

NDOH:05.02.2025

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 833 OF 2024**

IN THE MATTER OF:

VIPIN KUMAR

...APPLICANT

VERSUS

UTTARAKHAND POLLUTION CONTROL
BOARD & ORS.

...RESPONDENTS

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FILED BY:

New Delhi
Date: 23.11.2024

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O.A. NO. 833 OF 2024

IN THE MATTER OF:

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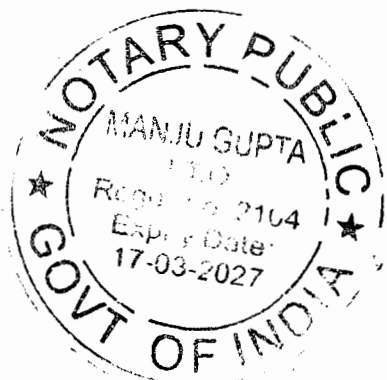
UTTARAKHAND POLLUTION CONTROL
BOARD & ORS.

...RESPONDENTS

**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT TO
THE RESPONSE AFFIDAVIT FILED BY UKPCB DATED
18.10.2024**

I, Vipin Kumar, aged 52 years, s/o Shri Karan Singh, R/o Village Mohammadpur Jat, Tehsil Roorkee, District Haridwar, Uttarakhand 247670, do hereby affirm and state as under-

1. I am the Applicant above named am aware of the facts and am competent to file the present rejoinder affidavit to the response filed by UKPCB to this OA.
2. I have perused the contents of Response Affidavit dated 18.10.2024 filed by the Uttarakhand Pollution Control Board (UKPCB). At the outset I state that the contents of the same are denied and no part of the same maybe treated as having been admitted for lack of specific denial.

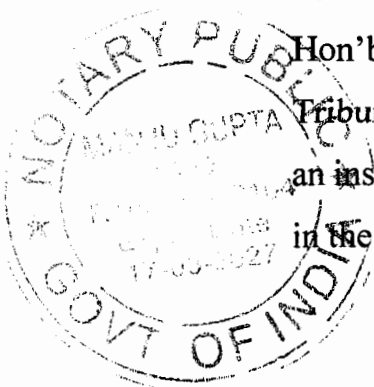


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MOEFCC notification dated 22.02.2022 before issuing the fresh CCA's dated 07.06.2024. On the contrary, as asserted by the Applicant, the UKPCB seems to have understood that it is free to reissue the CCA's following the Supreme Court orders without actually verifying compliance with the siting criteria. Hence the present OA was filed seeking quashing of the impugned CCA's.

PARA WISE REJOINDER

- 1-8 That the contents of paras 1-8 are a matter of record and need no reply.
9. In reply to the contents of para 9 it is submitted that the UKPCB's response affidavit fails to address the main issue regarding the violation of siting criteria under MOEFCC notification dated 22.02.2022 being committed by the Respondent Nos. 5 and 6 brick kilns. The UKPCB admits that it has simply 'revalidated' the CCAs' following the orders of the Hon'ble Supreme Court. This revalidation of CCAs by the UKPCB shows a complete lack of application of mind in the entire process. UKPCB has admittedly not take any steps to verify compliance of the siting criteria as per MOEFCC notification dated 22.02.2022. This Hon'ble Tribunal had clearly determined on 12.10.2023 that the siting criteria under the said notification was applicable to the Respondents 5 and 6, and the Hon'ble Supreme Court did not disturb the order of this Hon'ble Tribunal. Hence, it was incumbent on the UKPCB to have conducted an inspection and determined if the siting criteria violations, as found in the judgemnt of 12.10.2023 (including on the basis of Factual and



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Action Taken Report dated 14.08.2022 filed by committee comprising State PCB and District Magistrate Haridwar) were cured or continued. Hence, the revalidation of CCAs by the UKPCB is ex facie illegal and the impugned CCA's ought to be quashed by this Hon'ble Tribunal as prayed for.

10. That the contents of para 10 are a matter of record but have no bearing on the issue regarding the validity of the impugned CCA's dated 07.06.2024.

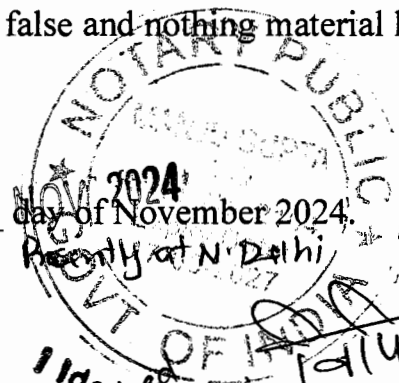
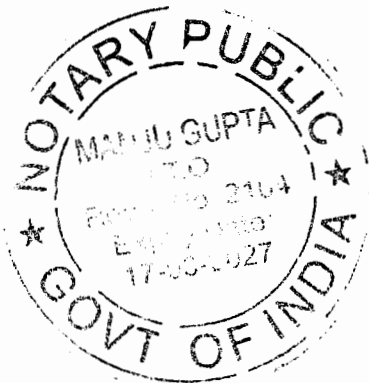
11. That the contents of para 11 are denied and it is submitted that, from the record of this case, it is very clear that the UKPCB has failed to follow the orders of this Hon'ble Tribunal and the Hon'ble Supreme Court and has revalidated the CCA's without ensuring compliance with law. Hence the impugned CCA's ought to be quashed by this Hon'ble Tribunal as prayed for.

[Handwritten Signature]
DEPONENT

VERIFICATION

That the contents of the above paras are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from.

Verified at New Delhi on this the 23 day of November 2024.



[Handwritten Signature]
DEPONENT
[Handwritten Signature]
NOTARY PUBLIC 23 NOV 2024
DELHI



Proof of Service

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Krishna Veer <krishnaveer100@gmail.com>

Advance service of Rejoinder Affidavit on the Applicant to the Short Reply/Preliminary Objections filed by the R5 &6 and Rejoinder of the Applicant to Response filed by UKPCB dated 18.10.2024

1 message

Krishna Veer <krishnaveer100@gmail.com>

Sat, Nov 23, 2024 at 1:35 PM

To: msukpcb@yahoo.com, ajayaggarwal.cpcb@nic.in, dm-har-ua@nic.in, mcfcc@gov.in

Dear Sir/Madam

Kindly find attached herewith the scanned copies Rejoinders Affidavit on the Applicant to the Short Reply/Preliminary Objections filed by the R5 &6 and Rejoinder of the Applicant to Response filed by UKPCB dated 18.10.2024

Regards

Krishan Veer, Clerk
of Mr. Rohan Thawani, Adv.

2 attachments

**Rejoinder to Short Reply Preliminary Objections filed by R5 and 6.pdf**

106K

**Rejoinder to Response filed the UKPCB.pdf**

414K