

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 879 OF 2022

**IN THE MATTER OF:**

**GAURI MAULEKHI**

**...APPLICANT**

**VERSUS**

**UNION OF INDIA & ORS.**

**...RESPONDENTS**

**INDEX**

<b>S. No.</b>	<b>Particulars</b>	<b>Pg. No.</b>
1.	Rejoinder on behalf of the Original Applicant to the Reply dated 14.10.2024 filed by Respondent No. 4.	1-22
2.	Proof of Service	23

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**REJOINDER ON BEHALF OF THE ORIGINAL APPLICANT TO THE  
REPLY DATED 14.10.2024 FILED BY RESPONDENT NO. 4.**

1. The Original Applicant has approached this Hon'ble Tribunal vide the above-captioned Original Application seeking the inclusion of slaughterhouses and meat, poultry and fish processing units in India, within the ambit of the Environmental Impact Assessment Notification, 2006 [EIA Notification] and subjecting them to the process of granting an Environmental Clearance [EC] before starting operations, as they are highly polluting projects/ activities and have been classified as a red category industry. The contents of the Original Application and consequent pleadings by the Applicant may be read as part of this Rejoinder and are not being repeated herein for the sake of brevity.
2. The contents of the Reply filed by the Respondent No. 4 i.e. All India Buffalo & Sheep Meat Exporters Association, to the extent they are inconsistent with the submissions hereinafter made in this Rejoinder, are incorrect and are denied. The pleadings as stated in the Original Application, Additional Affidavit on behalf of the Applicant dated 02.05.2023 and Reply by the Applicant dated 30.03.2024 are

reiterated and reaffirmed and are not repeated herein for the sake of brevity.

**PRELIMINARY SUBMISSIONS.**

**Maintainability of the Captioned Application- Powers of the Hon'ble National Green Tribunal to pass directions in light of the Precautionary Principle.**

3. It is humbly submitted that the directions as sought by the Applicant would not be beyond the jurisdiction of this Hon'ble National Green Tribunal [NGT/Tribunal]. It is well settled that the powers conferred upon the Hon'ble Tribunal by virtue of the National Green Tribunal Act, 2010 [NGT Act] are of the widest amplitude. The Hon'ble Supreme Court in ***Municipal Corporation of Greater Mumbai v. Ankita Sinha & Ors*** [(2022) 13 SCC 401], while expounding on the powers of the Hon'ble Tribunal noted and held as follows-
  - Section 20, NGT Act provides that the Tribunal shall apply the environmental principles, viz. *Sustainable Development principle, Precautionary principle and Polluter Pays principle*. **[Para 37.5]**
  - Rule 24, National Green Tribunal (Practice and Procedure) Rules 2011 [NGT Rules] confers wide discretionary power to the Hon'ble Tribunal to pass such orders/directions as may be necessary to prevent abuse of its process or to secure the ends of justice. **[Para 38]**
  - NGT is not just an adjudicatory body but has to perform wider functions in the nature of prevention, remedy and amelioration including power to frame and modify schemes, besides settling and adjudicating disputes. The NGT was envisaged as an environment court to provide **“environmental solution” which is only feasible when NGT has the power to frame**

**comprehensive schemes and actively issue directions. [Para 45-46]**

- NGT is a specialised judicial body for effective enforcement of environmental rights including right to healthy environment as part of Right to life under Article 21. Therefore, on the aspect of jurisdiction, interpretation that is in favour of conferring jurisdiction should be preferred rather than one taking away jurisdiction. **[Para 50-51]**
- The statutory tribunals fall under four sub-heads, one of which is a tribunal to safeguard rights under Article 21. The duties of NGT bring it within the ambit of this category. Therefore, the NGT has been envisaged as a proactive and responsive institution. **[Para 54-55]**

4. It is humbly submitted that the directions in terms of the Prayers sought by the Applicant do not amount to legislation by the Hon'ble Tribunal. The Hon'ble Supreme Court in *Director General (Road Development) National Highways Authority of India v. Aam Aadmi Lokmanch & Ors. [(2021) 11 SCC 566]* has held that the NGT Act, being a beneficial legislation, the power bestowed upon the Tribunal cannot be read narrowly (Para 42, 43). It was further held NGT's jurisdiction cannot be circumscribed merely to deal with/adjudicate cases and award compensation/make restitutionary directions qua violations of environmental laws; rather **the NGT has been endowed with the responsibility to provide for preventive measures in the interest of environment** (Para 37, 43).

