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

I.A. No. 708/2025

IN

ORIGINAL APPLICATION No. 549/2025

IN THE MATTER OF:

DHEERAJ TIWARI

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FOREST,
AND CLIMATE & OTHERS

... RESPONDENTS

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Date: 28.01.2026

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**REJOINDER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6
TO THE REPLY FILED BY THE APPLICANT IN I.A. No. 708/2025
[Earlier I.A. 92/2025] ON THE ISSUE OF MAINTAINABILITY OF THE
OA NO. 549/2025**

MOST RESPECTFULLY SHOWETH:

1. Respondent No. 6 is filing the present rejoinder affidavit (**“Rejoinder”**) to the reply dated 24.11.2025 filed by Applicant in I.A. No. 708/2025 in OA No. 549/2025 (**“Reply”**). The contents of the I.A. No. 708/2025 in OA No. 549/2025 [Earlier I.A. 92/2025] filed by the Respondent No. 6 on the issue of maintainability of OA No. 549/2025 (**“Original Application”**) are not being repeated herein for the sake of brevity and same may be treated as part and parcel of the present Rejoinder. The present Rejoinder is only limited to the issue of maintainability and Respondent No.6, reserves its right to file detailed reply on issues other than maintainability in Original Application, if required – subsequent to decision/ order in IA No. 708/2025.

2. It is submitted that each and every averment raised in the Reply is denied in toto and nothing shall be deemed to be admitted unless expressly admitted by the Respondent No. 6 in the present Rejoinder.
3. The submission made in the present Rejoinder are without prejudice to each-other; and without prejudice to any submissions made in the I.A. No. 708/2025 [Earlier I.A. 92/2025] in the Original Application.

PRELIMINARY OBJECTIONS

- A. **Sections 14 and 15 of the National Green Tribunal Act, 2010 (“NGT Act”) do not permit filing of an appeal against the (alleged) violation/ breach of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as a specific statutory appellate remedy is provided under the Section 28 of the Water (Prevention and Control of Pollution) Act, 1974, Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 16 of the NGT Act**
4. That the present Original Application is not maintainable and is liable to be dismissed in limine because the substantive challenge is to the legality and continuance of the Consent to Operate (“CTO”) dated 23.08.2024 (as amended) issued by the Chhattisgarh Environment Conservation Board (“Respondent No. 3”) under Section 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974 (“Water Act”) and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (“Air Act”).

5. It is submitted that the Applicant has repeatedly described the said CTO as “illegal”, “forged”, “issued in teeth of the EIA Notification”, “without any inspection or verification”, and has sought its quashing/setting aside and stoppage of all operations thereunder. The entire foundation of the Original Application rests on declaring the CTO dated 23.08.2024 null and void.

6. It is submitted that any person aggrieved by an order granting, refusing, or amending CTO under the Water Act and/ or Air Act has a specific, efficacious and mandatory statutory remedy of appeal provided under Section 28 of the Water Act and Section 31 of the Air Act.

Section 28 of the Water Act reads as under:

“(1) Any person aggrieved by an order made by the State Board under Section 25, section 26 or section 27 may within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the appellate authority) as the State Government may think fit to constitute: Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.....”

Section 31 of the Air Act reads as under:

“(1) Any person aggrieved by an order made by the State Board under this Act may, within thirty day from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State Government may think fit to constitute: Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time....”

7. That, from perusal of the above mentioned provisions of Water Act and Air Act respectively, it is clear that first appeal lies before the appellate authority under the respective acts/ statutes. Therefore, first appeal(s) is not maintainable before this Hon'ble Tribunal and more specifically under Sections 14 and 15 of the NGT Act.
8. It is submitted that this Hon'ble Tribunal, Principal Bench, in the case of *Hari Om Sharan Dwivedi v. Uttar Pradesh Pollution Control Board & Oth. in OA No. 142/2025*, has held that:

*“26. **Section 14**, as we have already seen, confers original jurisdiction upon Tribunal to adjudicate a substantial question relating to environment when has arisen out of implementation of enactments specified in Schedule I. It **does not confer any supervisory or appellate jurisdiction upon the Tribunal to look into the correctness of the Statutory order passed by Statutory body under a relevant Statute where against a further remedial hierarchy in terms of Appeal and Revision etc. is also provided in such Statute.** Similarly, Section 15 is also not attracted to challenge Statutory order passed by Statutory authority. In the circumstances, **we are clearly of the view that an OA under Sections 14 and 15 is not maintainable to challenge Statutory order of CTO since the applicant has otherwise Statutory remedy of Appeal etc.** which it has failed to avail and having lost such remedy, **it cannot be permitted to convert jurisdiction under Sections 14 and 15 of NGT Act, 2010 into appellate jurisdiction.**”*
[Emphasis Supplied]

9. In light of the settled position, the submission of the Applicant that the Original Application under Sections 14 and 15 of the NGT Act is maintainable- is bad in law and must be disregarded and the IA No. 708/2025 in the Original Application be allowed.

10. It is submitted that the Hon'ble Supreme Court in the case of **Tamil Nadu Pollution Control Board v. Sterlite Industries (India) Limited And Ors., (2019) 19 SCC 479**, has held that:

“32. From the above authorities, it is clear that an appeal is a creature of statute and an appellate tribunal has to act strictly within the domain prescribed by statute. It is obvious that an appeal would lie from an order or decision of the appellate authority under Section 28 of the Water Act to the NGT only under Section 33B(a) of the Water Act read with Section 16(a) of the NGT Act. Similarly, an appeal would lie from an order or decision of the appellate authority under Section 31 of the Air Act to the NGT only under Section 31B of the Air Act read with Section 16(f) of the NGT Act. Obviously, since no order or decision had been made by the appellate authority under either the Water Act or the Air Act, any direct appeal against an original order to the NGT would be incompetent. NGT’s jurisdiction being strictly circumscribed by Section 33B of the Water Act, read with Section 31B of the Air Act, read with Section 16(a) and (f) of the NGT Act, would make it clear that it is only orders or decisions of the appellate authority that are appealable, and not original orders. On the facts of the present case, it is clear that an appeal was pending before the appellate authority when the NGT set aside the original order dated 09.04.2018. This being the case, the NGT’s order being clearly outside its statutory powers conferred by the Water Act, the Air Act, and the NGT Act, would be an order passed without jurisdiction.”

“36. ... Equally disingenuous is the reference to Section 14 of the NGT Act which only refers to the original jurisdiction of the NGT and not to its appellate jurisdiction. Also, to state generally that the subject matter of environment lies with the NGT, is an argument of despair that must be dismissed for the reason that as held by us hereinabove, an appeal being a creature of statute, a statute either confers a right of appeal or it does not...”

“45. Equally, so far as the order dated 08.08.2013 is concerned, we have seen how the NGT stated that the doctrine of necessity would take over if an appellate authority under the Act is not properly constituted so that no appeal can then be effectively preferred. This, again, is an argument that cannot be countenanced. If an appellate authority is either not yet constituted, or not properly constituted, a leapfrog appeal to the NGT cannot be countenanced. As has been held by us supra, the NGT is only conferred appellate

jurisdiction from an order passed in exercise of first appeal. Where there is no such order, the NGT has no jurisdiction.
[Emphasis Supplied]

