

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI
REVIEW APPLICATION NO. 14 OF 2019
IN
ORIGINAL APPLICATION NO. 317 OF 2015**

IN THE MATTER OF:

**Uttar Pradesh State Industrial
Development Authority**

... Applicant

Versus

Rashid Ali Warsi & Ors.

...Respondent(s)

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THROUGH

DATE: 10.03.2026

PLACE: NEW DELHI



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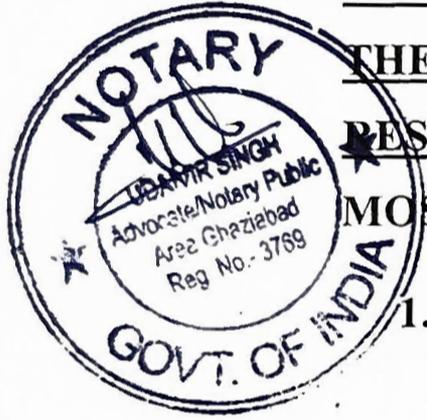
Rashid Ali Warsi & Ors.

...Respondent(s)

REJOINDER ON BEHALF OF THE REVIEW APPLICANT TO
THE REPLY DATED 03.12.2025 FILED ON BEHALF OF
RESPONDENT NO. 4

MOST RESPECTFULLY SHOWETH:

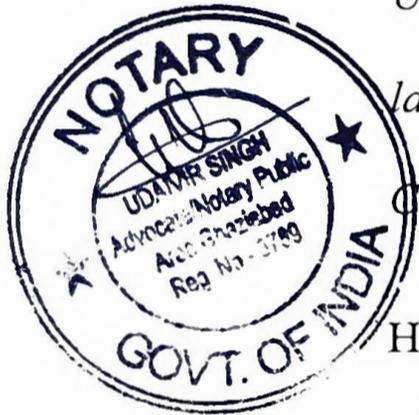
1. That the present Review Application was filed seeking review of the order dated 13.11.2018 passed by this Hon'ble Tribunal in O.A. No. 317 of 2015.
2. That Para A of the reply is denied and it is submitted that there is a clear error in the impugned order in that the impugned order records in para 1 that the management of the CETP had been handed over to the SPV of Tronica City Association, and the Applicant was no longer in charge of the same. The impugned order also takes note of the order dated 10.08.2018 of the Hon'ble Supreme Court (Annexure R1/A4) whereby the



Hon'ble Supreme Court also noted that the unit was handed over to the SPV and accordingly UPSIDA would not be liable to pay costs for the period after the handing over. The relevant portion of the order is as follows:

"...CETP was, however, not functional to the extent of the requisite capacity. Its management was handed over to the Special Purpose Vehicle (SPV) of Tronica City Association.

UPSIDC was required to pay environmental damage of Rs. 2 lakhs per day for 77 days as per order of Hon'ble Supreme Court dated 10.08.2018."

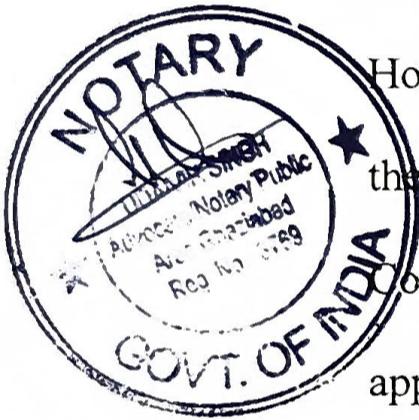


However, despite noting that the operation and maintenance of the CETP had been handed over to the Respondent No. 4 SPV, the impugned order erroneously imposed costs of Rs. 50 lakhs on the Applicant for alleged environmental damage caused subsequent to the said handing over.