5. It is pointed out that the Hon'ble Supreme Court in *Aam Aadmi Lokmanch*, in the context of minor minerals leases for an area below five hectares, took note of the Orders by the Courts that mandated Environment Clearance for such projects of minor mineral leases for

an area below five hectares even though it was not covered under the EIA notification as it stood at the time. [Paras 49-52; Judgement in *Deepak Kumar v. State of Haryana (2012) 4 SCC 629* referred to by the Hon'ble Supreme Court].

6. The Original EIA Notification, 1994 did not deal with mining projects of minor minerals. It dealt only with mining projects concerning major minerals with leases more than 5 hectares. Minor Minerals were brought within the ambit of EIA Notification, 2006 however the same was limited to lease areas of 5 hectares and above. The Hon'ble Supreme Court, in *Deepak Kumar (supra)* recognizing the environmental damage caused by the mining activity, made it mandatory to obtain Environment Clearance even for mining projects concerning minor minerals with leases more than 5 hectares. **[Para 29]**
7. EIA was also later extended to mining projects concerning major minerals with leases less than 5 hectares. In *Jatinder Singh V. Union Of India (O.A. No. 495 of 2015)*, Principal Bench of the National Green Tribunal, New Delhi was dealing with the lease of minerals and by judgment dated 19.2.2016, after considering the directions given by the Hon'ble Supreme Court, held that it would be mandatory for all the applicants to seek Environment Clearance for carrying on mining activity of minor or major minerals, even if the lease area is less than 5 Hectares and that MoEF & CC/SEIAA would adopt uniform practice for issuing Environment Clearance in this regard. The Hon'ble Principal Bench of the National Green Tribunal observed that the judgment in *Deepak Kumar (supra)* would apply to both minor and major minerals. **[Para 24, 25]**
8. That the inclusion of minor and major mineral leases for an area below five hectares under the ambit of EIA Notification illustrates the power

of Courts/NGT to pass directions keeping in view the gaps in the provisions of an Act including imposition of a prohibition where the facts and circumstances of a case so demand. [*Jatinder Singh (Supra)* at Para 24].

**Object and Purpose of Environmental Impact Assessment [EIA] vis-à-vis other laws and regulations governing slaughterhouses.**

9. It is submitted that as per the Respondent No. 4 as well as the Respondent No. 1 and the Report of the Working Group, the entire regulatory process under the EIA Notification, 2006 seems to be redundant since there are already several legal safeguards in place to regulate majority of polluting projects/ industries/ activities.
10. It is reiterated that despite the existence of several legal safeguards to regulate a majority of projects/ industries/ activities, the Respondent No. 1 had itself notified the EIA Notification 2006 with the objective to foresee the pollution potential and impose certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities **based on their potential environmental impacts at an early stage of planning and design**, in accordance with the objective of the *National Environment Policy* as approved by the Union Cabinet on 18<sup>th</sup> May, 2006. **[Foreword to the EIA notification at Pg. 524; Annual Report 2006-2007 issued by the Respondent No.1 annexed with the Applicant's Additional Affidavit dated 02.05.2023 at Pg.537; Objectives/Principles of National Environment Policy at Pg. 526-529]**
11. The Hon'ble Supreme Court in *Hanuman Laxman Aroskar v. Union of India (2019) 15 SCC 401* also expounded the objective of EIA process as follows:-

*“The objective of the EIA process is to ensure that the environmental and developmental concerns are appropriately balanced on the basis of the most accurate information available.”*

... **[Para 34]**

*“The salient objective which underlies the 2006 Notification is the protection, preservation and continued sustenance of the environment when the execution of new projects or the expansion or modernisation of existing projects is envisaged. It imposes certain restrictions and prohibitions based on the potential environmental impact of projects unless prior EC has been granted by the authority concerned. EC is required before any construction work, or preparation of land (except for securing the land) is started on the project or activity listed in the schedule to the notification...”* **[Para 42]**