11. In light of the above cited authority, it is clear that only order passed by appellate authority under the respective Air Act and Water Act against the CTO under challenge can be challenged before the Hon'ble Tribunal. It is further submitted that once order passed by the concerned appellate authority under Section 28 of the Water Act, it can be challenged under appeal via Section 33B of the Water Act read with Section 16(a) of the NGT Act; and whereas once order passed by the concerned appellate authority under Section 31 of the Air Act, it can be challenged under appeal via Section 31B of the Air Act read with Section 16(f) of the NGT Act. Therefore, CTOs granted, under the Air Act and Water Act to the Respondent No.6 are not appealable before the Hon'ble Tribunal and/ or can be challenged under Sections 14 and 15 of the NGT Act by filing any application..
12. Without prejudice, it is submitted that even if it is assumed that appellate authority is not constituted as claimed by the Applicant in civil appeal before the Hon'ble Supreme Court in Civil Appeal No. 11467 of 2025, then also, statutory procedure stipulated under the NGT Act, Water Act and Air Act cannot be leapfrogged in terms of the above authority cited. Accordingly, the Original Application is liable to be dismissed on this ground alone.
13. Without prejudice to the above, it is submitted that any appeal against grant of any CTO under Section 25 and 26 of the Water Act is only maintainable under Section 28 of the Water Act and any such appeal under Section 28 of the Water Act can only be filed with 30 days from the date of the

communication of the order. Any appeal against an order passed under Section 28 of the Water Act (by the appellate authority under the Water Act) is appealable before this Hon’ble Tribunal under Section 33(b) of the Water Act read with Section 16(a) of the NGT Act and such appeal is required to be filed within 30 days from the date of the communication of the order – which is further extendable by up to 60 days (only). Similarly, any appeal against grant of any CTO under Section 21 of the Air Act is only maintainable under Section 31 of the Air Act; and any such appeal under Section 31 of the Air Act can only be filed with 30 days from the date of the communication of the order. Any appeal against an order passed under Section 31 of the Air Act (by the appellate authority under the Air Act) is appealable before this Hon’ble Tribunal under Section 31(b) of the Air Act read with Section 16(f) of the NGT Act and such appeal is required to be filed within 30 days from the date of the communication of the order – which is further extendable by up to 60 days (only).

14. For ease of perusal, the below is the tabular chart explaining the limitation period for filing the appeal before the appellate authority under the Water Act and Air Act.

Water Act, 1974	Air Act, 1981
<p>CTO dated 23.08.2024 granted by CECB under Section 25 and 26</p> <p style="text-align: center;">↓</p> <p>CTO to be challenged under Section 28 (1st Appeal) Limitation – 30 days from the date of order communicated</p> <p style="text-align: center;">↓</p> <p>Appeal to NGT under Section 33B read with Section 16(a) of the NGT Act (2nd Appeal) Limitation- 30 days from the date the order is communicated + 60 days</p>	<p>CTO dated 23.08.2024 granted by CECB under Section 21</p> <p style="text-align: center;">↓</p> <p>CTO to be challenged under Section 31 (1st Appeal) Limitation – 30 days from the date of order communicated</p> <p style="text-align: center;">↓</p> <p>Appeal to NGT under Section 31B read with Section 16(f) of the NGT Act (2nd Appeal) Limitation- 30 days from the date the order is communicated + 60 days</p>

15. It is submitted that this Hon'ble Tribunal, Principal Bench, in the case of *Athippa Chemicals Pvt. Ltd. v. Puducherry Pollution Control Board, O.A. No. 30 of 2011, decided on 14.12.2011*, it was held that-

“The question of entertaining a Application under Section 14 of the NGT Act, bypassing the effective appeal provided under section 31 of the Air Act does not arise. In fact, against an order passed by the Appellate Authority under Section 31 of the Air Act, an appeal is provided under Section 16 (f) of the NGT Act which reads as under:

16. Tribunal to have appellate jurisdiction: -- Any person aggrieved by..... (f) “An order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the Appellate Authority under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)”.

Thus, entertaining an application of this nature amounts to allowing the Applicant to jump the statutory appeal which is not permissible under the law. Unless, all the forum available under the Act are exhausted by the Applicant including the appeal under Section 31 of Air Act, it cannot approach this Tribunal directly -- whatever, may be the merits and the questions of Law raised and arise for consideration. This Tribunal being statutory in its nature, cannot entertain the Applicant of this nature much less any substantial question of law has arisen under Section 14 of the NGT Act for consideration. Therefore, we are of the considered opinion that the Application is not maintainable and being devoid of merits and is liable to be dismissed.”

