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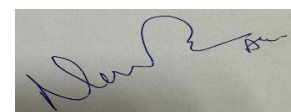
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

IA NO. 122 OF 2026  
IN  
ORIGINAL APPLICATION NO. 341 of 2024

(under Section 18(1) read with Section 14 and Section 15 of the National  
Green Tribunal Act, 2010 AND Environment (Protection) Act, 1986)

I N D E X

SR NO.	PARTICULARS	PAGE NO.
1.	REJOINDER ON BEHALF OF APPLICANTS	



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Date- 26/05/2026

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**I.A. NO. 122 OF 2026  
IN  
ORIGINAL APPLICATION NO. 341 OF 2024**

**IN THE MATTER OF:**

PAWAN KUMAR BANTA ...APPLICANT

**VERSUS**

STATE OF HIMACHAL PRADESH & ORS. ...RESPONDENTS

**AND IN THE MATTER OF:**

1) SHAGUN SHARMA

S/O SH. PAWAN KUMAR

R/O VILLAGE CHHABAR, POST OFFICE SATHANA,

TEHSIL FATEHPUR, SATHANA KHAS (229),

SATHANA, KANGRA, HIMACHAL PRADESH - 176025.

2) AJAY KUMAR

S/O SH. DARSHAN KUMAR

R/O WARD NO. 6, DEV NAGAR, V.P.O. GAGRET, TEHSIL

GHANARI,

GAGRET KHAS (140), PO GAGRET, DISTRICT UNA, HIMACHAL

PRADESH - 177201.

...APPLICANTS

**REJOINDER ON BEHALF OF THE APPLICANTS TO THE REPLY  
FILED BY RESPONDENT NO. 7 TO THE INTERLOCUTORY  
APPLICATION NO. 122 OF 2026**

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MOST RESPECTFULLY SHOWETH:

- 1) That the Applicant above-named are filing the present Rejoinder to the Reply filed by Respondent No. 7. The Applicants deny the averments and contentions raised in the said Reply, save and except those that are matters of record or are specifically admitted herein. The Applicants reiterate the contents of their Application for Impleadment (hereinafter "the Application") and crave leave of this Hon'ble Tribunal to treat the same as an integral part of this Rejoinder to avoid prolixity.
- 2) That from the reply and the objections of the respondent no.7, it is evident that, they do not want the matter/issue to be pursued or contested properly and want the case to go unrepresented, so as to enable there submissions go unrebutted.

## **PRELIMINARY SUBMISSIONS**

- 3) That it is submitted that the Reply filed by Respondent No. 7 is a misleading and disingenuous attempt to obfuscate the core issue of blatant environmental violations. The preliminary objections raised by Respondent No. 7 regarding locus standi, delay, and the applicants being neither necessary nor proper parties are devoid of merit, legally untenable, and raised solely to evade scrutiny of its illegal actions.
- 4) That it is submitted that the objection regarding the Applicants' locus standi is misconceived. The law on environmental jurisprudence, particularly under the National Green Tribunal Act, 2010, is well-settled, favouring a liberal interpretation of locus standi. The Applicants, being residents of Himachal Pradesh and public-spirited citizens, have a profound and direct interest in the preservation of the fragile Himalayan ecology. The present Application is filed in the larger public interest to prevent irreparable damage to the environment and to uphold the Rule of Law, which has been

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flagrantly violated by Respondent No. 7. The Applicants are not mere busybodies but are acting to safeguard the fundamental right to a clean and healthy environment guaranteed under Article 21 of the Constitution of India.