*“...The 2006 notification embodies the notion that the development agenda of the nation must be carried out in compliance with norms stipulated for the protection of the environment and its complexities. It serves as a balance between development and protection of the environment: there is no trade-off between the two. The protection of the environment is an essential facet of development. It cannot be reduced to a technical formula. The notification demonstrates an increasing awareness of the complexities of the environment and the heightened scrutiny required to ensure its continued sustenance, for today and for generations to come. It embodies a commitment to sustainable development. In laying down a detailed procedure for the grant of an EC, the 2006 notification attempts to bridge the perceived gap between the environment and development.”* **[Para 56]**

12. Similarly, in *Keystone Realtors Pvt. Ltd. V. Anil V Tharthare & Ors.* (2020) 2 SCC 66, the Hon’ble Supreme Court observed that the requirement of EC forms a critical step in the environmental clearance regime. It assists Officials not just in evaluating and mitigating any adverse impact caused by the expansion but also in assessing whether the project proponent is in compliance with their existing obligations. **[Para 18]**

13. The Hon’ble Supreme Court in *Hanuman Laxman Aroskar* further noted the Original EIA notification of 1994, based on the principles

envisaged under Article 48A and Article 51A (g) to the Constitution of India, was replaced by the EIA Notification 2006 to “*reflect the growing protection accorded to the environment*”. [Paras 35, 39] The EIA Notification 2006 categorically states that an EC must be granted by the regulatory authority **prior to the commencement of any construction work or preparation of land.**

14. The Respondent No. 4, as also the Respondent No. 1, has vehemently emphasized on other laws/rules/regulations as a substitute for EIA. However, it is submitted that the other laws/rules/regulations so cited differ qua their objectives/principles as tabulated below:

<b>S. No.</b>	<b>Laws/Rules/Regulations</b>	<b>Objective</b>
1.	Prevention of Cruelty to Animals (Slaughter House) Rules 2001.	To ensure that slaughter of animals takes place only at a licensed slaughterhouse and to regulate the interior infrastructure/design of buildings to be used as slaughterhouses. These Rules have been promulgated under the <i>Prevention of Cruelty to Animals Act, 1960</i> to ensure that no unnecessary pain or suffering is caused to the animals at the stage of slaughter; and does not deal with environmental pollution.
2.	Consent mechanism under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 i.e. Consent to Operate and Consent to Establish.	To regulate the emission of air pollutants into the atmosphere and discharge of pollutants into streams, wells, sewers etc.  Such a consent mechanism is not sufficient to regulate the environmental pollution caused by slaughterhouses. As put forth by the Chairman, Expert Appraisal Committee (Infra-2) in its meeting held on 25.07.2023,

		<p>the pollution caused by slaughterhouse industry is not merely water pollution but is all encompassing. It was further pointed out by Prof. P. K. Joshi, Member EAC, that this industry is a major pollutant of open spaces with the large quantities of biological waste, GHG emissions and foul odour.</p> <p>Further the consent mechanism lacks the crucial aspect of public consultation as also pointed by other members of EAC. <b>[Pg. 598-600]</b></p>
3.	Licenses under the Food Safety and Standards Act, 2006 [FSS Act] and allied regulations.	<p>The FSS Act is a special Act, enacted by the Parliament to consolidate the laws relating to food, to establish the FSSAI for laying down scientifically reasoned standards for food articles, to regulate their manufacture, storage etc. and to ensure availability of safe, wholesome food for human consumption. <b>[Preamble, Section 16 of FSS Act]</b></p> <p>It does not deal with environmental pollution and the ecological impact of polluting activities on the environment.</p>
4.	Standards by the Bureau of Indian Standards (BIS)	<p>As per BIS's own website, the standards relied on by the Respondent No. 4 i.e. <i>IS 4393:2016- Basic requirement for an Abattoir</i> are restricted to "Scope: This standard covers the typical layout plan, hygienic, sanitary, basic requirements for an abattoir for carrying out slaughter of cattle, sheep, goats and pigs." Though the said standards have been mandated to be followed in terms of the</p>