16. In light of the settled position it is submitted that where a specific appellate remedy is provided under the Water Act and Air Act, a party cannot bypass it by filing an Original Application under Section 14 and 15 of the NGT Act. Filing an Original Application instead of the statutorily mandated appeal constitutes an abuse of process and renders the Original Application not maintainable.

17. It is submitted that the Applicant cannot be permitted to circumvent the strict discipline of statutory appeal and limitation by camouflaging an appeal as an Original Application and making vague, omnibus allegations of “substantial question relating to environment”.
18. It is further submitted that the existence of a specific, efficacious and time-bound statutory appellate remedy is an absolute bar to the invocation of original jurisdiction under Section 14 and 15 of the NGT Act.
19. In view of the above, the Original Application is not maintainable on this short ground alone and deserves to be dismissed in limine with exemplary costs.

B. The Original Application filed by the Applicant is hopelessly barred by limitation under Section 14(3) of the NGT Act

20. That without prejudice to the above, even if it is assumed that essentials of Section 14(1) and Section 14(2) of the NGT Act, the present Original Application has to fulfilled the conditions stipulated in Section 14(3) of the NGT Act.
21. That the present Original Application is liable to be dismissed in limine as it is hopelessly barred by limitation under Section 14(3) of the NGT Act, which mandatorily reads as under-

“No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application, allow it to be filed within a further period not exceeding sixty days.”

22. It is submitted that the Applicant's own document (letter/complaint dated 21.06.2024 addressed to various authorities including CECB, CPCB and MoEF&CC) conclusively establishes that the Applicant had full and complete knowledge latest by 21.06.2024 of, *firstly*, operation of Respondent No. 6's Coal Tar Distillation unit; *secondly*, alleged absence of prior Environmental Clearance; and *thirdly*, production capacity of at least 10,000 MTPA.
23. It is submitted that these are the exact same violations as alleged by the Applicant that form the foundation of the present Original Application. The cause of action, if any, therefore first arose on or before 21.06.2024. The statutory period of six months expired on 20.12.2024. Even the outer condonable limit of 60 days expired on 18.02.2025.
24. It is submitted that the Original Application has admittedly been filed only on 24.03.2025 – i.e., after a delay of more than three months beyond the maximum permissible period.
25. That, the Applicant's subsequent attempts to artificially shift the starting point of limitation to August 2024 (CTO amendment) or December 2024 (Terms of Reference (“**ToR**”)) are wholly impermissible in law. The grievance is identical to the one raised on 21.06.2024. Continued lawful operation under valid statutory consents does not constitute a fresh cause of action every day.
26. That, this Hon'ble Tribunal has consistently held that where knowledge of the alleged violation is admitted/established on a particular date, limitation begins to run from that date and cannot be extended.

27. It is submitted that this Hon'ble Tribunal, Principal Bench, in the case of ***Rajinder Krishnan Sharma & Anr. v. Union of India & Ors., OA No. 881/2022, dated 11.07.2024***, has held that-

“35. To this general rule, there could be exceptions. In particular, such exceptions could be carved out by the legislature itself. In a statute, where framers of law use the phraseology like 'cause of action first arose' in contradistinction to 'cause of action simplicitor. Accrual of right to sue means accrual of cause of action for suit. The expressions 'when right to sue first arose' or 'cause of action first arose' connotes date when right to sue first accrued, although cause of action may have arisen even on subsequent occasions.....Thus, where the legislature specifically requires the action to be brought within the prescribed period of limitation computed from the date when the cause of action 'first arose', it would by necessary implication exclude the extension of limitation or fresh limitation being counted from every continuing wrong, so far, it relates to the same wrong or breach and necessarily not a recurring cause of action.”