- 5) That it is further submitted that the objection of delay is wholly misplaced. The illegal construction and the resultant environmental degradation by Respondent No. 7 constitute a continuing cause of action. The Applicants want to bring to light that a clear case of violation—wherein construction of the project in question was commenced, substantially carried out, and nearly completed without obtaining prior Environmental Clearance—has been mala fide mischaracterized as a mere case of transfer. This has been done in complete disregard of the EIA Notification, 2006, as well as in wilful defiance/contempt of the settled law laid down by the Hon'ble Supreme Court, which unequivocally holds that projects involving substantial construction without prior EC cannot be regularized through the grant of ex post facto clearance. It is further submitted that the earlier Environmental Clearance dated 01.04.2016 was, in any event, incapable of being transferred, as the project in question is entirely distinct, having been conceived and executed with a materially different scope, scale, built-up area, and environmental impact. The purported transfer of the said EC is in direct contravention of Clause 4 of the EC dated 01.04.2016, which explicitly mandates that any change in the scope of the project necessitates fresh appraisal by the competent authority. That the said transfer of EC clearly reflects that the State Environmental Impact Assessment Authority, Himachal Pradesh was hand in gloves with the project proponent i.e. M/s Nirvana Woods and Hotels Private Limited by SEIAA. The doctrine of laches cannot be invoked to perpetuate an illegality, especially in matters of grave environmental concern. It is respectfully submitted that this Hon'ble Tribunal may kindly take into consideration, the substantive justice and environmental protection rather

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than on hyper-technical and self-serving objections of delay raised by a project proponent who has openly demonstrably violated the law.

- 6) That it is vehemently submitted that the entire project of Respondent No. 7 is founded on a fundamental fraud perpetrated upon the statutory authorities and this Hon'ble Tribunal. The permissions to purchase land under Section 118 of the H.P. Tenancy and Land Reforms Act, 1972, and the transfer of license under the H.P. Town & Country Planning Act, 1977, were obtained for the explicit and limited purpose of developing a "Residential Colony". However, Respondent No. 7 has, in a clandestine manner, constructed a massive 11-storey commercial hotel, which is an entirely different project with a significantly higher environmental footprint. This constitutes a classic case of fraud on the statute, a fit case to be referred to CBI for investigation also and any permissions obtained through such misrepresentation are void ab initio.
- 7) That it is submitted that the reliance by Respondent No. 7 on the EC dated 01.04.2016, granted to the erstwhile owner (Respondent No. 8) for the project 'Homeland Exotica' (a residential colony), is a deliberate subterfuge to circumvent the mandatory provisions of the EIA Notification, 2006. The said EC was project-specific and proponent-specific. The complete transformation of the project from a residential colony to a commercial hotel constitutes a material change in scope, nature, and scale, which, as per Clause 11 of the EIA Notification, 2006, necessitates a fresh appraisal and the grant of a new EC. The purported transfer of the old EC is illegal and void, and the construction of the hotel is, therefore, being carried out without any valid environmental clearance.
- 8) That SEIAA, Himachal Pradesh, in apparent connivance with the project proponent, has proceeded to grant a purported transfer of the Environmental

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Clearance vide communication dated 27.05.2025 in favour of M/s Nirvana Woods and Hotels Private Limited, without due application of mind and in blatant disregard of the governing legal framework. It is respectfully submitted that the said Environmental Clearance was inherently non-transferable in its nature, being project-specific and contingent upon the identity of the original project proponent, as well as the scope and configuration of the project as appraised. Moreover, the said Environmental Clearance had, in effect, already been rendered inoperative and stood surrendered in substance by Mr. Sunil Kumar Sood through his repeated and unequivocal communications seeking its withdrawal. In such circumstances, the act of SEIAA in purporting to transfer a non-existent and extinguished clearance is not only arbitrary and without jurisdiction, but also vitiated by mala fides.