		<p>Order of the Hon'ble Supreme Court, the said standards only set out the basic requirements for setting up an abattoir and has not been issued from environment/ ecological perspective.</p> <p>Similarly, IS 1982 (2015) dealing with Ante Mortem and Post Mortem Inspection of Meat Animals are aimed at ensuring safety of meat and public health.</p> <p>Regarding the aspect of slaughterhouses and meat processing units, the BIS and the standards issued <u>do not deal with environmental pollution or the ecological impact of polluting activities on the environment at all.</u></p>
5.	Agricultural and Processed Food Products Export Development Authority Act, 1985 [APEDA Act]	<p>The APEDA Act has been enacted <i>“to provide for the establishment of an Authority for the development and promotion of exports of certain agriculture and processed food products and for matters connected therewith.”</i></p> <p>The said Act is concerned primarily with export of agricultural and processed food products and ensuring its quality. The Authority set up under the Act i.e. <i>“Agricultural and Processed Food Products Export Development Authority”</i> is concerned with functions such as <i>“Development of industries relating to the scheduled products for export”</i> and <i>“Carrying out inspection of meat and meat products in slaughter houses, processing plants, storage premises, conveyances or other places where such products are</i></p>

		<p><i>kept or handled <b>for the purpose of ensuring the quality of such products</b></i>". It is evident that even the APEDA Act does not deal with environmental pollution or the ecological impact of polluting activities on the environment.</p>
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15. Further, the Hon'ble Supreme Court in *Hanuman Laxman Aroskar* further highlighted a crucial element added by the EIA Notification 2006 viz. **Public Hearing process** as follows:-

*"Under the 1994 Notification, the public hearing process was overseen by the State Pollution Control Boards (SPCB) which would constitute a public hearing panel for the purpose. **Under the 2006 Notification, the public consultation process is expanded to include the receipt of written comments from persons concerned.** The public hearing component was to be overseen by SPCBs or the Union Territory Pollution Control Committee (UTPCC)." [Para 41.7]*

**48. PUBLIC CONSULTATION** – *Prior to this stage, a Summary EIA is prepared in the format given in Appendix IIIA on the basis of the ToR furnished to the applicant. **This stage involves the process "by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view of taking into account all the material concerns in the project or activity design as appropriate."** The detailed procedure is stipulated in Appendix IV. Subject to the exceptions provided in the 2006 notification, all Category 'A' and Category 'B1' projects shall undertake the public consultation process.*

*This stage comprises two components: (i) **A public hearing at the site or in its close proximity – district-wise to be carried out in the manner** prescribed in Appendix IV; and (ii) **Procurement of written responses from concerned persons having a plausible stake in the environmental aspects surrounding the project.***

*49. The State Pollution Control Board or the Union Territory Pollution Control Committee is charged with conducting the public hearing in the manner stipulated in Appendix IV and forwarding the proceedings to the regulatory authority within 45 days of a request from the applicant. The regulatory authority is empowered to engage another public agency or authority to carry out the process within a further period of forty-five days in case the SPCB*

or the UTPCC does not adhere to the prescribed time period stipulated in the notification. **The public hearing should be arranged in a “systematic, time bound and transparent manner” to ensure the “widest possible public participation at the project site(s) or in its close proximity District-wise”. The public hearing proceeding is filmed and a copy of the video is submitted to the concerned regulatory authority.**

50. Within seven days of receiving a written request to initiate the public consultation process, the SPCB or the UTPCC shall place the Summary EIA and the application on their website and invite responses. **The concerned authority may also make use of other appropriate media in addition to publication on their website to ensure wide publicity of the project. On a written request from any concerned person, the authority will make available a hard copy of the Draft EIA for inspection at a notified place during office hours till the date of the public hearing. A duty is placed on the authority to forward all responses and comments received at this stage to the applicant through the quickest available means.**

51. **After the public consultation process, the applicant is duty bound to address all the material environmental concerns expressed during the process and make appropriate changes to the Draft EIA and EMP. The applicant shall then forward the final EIA report to the regulatory authority to initiate the next stage. Alternatively, the applicant may submit a supplementary report to the Summary EIA and EMP.”**  
**[Emphasis Supplied]**

16. That the Hon’ble Supreme Court highlighted the importance of public consultation qua two elements: a) intrinsic i.e. there is a value in seeking the views of those in the local area as well as beyond with a plausible stake in the activity or may be affected in terms of disruption of habitat etc.; and b) instrumental element i.e. to account for all the material concerns in the design of the proposed project. [Paras 110-113, *Hanuman Laxman Aroskar (supra)*].
17. It is submitted that such a detailed public consultation process is not mandated under any other law. The slaughterhouses / processing units are often sited around residential areas and their low-hygiene standards results in severe health implications to the residents nearby. The environmental impacts caused by the slaughterhouses/

processing units is a concern of public health, maintenance of environmental standards and also a right to clean air and water under Article 21 of the Indian Constitution. Undergoing public consultation under the EIA process would enhance the transparency of the establishment/functioning of slaughterhouses / processing units and thereby the process of accountability will be maintained. While Slaughterhouses have a considerable impact on the environment, there is also a social impact which needs to be assessed through public consultation and which is not taken into account through the existing regulatory mechanism.

