 20.01.2026 passed by this Hon'ble Tribunal, the Applicant has examined the Action Taken Report (ATR) dated 13.01.2026 filed by Respondent No. 3 (Haryana State Pollution Control Board). The Applicant is filing the present Response/Rejoinder within the liberty granted by this Hon'ble Tribunal to place on record its objections to the said ATR.
2. That the terms 'dismantled' and 'locked' are not contemplated under either the Air (Prevention and Control of Pollution) Act, 1981 or the Environment (Protection) Act, 1986, and therefore cannot, by themselves, be treated as statutory categories of compliance or enforcement under the said enactments.
3. That units classified as "locked" are, as per HSPCB's own observations, operational during odd hours. No surprise or night inspections have been conducted. Such classification conceals ongoing violations and cannot be treated as compliance.

4. That the geo-tagged photographs (Annexure A-1 Colly.) recently collected by the Applicant clearly demonstrate that illegal industrial activities are continuing unabated in the area, notwithstanding the fact that the matter is sub judice and under the active consideration of this Hon'ble Tribunal, thereby reflecting continuing violations of environmental norms and disregard of regulatory enforcement.
5. That the details provided against M/s Asian Cargo Craft Private Limited, 24/19/3, 20, Village Karnera, Faridabad-121004 (**Page No. 215**), do not clearly establish whether Consent to Establish (CTE) was granted in compliance with applicable siting criteria. The Joint Committee has also reported that several industrial units are operating without requisite permissions in non-conforming and residential areas, including unregistered units functioning from rented premises. The said unit is engaged in spray painting (sand blasting and paint booth) and had applied for Consent to Operate (CTO), which was not granted. The unit was inspected on 02.05.2025, followed by issuance of Show Cause Notice on 12.05.2025, and subsequent refusal of CTO. The appeal preferred by the unit led to an order dated 11.12.2025 directing a speaking order, and a fresh CTO application was filed on 08.01.2026, indicating that the regulatory status of the unit remains unclear and in flux.
6. That the Respondent No. 3 has not reported disconnection of power supply to all illegal units and hence, not in compliance with the recommendations of the Joint Committee constituted by this Hon'ble Tribunal.
7. That the ATR filed by Respondent No. 3 reflects that a large scale industrial waste being improperly and illegally stored. However, the ATR does not disclose any scientific or lawful mechanism or plan for its safe disposal, thereby rendering the report incomplete on this aspect.
8. That Respondent No. 3 has neither imposed nor recovered any Environmental Damage Compensation (EDC) from units operating without valid Consent to Establish (CTE) and Consent to Operate (CTO). It is submitted that imposition and

recovery of EDC is a statutory mechanism intended to ensure compliance and internalisation of environmental restoration costs, including lawful management and disposal of industrial waste, thereby reducing the burden on the public exchequer. The complete absence of such action reflects a serious failure of deterrence and enforcement, enabling continued non-compliance with environmental norms.

PRAYER:

In view of the facts and submissions made hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to direct Respondent No. 3 (HSPCB) to strictly implement the recommendations of the Joint Committee, including disconnection of electricity supply to illegal units and review of cases such as M/s Asian Cargo Craft Private Limited; direct Respondent No. 3 to submit a scientific plan for safe disposal of illegally stored industrial waste; and further direct Respondent No. 3 to calculate, impose, and recover Environmental Compensation/EDC from all non-compliant units in accordance with the Polluter Pays principle, with retrospective effect, along with such other or further orders as this Hon'ble Tribunal may deem fit and proper in the interest of environmental protection.

THROUGH

Place: Gurugram

Date: 13.04.2026



Sanjaya Kumar Mishra
Advocate for the Applicant
O-1047/2011

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IN THE MATTER OF:

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Central Pollution Control Board & Ors.

...Respondents

AFFIDAVIT

I, Narender Sirohi, S/o Badle Ram, R/o House No. 5, Gali No. 2, Village Kureshipur, NIT Faridabad-121004, Haryana, do hereby solemnly affirm and state as under:



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

That the contents of the accompanying Rejoinder to the reply filed by the Respondent No. 3 may be read as part and parcel of this Affidavit and are not repeated herein for the sake of brevity. That I have read and understood the contents of the said Rejoinder, which are true and correct to the best of my knowledge and belief, and have been drafted under my instructions.

Narender Sirohi
13/04/2026
DEPONENT

VERIFICATION:

Verified at Faridabad on this 13th Day of April 2026 that the contents of the above Affidavit are true and correct to the best of my knowledge and nothing material has been concealed there from.

Certified that the above was deposited on Oath / Affirmation before me on the 13th day of April, 2026 by Narender Sirohi who is personally known to me and the contents of the same were explained to the deponent.
Adv. S. K. Mittal
Oath Commissioner Faridabad

Narender Sirohi
13/04/2026
DEPONENT

Annexure: A-1 (Colly)























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Sanjaya Kumar Mishra <skmishra1047.advocate@gmail.com>

Advance service of Rejoinder in O.A. No. 61 of 2025 in the matter of Narender Sirohi v. State of Haryana & Ors., in reply to ATR filed by Respondent No. 3 (HSPCB)

1 message

S.K. Mishra, Advocate <sanjayakmishra@gmail.com>
To: rkhuranalegal@gmail.com

Mon, Apr 13, 2026 at 3:52 PM


Sir,

Please find the attached copy of the Rejoinder being filed in O.A. No. 61 of 2025 titled Narender Sirohi vs. State of Haryana & Ors., in reply to ATR filed by Respondent No. 3 (HSPCB) for your kind record and perusal.

Thanks & regards

Sanjaya Kumar Mishra
Advocate for Applicant
 **Mobile:** +91-98183 26647, 9310326647
 **Email:** sanjayakmishra@gmail.com

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 **Rejoinders to R-3 in OA 61 of 2025.pdf**
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