- 9) Further, it is an undisputed and demonstrable fact that M/s Nirvana Woods and Hotels Private Limited had not only started and raised, but almost completed the construction of the project site much prior to making any application for transfer of the Environmental Clearance. Large-scale construction activities, including multi-storeyed structures, were commenced, continued and even completed at a time when no valid Environmental Clearance existed in the name of M/s Nirvana Woods and Hotels Private Limited, nor was any fresh appraisal undertaken by the competent authority. That the action of SEIAA, Himachal Pradesh in granting transfer of Environmental Clearance to a project whose construction had already been commenced and substantially progressed without obtaining prior Environmental Clearance—whether by way of fresh grant or valid transfer—is in direct and flagrant violation of the Notification dated 14.03.2017 as well as the Office Memorandum dated 07.07.2021 issued by the competent authority. Both the aforesaid instruments categorically mandate that any project which has commenced construction without prior Environmental Clearance can only be considered under the “violation category” and must be dealt with strictly in accordance with the procedure prescribed therein.

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It is pertinent to mention herein that the Applicants herein had submitted a detailed representation before the Ministry of Environment, Forest and Climate Change highlighting that the present matter is, in substance, a clear case of violation, wherein substantial construction activities had already been undertaken by the Respondent Project Proponent without obtaining a valid Environmental Clearance, and yet the same appears to have been erroneously treated by SEIAA, Himachal Pradesh merely as a case of transfer/change in name whereas it ought to have been appraised under the violation category. It has come to the knowledge of the Applicants that, pursuant to the aforesaid representation, the Ministry of Environment, Forest and Climate Change has issued a communication to SEIAA, Himachal Pradesh seeking an explanation as to how such treatment/approval could have been accorded in the facts and circumstances of the present case as the present case is the one falling under violation category. However, the said communication is presently not in possession of the Applicants. Accordingly, it is most respectfully prayed that this Hon'ble Tribunal may kindly direct the Respondent SEIAA, Himachal Pradesh to place the said communication/letter issued by the Ministry of Environment, Forest and Climate Change on record before this Hon'ble Tribunal. The Applicants have already sought a copy of the said communication under the provisions of the Right to Information Act, 2005 and undertake to place the same on record immediately upon receipt thereof.

## **REPLY ON MERIT**

1. That the Applicants reiterate that they have the necessary locus standi as public-spirited citizens concerned with environmental degradation in their home state. The Application is not time-barred due to the continuing nature of the violation. The Applicants are proper parties whose presence is essential for a just and complete adjudication, as they bring to light the specific fraud and illegality concerning the misuse of the original EC. The reliance on case law by Respondent No. 7 is misplaced, as the facts and circumstances are entirely different. The present case involves a patent

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illegality and a fraud on the statute, which this Hon'ble Tribunal is duty-bound to examine.

2. That it is submitted that the claim of Respondent No. 7 that it has obtained all valid permissions is a half-truth designed to mislead this Hon'ble Tribunal. While it may have obtained ancillary NOCs (for electricity, water, etc), it has deliberately concealed the fact that it undertook substantial construction without obtaining a Valid EC and now it has arbitrarily gotten transferred the earlier EC to its name As already submitted above, the present case is that of violation as substantial construction had been undertaken by the Respondent Project Proponent without any valid EC. Therefore, even as of now the transferred EC dated 27.05.2025 is completely invalid. All other permissions are rendered invalid in the absence of a valid EC for the actual project being executed. The mention of previous litigations is an attempt to prejudice this Hon'ble Tribunal; however, the disposal or withdrawal of prior cases does not grant a license to Respondent No. 7 to continue with its illegal activities, nor does it extinguish the right of the present Applicants to agitate the gross environmental violations.
3. That it is reiterated that the construction of the commercial hotel project by Respondent No. 7 is wholly unauthorised and illegal as it was undertaken without a valid Environmental Clearance. The allegations are not bald but are based on documents of record, which clearly show that the permissions were for a "Residential Colony" and not a hotel.
4. That it is further submitted that the bona fides of the Applicants are beyond reproach. Their only interest is the protection of the environment. The averment that the Applicants have not shown how they are aggrieved is

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contrary to the established principles of environmental law, where any citizen has the right to question actions that harm the environment.