18. Thus, the Respondent No.4, the Working Group as well as the Respondent No.1 cannot dispel and ignore the aforesaid principles and objectives, and state in its Report that the inclusion of slaughterhouses under the EIA Notification, 2006 is not called for due to the existence of legal environmental safeguards.
19. It is further highlighted that the Respondent No.4 is an umbrella body of registered meat exporters and are commercially motivated to avoid any legal safeguards and supervision including the proposed inclusion of slaughterhouses under the EIA notification. It is pointed out that the Respondent No.4's contentions had earlier been considered and rejected vide Minutes of the Meetings of the Expert Committee headed by Dr.S.R.Wate dated 23.06.2016 and 02.05.2017. The Minutes of the Meetings dated 23.06.2016 [at Pg.215,216] record similar submissions made by the Respondent No.4 regarding presence of prevailing legal safeguards/ clearances. The said Minutes also record that monitoring of slaughterhouses is carried out rarely and it is a weak link in the system. Ultimately, after detailed analysis and deliberations, vide Minutes dated 02.05.2017 [Pg.199-200], it had been specifically recommended that the EIA Notification, 2006 be amended and that all

slaughterhouses as well as processing units need to obtain prior environmental clearance under the EIA Notification.

20. It is further pointed out that the Respondent No.4 association and its existing members will not be affected at all as vide Order dated 03.05.2023, the Hon'ble Tribunal had made it clear that no **new** large slaughterhouses would be permitted to be established/ expanded without EIA as per procedure applicable to B category projects in terms of the EIA Notification. The requirement for EC would not be applicable on older and existing large slaughterhouses.

**PARA WISE REPLY.**

**I. - III.** The contents of Paras I- III of the Reply are a matter of record and need no response.

**IV. -V.** The contents of Paras IV- V of the Reply are denied. It is reiterated that there will be significant value addition to the environment and complete justice will be met in terms of the parameters laid down in S. 20 of the NGT Act once slaughterhouses and meat processing units are encapsulated under the EIA Notification. It is further reiterated that the other laws/rules/regulations cited by the Respondent No. 4 differ qua their objectives/principles and are not a substitute for EIA. With regard to the 39 projects/ activities/ industries requiring prior EC under the EIA Notification, 2006, there is a wide and expansive list of laws that are applicable to such industries including environmental laws. Despite prevailing laws and their enforcement and monitoring mechanism, the said 39 industries still have to mandatorily obtain prior EC under the EIA Notification, 2006. The detailed list of laws that are applicable to the 39 projects/ activities/ industries, which require prior EC under the EIA Notification, 2006 are annexed at **Pg. 755-768.**

**VI.** The contents of Para VI of the Reply needs no response.

**VII. PARA WISE REPLY TO PRELIMINARY SUBMISSIONS.**

**VII. A. (1) – (11).** The contents of Paras 1-11 of the Reply pertaining to Maintainability of the Original Application are denied. The issue qua maintainability has been addressed in the present Rejoinder at Paras 3-8 of the Preliminary Submissions, which are reiterated and reaffirmed herein. It is additionally reiterated that the Working Group constituted by Respondent No. 1 conducted meetings on 21.08.2023, 30.08.2023, 18.09.2023, 06.10.2023 and 03.11.2023. The perusal of the Minutes of the aforesaid meetings [**Pg.632-642**] discloses that the diktat of Order dated 03.05.2023 and consequently the terms of the reference have not been complied with. The Minutes of the meetings dated 21.08.2023, 30.08.2023, 18.09.2023, 06.10.2023 and 03.11.2023 are cursory, brief, without relevant detailed and scientific discussions, and further are all unsigned and bear no reference numbers. There is not even a single reference to the recommendations of the Expert Committee headed by Dr. S. R. Wate and Minutes dated 02.05.2017 in all five Minutes of the meeting conducted by the Working Group. The submissions made in this regard in Reply dated 30.03.2024 at **Pg. 729- 732** are reiterated and reaffirmed.