3. That the Impugned order also suffers from error apparent on the face of the record as it wrongly notes in para 6(V) that *"The UPSIDC, which is maintaining and operating CETP at Tronica City, will ensure compliance of all directions except the cleaning and maintenance of conveyance system"*. This direction is clearly erroneous as the Applicant, UPSIDA, had

handed over, operation and maintenance of the CETP in question to the Respondent No. 4 on 30.10.2017, and the Applicant had only undertaken to clean and maintain the conveyance system. Therefore, there are multiple errors apparent in the impugned order.

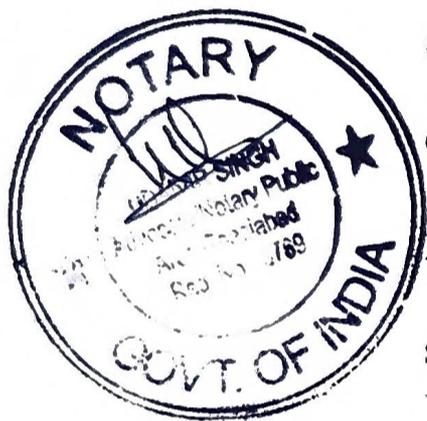
4. That Para B of the reply is denied and it is submitted that the delay in filing the review application has been condoned by this Hon'ble Tribunal vide order dated 15.10.2024, in pursuance to the order dated 09.09.2024 passed by the Hon'ble Supreme Court in Civil Appeal No. 5009-5010/2019. The review application makes out a strong case on merits.



5. That Para C of the Reply is denied and it is submitted that the present review application is based on errors apparent on the face of the impugned order.
6. That Para D of the Reply is denied and it is submitted that the order dated 10.08.2018 passed by the Hon'ble Supreme Court was well reasoned, and the issue has attained finality. It is entirely inappropriate for the Respondent No. 4 to question orders of the Hon'ble Apex Court in these proceedings.

7. That Para E of the Reply is denied and it is submitted that the order dated 10.08.2018 passed by the Hon'ble Supreme Court was well reasoned, and the issue has attained finality. It is entirely inappropriate for the Respondent No. 4 to question orders of the Hon'ble Apex Court in these proceedings.

8. That Para 1 of the Reply is denied and it is submitted that the applicant had no knowledge of any hazardous waste being stored in the CETP as the operation and maintenance of the CETP had been handed over to the Respondent No. 4 since 30.10.2017 (Annexure R1/A3), and the Respondent No. 4 was solely responsible for the same.

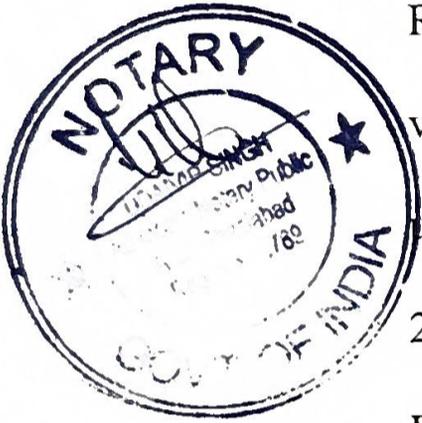


9. That Para 2 of the Reply is denied in view of submissions made above. It is submitted that the order dated 18.09.2018 (Annexure R1/A5) was in pursuance to the order dated 10.08.2018 of the Hon'ble Supreme Court (Annexure R1/A4) whereby the Hon'ble Supreme Court also noted that the unit was handed over to the SPV and accordingly UPSIDA would not be liable to pay costs for the period after the handing over.

10. That Para 3 of the Reply is denied in view of submissions made above. It is submitted that the applicant had no knowledge of any hazardous waste being stored in the CETP as the operation

and maintenance of the CETP had been handed over to the Respondent No. 4 since 30.10.2017 (Annexure R1/A3), and the Respondent No. 4 was solely responsible for the same.

11. That Para 4 of the Reply is denied as being blatantly false and untrue. The handing over agreement (Annexure R1/A3) is signed and stamped on behalf of the Respondent No. 4. The Respondent No. 4 has never raised any question as to the validity of the said agreement even though it has been relied upon by the Hon'ble Supreme Court in Civil Appeal Diary No. 21556/2018 and Civil Appeal No. 5009-5010/2019 wherein the Respondent No. 4 was also party.