5. That the present Application for impleadment is the most appropriate remedy to avoid multiplicity of proceedings, as the main O.A. is already pending and the pleadings are complete. The Applicants seek to assist the Hon'ble Tribunal by highlighting the specific illegality of using an old, inapplicable EC for a new project. The impleadment of the applicants would in no way delay the progress of the case.
6. That the details of Khasra numbers and licenses are matters of public record, and questioning their source is a diversionary tactic. The core issue remains that the EC dated 01.04.2016 was for a different project and a different proponent and could not have been legally used for the construction of a commercial hotel by Respondent No. 7. The construction is a flagrant violation of the terms of the EC, the EIA Notification, 2006, and the permissions granted by the Town & Country Planning and Revenue Departments of Himachal Pradesh.
7. That it is submitted that irreparable loss and injury will be caused to the environment and the public at large if the Applicants are not impleaded and the illegalities are allowed to be whitewashed. The Applicants are necessary and proper parties to ensure that the complete and true facts are placed before this Hon'ble Tribunal for a just decision.

## **PRAYER**

In the facts and circumstances, as detailed above, this Hon'ble Tribunal in the interest of justice may be pleased to:

- a) Take the present Rejoinder on record;

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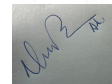
- b) Dismiss the preliminary objections and deny the averments raised in the Reply of Respondent No. 7;
- c) Allow the Interlocutory Application No. 122 of 2026 and may direct impleadment of the Applicants as co-applicants in the Original Application No. 341 of 2024; and
- d) Pass any other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice and protection of the environment.

AND FOR THIS ACT OF KINDNESS, THE APPLICANTS AS IN DUTY BOUND SHALL EVER PRAY.

26<sup>th</sup> May 2026

Through

  
Applicant



Counsel

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
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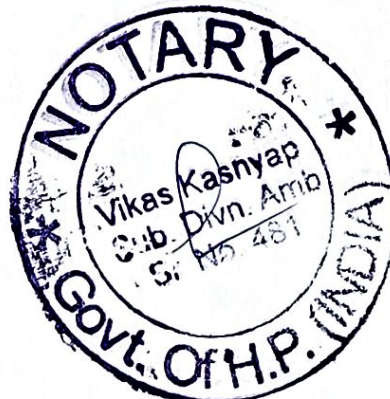
**...RESPONDENTS**

**AFFIDAVIT**

I, Ajay Kumar, s/o Sh. Darshan Kumar, aged about 60 years, RIO Ward No.6, Dev Nagar, V.P.O Gagret, Tehsil Ghanari, Gagret Khas (140), PO Gagret, Distt: Una, Himachal Pradesh, do hereby solemnly affirm and declare as under:

1. That the deponent is the co-applicant in the above mentioned I.A. and is well conversant with facts and circumstances of the case and is competent to swear this affidavit before this Hon'ble Tribunal.
2. That the contents of the accompanying rejoinder have been drafted by my counsel under my instructions and the same are true and correct to the best of my knowledge.

*Ajay*



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3. The deponent craves leave of this Hon'ble Tribunal to read the contents of the same as integral part and parcel of this affidavit as the same are not being repeated herein for the sake of brevity.

*Ajay*  
Deponent

VERIFICATION :

Verified at \_\_\_\_\_ on this 26<sup>th</sup> day of May 2026, that the contents of my above affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therein.



*Ajay*  
Deponent

Certified that the above overleaf was declared before me an oath/affirmation this 26<sup>th</sup> day of May 2026 at Una in the District of Una by shri Ajay Kashyap who was identified by Self who is personally known to me. The Contents of this affidavit were duly read and explained to the deponent who admitted the contents thereof to be true.

Attested As Identified  
*Vikas Kashyap*  
NOTARY  
Sub. Divn. Amb  
Distt Una (H.P.)

NOTARY  
Sub-Division Distt Una (H.P.)