**VII. B. (12)- (26).** The contents of Paras 12-26 of the Reply insofar as it is stated that other statutory laws/rules/regulations/requirements are sufficient to regulate the pollution caused by slaughterhouses, are vehemently denied. Detailed submissions made by the Applicant in this regard at **Pg. 738- 746** of the Reply dated 30.03.2024 and **Paras 9-17 of the Preliminary Submissions and Paras IV-V under Para wise reply of the present rejoinder** are reiterated and reaffirmed.

It is additionally submitted that the process of EIA comprises of various stages in which the overall environmental impact (not limited to air and water pollution) is studied in detail. As per the EIA Notification, all projects are categorized into 'Category A' and 'Category

B'. For Category B projects specifically, SEIAA is the regulatory authority which is endowed with the responsibility of granting/rejecting EC based on the recommendation of State Expert Appraisal Committee [SEAC]. The application for EC must be made prior to the commencement of any construction activity or even preparation of land at the site. The application thereafter undergoes the process of *Screening, Scoping, Public Consultation and Appraisal*. The SEIAA grants or rejects EC based on the recommendation of the EAC. The SEIAA/EAC comprise experienced environmental policy experts with wide experience in the relevant development sector. All the decisions of SEIAA must be unanimous owing environmental consequences involved in such projects. [Paras 43-59, *Hanuman Laxman Aroskar (supra)*] Such a detailed evaluation/assessment/study of all possible environmental concerns is not conducted under any other law/rule/regulation.

While the other laws focus on limited aspects such as water pollution, air pollution, regulation of exports, food safety, animal welfare etc., EIA focuses on environment comprehensively, some aspects of which have been expounded in *Hanuman Laxman Aroskar (supra at Para 60)* as follows:-

“60.1. *Construction, operation or decommissioning of the project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.).*

60.2. *Use of natural resources for construction or operation of the project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply).*

60.3. *Use, storage, transport, handling or production of substances or*

*materials, which could be harmful to human health or the environment or raise concerns about the actual or perceived risks to human health.*

60.4. *Production of solid wastes during construction, operation or decommissioning.*

60.5. *Release of pollutants or any hazardous, toxic or noxious substances to air.*

60.6. *Generation of noise and vibration, and emissions of light and heat.*

*60.7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea.*

*60.8. Risk of accidents during construction or operation of the project,*

*which could affect human health or the environment.*

*60.9. Environment sensitivity which includes, amongst other things, the furnishing of the following details:*

*60.9.1. Areas protected under international and national legislation.*

*60.9.2. Ecologically sensitive areas.*

*60.9.3. Areas used by protected, important or sensitive species of flora or fauna.”*

**C. (27)- (37).** The contents of Paras 12-26 of the Reply are vehemently denied. It is reiterated that there will be significant value addition to the environment and complete justice will be met in terms of the parameters laid down in S. 20 of the NGT Act once slaughterhouses and meat processing units are encapsulated under the EIA Notification. The submissions made by the Respondent No. 4 [Paras 29, 30] pertain to the Constitutional Validity of the EIA Notification itself which cannot be agitated in the present Application before this Hon'ble Tribunal. Further, the Respondent No. 4 themselves admit that the slaughterhouse industry, owing to its very nature, require frequent inspections to ensure compliance to the existing laws, which indicates the grave effect of this industry on various aspects such as environment, human health, animal welfare and need for more regulation. It is denied that EIA does not involve monitoring/supervision once the EC is granted. It is submitted that the Project Proponent has to submit half yearly compliance reports to the SEIAA in respect of EC and conditions imposed therein. The submissions made in this regard in Reply dated 30.03.2024 and Preliminary Submissions, present Rejoinder are reiterated and reaffirmed.