28. That, in light of the above judgement, it is clear that the limitation period begins when the right to sue first accrues and excludes counting fresh limitation from an alleged continuing wrong. Therefore, the cause of action is not a continuing one as alleged in Para 10 of the said Reply.
29. It is submitted that in the light of above authorities, the cause of action first arose on 21.06.2024 as the Applicant filed the complaints to authorities on 21.06.2024. Therefore, time period from 21.06.2024 to 23.03.2025 becomes nine months and two days which is not permissible under Section 14(3) of the NGT Act. Thus, the Original Application being filed on 23.03.2025 is not maintainable as the same is barred by limitation.

30. In view of the above, the Original Application is barred by limitation under Section 14(3) of the NGT Act and deserves to be dismissed in limine on this ground alone, with exemplary costs.

C. Plural relief cannot be claimed and the same violates Rule 14 of the National Green Tribunal Rules, 2011

31. That the present Original Application is liable to be rejected in limine for being in gross violation of Rule 14 of the National Green Tribunal (Practices and Procedure) Rules, 2011 (“**NGT Rules, 2011**”), which reads as under:

“Rule 14. Plural remedies – An application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more reliefs provided they are consequential to one another.”

32. It is submitted that the Applicant has deliberately clubbed together wholly distinct, independent and mutually inconsistent causes of action in one single Original Application, which is impermissible in law.
33. It is submitted that the Applicant has sought the following plural and contradictory reliefs (inter alia):
- i. Quashing/setting aside of the CTO dated 23.08.2024 issued by CECB (Respondent No. 3);
 - ii. Direction to stop alleged past and present operations of the existing pre-2006 unit for want of prior EC;
 - iii. Direction to the Respondent No. 5 and 7 to stay the grant of Environmental Clearance to the Respondent No. 6.
 - iv. Direction to stop alleged future expansion of 65,000 MTPA for which ToR has already been granted on 09.12.2024 and EC proceedings are pending before SEIAA.

34. These are three completely independent causes of action:
- i. Challenge to the CTO dated 23.08.2024 (appealable only under Section 16 NGT Act);
 - ii. Alleged violation in respect of existing pre-2006 operations (a separate cause, if any);
 - iii. Alleged violation in respect of proposed future expansion for which statutory EC process is already underway.
35. These reliefs are neither based on a single cause of action nor are they consequential to one another. On the contrary, they are mutually destructive and pertain to different time periods, different capacities, and different statutory regimes.
36. This Hon'ble Tribunal has consistently held that clubbing of plural and independent causes of action in one application is impermissible and such applications are liable to be dismissed at the threshold.
37. By combining these mutually inconsistent reliefs in one Original Application, the Applicant has not only violated Rule 14 but has also attempted to circumvent the statutory limitation applicable to each separate cause of action, particularly the challenge to the CTO dated 23.08.2024 which is hopelessly time-barred even if treated as an appeal under Section 16 of the NGT Act.
38. It is submitted that this Hon'ble Tribunal, in the case of ***Vikas K. Tripathi v. Secretary, MoEF & Oth. M.A. No. 628/2013 (WZ)***, has held that:
- “22. Perusal of Rule 14, without any pre-judicial notions in the mind, will make it amply clear that any Application or Appeal, as the opening words imply are distinct remedies under which the*

particular relief may be sought on single cause of action. Thus, if properly read, the Rule provides as follows:

i) There may be either single Application or Appeal. In other words, it cannot be a comprehensive or hybrid type of pleadings like Appeal-cum-Application, as captioned by the Appellant-cum-Applicant (Vikas Tripathi), as in the present Application/Appeals.

ii) The Appeal or Application, whatsoever it may, be must be filed on single cause of action. Thus, it cannot be filed on several causes of action. In other words, an Appeal cannot be filed with combined causes challenging different ECs or orders, nor an Application can be filed challenging different orders or different violations under the different Laws.

iii) Still, however, choice given to the Appellant/Applicant is to ask for grant of more than one relief in case such reliefs, are of consequential character. In other words, if a relief depends upon grant of another relief, then grant of more than one relief is permissible.