12. That Para 5 of the Reply is denied in view of submissions made above.

13. That Para 6 of the Reply is denied in view of submissions made above. It is submitted that the applicant had no knowledge of any hazardous waste being stored in the CETP as the operation and maintenance of the CETP had been handed over to the Respondent No. 4 since 30.10.2017 (Annexure R1/A3), and the Respondent No. 4 was solely responsible for the same.

14. That Para 7 of the Reply is denied in view of submissions made above.

15. That the Prayer clause is denied as being baseless.

16. That in view of the above, the present review application deserves to be allowed.



[Signature]
Project Officer
UPSIDA
Trans Delhi Signature City
Ghaziabad

APPLICANT

THROUGH

[Signature]

STHAVI ASTHANA
ADVOCATE FOR APPLICANT
C-9, SECTOR 50, NOIDA, U.P. 201303
(M): 9711116034
(E): STHAVIASTHANA@GMAIL.COM

DATE: 10.03.2026

PLACE: NEW DELHI

ATTESTEE
[Signature] 10/3/2026
UDAYVIR SINGH
Advocate / Notary Public
No. 944, Civil Court
GHAZIABAD

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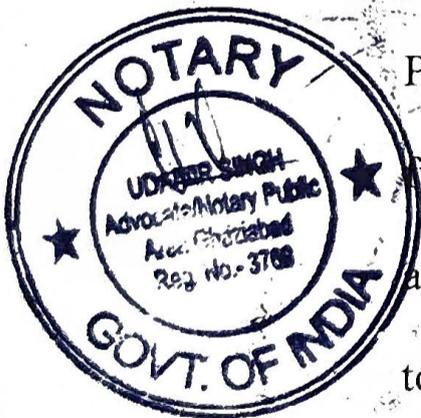
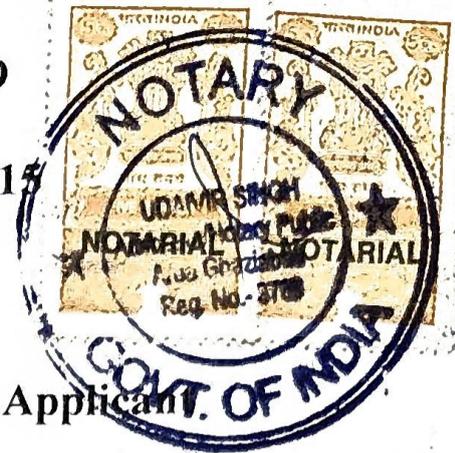
...Respondent(s)

AFFIDAVIT

I, Sharmila Patel W/o Shri Shailendra Singh, aged about 44 years, R/o H.No. 809, Vasundhara 2-B, Vasundhara, Ghaziabad presently posted as Project Officer, UPSIDA, Trans Delhi Signature City, Loni, Ghaziabad, do hereby solemnly affirm and state on oath as under:

1. That I am posted as the Project Officer of the Applicant, Uttar Pradesh State Industrial Development Authority. I say that I am fully conversant with the facts of the case and in the abovementioned official capacity I am competent and authorized to swear the present Affidavit.

2. That I have read and understood the contents of the accompanying rejoinder which has been drafted by my counsel at my instance and I further state that the same are true on information received



and believed to be correct to the best of my knowledge and belief
and nothing material has been concealed therefrom.



DEPONENT
Project Officer
UPSIDA
Trans Delhi Signature City
Ghaziabad

VERIFICATION

Verified at _____ on this ____ day of March 2026 that the contents of
the above affidavit are true and correct to the best of my knowledge and
belief and nothing material has been concealed therefrom.



DEPONENT
Project Officer
UPSIDA
Trans Delhi Signature City
Ghaziabad



ATTESTED

KUNWAR SINGH
Advocate /Notary Public
No. 944, Civil Court
GHAZIABAD