**D. (38)- (49).** The contents of Paras 38-49 of the Reply are vehemently denied. It is denied that slaughterhouses must be kept out of the purview of EIA Notification as it will affect trade and pose commercial difficulties. It is submitted that commercial difficulties cannot be a ground to seek exemption from the rigors of environmental laws which are framed to protect and advance Right to Life under Article 21. The Hon'ble Supreme Court in *Tapas Guha & Ors. v. Union of India & Ors.* [Civil Appeal No. 4603-4604 of 2024], in the context of EC required for Silchar Airport observed and held as follows:-

*“Environmental regulations are in place precisely to ensure that developmental projects, such as the establishment of airports, are undertaken in a manner that minimizes adverse ecological impacts and safeguards the well-being of both the environment and local communities. While acknowledging the importance of infrastructure development, it is paramount that such projects proceed in harmony with environmental laws to prevent irreparable damage to ecosystems and biodiversity. The requirement for Environmental Clearance serves as a crucial safeguard against unchecked exploitation of natural resources and helps uphold the principles of sustainable development-which safeguards the interests of both present and future generations. Therefore, while the decision to establish an airport may serve broader policy objectives, it must be executed within the confines of legal frameworks designed to protect the environment and ensure responsible resource management. Failure to adhere to these norms not only undermines the integrity of environmental governance but also risks long-term environmental degradation and societal discord.” [Para 21]*

The submissions made in Reply dated 30.03.2024 and Preliminary Submissions, present Rejoinder are reiterated and reaffirmed.

**REPLY TO 'PARA-WISE REPLY'.**

**VIII. (II-IX).** The contents of Paras VIII (II, III, VIII, IX) under Para-wise Reply need no reply and of Paras VIII (IV-VII) under Para-wise Reply are denied. The submissions made in the Original Application, Reply

dated 30.03.2024 and Preliminary Submissions, present Rejoinder are reiterated and reaffirmed.

**PARA WISE REPLY TO 'PARA-WISE REPLY TO THE FACTS IN BRIEF'.**

**1.-89.** The contents of Paras 1-89 under Para-wise Reply, insofar as they are inconsistent with the submissions made by the Applicant are denied. The submissions made in the Original Application, Reply dated 30.03.2024 and Present Rejoinder are reiterated and reaffirmed.

**PARA WISE REPLY TO 'PARA-WISE REPLY TO THE GROUNDS'.**

**IX. (A- S).** The contents of Paras A-S under 'Para-wise Reply to the Grounds', insofar as they are inconsistent with the submissions made by the Applicant are denied. The submissions made in the Original Application, Reply dated 30.03.2024 and Present Rejoinder are reiterated and reaffirmed.

**REPLY TO 'REPLY TO PRAYER' AND 'PRAYER'.**

**X.** The contents of Paras X (Reply to Prayer) and Prayer made by the Respondent No. 4 are denied. The submissions made in the Original Application including **the Prayer**, Reply dated 30.03.2024 and Present Rejoinder are reiterated and reaffirmed.

**PRAYER**

In light of the aforesaid Submissions, humbly prayed that this Hon'ble Tribunal may be pleased to direct that the following recommendations of the Expert Committee headed by Dr. S. R. Wate be forthwith implemented:-

*“A. All slaughterhouses need to obtain prior environmental clearance under the EIA Notification, 2006. As per ‘Prevention of Cruelty to Animals (Slaughter House) Rules, 2001’; a place is considered to be a slaughterhouse wherein 10 or more animals are slaughtered every day and is duly licensed or recognized under a Central, State or Provincial Act or any rules or regulations made thereunder.*

*B. The stand alone slaughterhouses, wherein 10-50 large animals per day or equivalent 60-300 small animals per day or combination thereof are slaughtered, will be appraised as Category B Projects for prior environmental clearance. The stand alone Meat Handling & Processing units having production of 1-5 tonnes of meat per day shall be appraised as category B projects.*

*C. The stand alone slaughterhouses, wherein >50 large animals are slaughtered per day or equivalent >300 small animal per day or a combination thereof are slaughtered, will be appraised as category A projects for prior environmental clearance. In the case of stand-alone Meat Handling & Processing units having production of >5 tonnes of meat per day shall be appraised as category A projects.*

*D. In case of integrated Slaughterhouse and Meat Handling & Processing units, project/activity shall be appraised as per slaughtering activity.*

*E. Poultry meat and/ or Fish processing/ freezing units or combination thereof (stand alone slaughterhouses, if applicable or integrated with meat Handling & Processing units or combination thereof) with a production capacity of 1- 5 tonnes of meat per day shall be appraised as category B project.*

*F. Poultry meat and/ or Fish processing/ freezing units or combination thereof (stand alone slaughterhouses, if applicable or integrated with meat Handling & Processing units or combination thereof) with a production capacity of >5 tonnes of meat per day shall be appraised as category A project*

*G. All Category B project will be appraised as Category BI projects.”*

FILED BY:

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DATED: 06.11.2024



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A-2, Kailash Colony, New Delhi  
D/2467/2013; UP/10022/2021.  
Ph: 9818448799; 9984940990.  
Email: [eshadutta7@gmail.com](mailto:eshadutta7@gmail.com)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 879 OF 2022

**IN THE MATTER OF:**

**GAURI MAULEKHI**

**...APPLICANT**

**VERSUS**

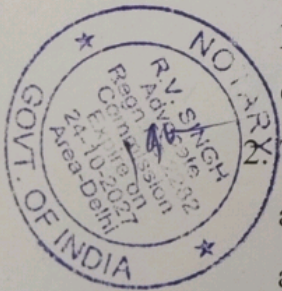
**UNION OF INDIA & ORS.**

**...RESPONDENTS**

**AFFIDAVIT**

I, Gauri Maulekhi, aged about 47 years, W/o Shri Dushyant Maulekhi, having office at Plot no. 26, D.D.A, Gulmohar Enclave, Opp. Gate No. 3, New Delhi – 110049 [Presently in New Delhi], do hereby solemnly affirm and state as under:

1. I am the Applicant in the present Original Application and I am conversant with the facts of the case and am competent to affirm the present affidavit in support of the accompanying Rejoinder filed by my counsel on my behalf.
2. That the Applicant have read and understood the contents of the accompanying Rejoinder, which have been drafted upon my directions, and the same are true and correct based on official records.
3. That no part of this affidavit is false and nothing material has been concealed therefrom.
4. That the Rejoinder shall be read as part and parcel, and the contents of the same are not repeated herein for the sake of brevity.



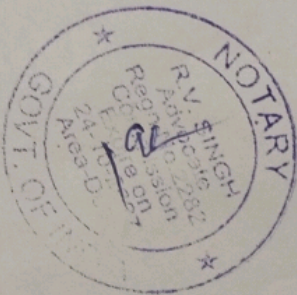
DEPONENT

**VERIFICATION:**

Verified at Delhi on this - 5 NOV 2024. day of November 2024, that the contents of this affidavit are true and correct based on official records. No part of it is false, and nothing material has been concealed therefrom.

DEPONENT

*Spandey*  
D/6843/19  
I identified the deponent/executant who has signed in my presence.



solemnly affirmed before me, read over & explained to the deponent.

*[Signature]*  
Notary Public. DELHI

- 5 NOV 2024

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## Proof of Service



Esha Dutta &lt;eshadutta7@gmail.com&gt;

**Service of Rejoinder to Reply filed by Respondent No.4 [AIMLEA] in OA No. 879/2022**

1 message

**Esha Dutta** <eshadutta7@gmail.com>

Wed, Nov 6, 2024 at 8:25 AM

To: admin@chambersofabhinavmishra.in, Nivedita <niveditachauhan@chambersofabhinavmishra.in>, "komalsingh@chambersofabhinavmishra.in" <komalsingh@chambersofabhinavmishra.in>, abhinav@chambersofabhinavmishra.in, secy-moef@nic.in, Pratyaksh Gupta <lawquery89@hotmail.com>, Pratyaksh Gupta Adv For MOEFCC NGT <lawquery89\_1@hotmail.com>, mscb.cpcb@nic.in, animalwelfareboard@gmail.com, Gauri Maulekhi <gaurimaulekhi@gmail.com>, Shaalini Agrawal <shaaliniagrawal04@gmail.com>, Siddharth Pandey <siddharth.pandey17@gmail.com>

Dear Sir,

Please find attached the Rejoinder to Reply filed by Respondent No.4 [AIMLEA]\_being filed by the Original Applicant in OA No. 879/2022, which is listed on 07.11.2024 before the Hon'ble National Green Tribunal.

This is for your kind information, necessary action and record and constitutes service.

Thanking you,

Yours faithfully,

Esha Dutta

Advocate

 **FINAL SLAUGHTERHOUSE REPLY 06.11.2024.pdf**  
1894K