For example; in case EC for grant of a project is challenged on the ground that there is no permission from CRZ Authority to the construction carried out, then consequential relief to demolish illegal construction carried out, without CRZ Authority's permission, which falls within CRZ area/NDZ area.”

39. In view of the above, the Original Application is not maintainable, constitutes an abuse of process, and deserves to be dismissed in limine with exemplary costs solely on this preliminary ground, apart from other grounds already taken in the application and Rejoinder.

D. The issues raised by the Applicant in his Reply are not issues of maintainability but a deliberate attempt to argue and pre-judge the merits of the present case

40. That the Applicant, in his Reply, has consciously and deliberately crossed the well-settled boundary between preliminary issue to be decided first on maintainability and merits.

41. It is submitted that the limited purpose of an application raising preliminary issues relating to maintainability of the original application under Section 14 and 15 of the NGT Act is to enable this Hon'ble Tribunal to decide threshold jurisdictional issues **without entering into the merits** of the rival contentions on facts and law.

42. It is submitted that the Applicant has used the Reply as a vehicle to, *firstly*, argue that Respondent No. 6 was incorporated only in 2018 and therefore cannot claim pre-2006 status; *secondly*, contend that the CTO dated 22.07.2020 and amendment dated 23.08.2024 are illegal, issued without inspection, and in violation of the EIA Notification; *thirdly*, assert that distillation activity was never permitted before 2020 and that there is no continuity from the earlier unit; fourthly, claim that the amendment in June/August 2024 granted a 1,465 % increase without any scrutiny; and lastly, dispute the binding nature of observations made by SEIAA/SEAC in their minutes. All the above are pure questions of fact and law that go to the merits of the dispute and can only be decided once preliminary issues on maintainability and after full trial, leading of evidence, cross-examination and hearing on merits. Without prejudice to anything stated above, the said issues cannot be raised before this Hon'ble Tribunal – as the same are required to be challenged before appropriate authority under the Water Act and Air Act.

43. It is submitted that this Hon'ble Tribunal has repeatedly held that at the stage of deciding preliminary objections of maintainability/limitation, the tribunal cannot permit parties to convert the proceedings into a mini-trial on merits.

44. It is further submitted that by dragging pure merit-related disputes into the Reply on maintainability, the Applicant is deliberately attempting to, *first*, pre-judge and pre-empt the merits; *second*, confuse the issues before this Hon'ble Tribunal; and *third* delay and obstruct the expeditious disposal of genuine preliminary objections.
45. That, such conduct itself constitutes an abuse of the process of this Hon'ble Tribunal and strengthens the case for dismissal of the Original Application with exemplary costs.
46. That, In view of the above, the Reply filed by the Applicant to the Application for non-maintainability deserves to be disregarded to the extent it travels into merits, and the preliminary objections raised by Respondent No. 6 in IA No. 708/2025 in the Original Application deserve to be decided independently and without reference to the merit-related averments made by the Applicant.

ON MERITS – PRELIMINARY SUBMISSION

E. The EIA Notification, 2006 dated 14.09.2006 and the amendment dated 25.06.2014 have no applicability to the existing operations of Respondent No. 6

47. Without prejudice to the preliminary objections on maintainability and limitation, it is respectfully submitted that the entire Original Application proceeds on a fundamental misconception of law: the EIA Notification, 2006 and the amendment dated 25.06.2014 have no applicability whatsoever to a unit that was lawfully established and commenced production in 2001–2002 with valid consents from the then MPPCB. The

Applicant's attempt to treat a lawful successor/transferee of a pre-2006 unit as a "new unit" merely because the company was incorporated in 2018 is legally untenable.

48. That the entire edifice of the Original Application is erected on a deliberate misapplication and misrepresentation of the EIA Notification, 2006 as amended from time to time.
49. That it is an admitted and indisputable position on record that: first, the industrial unit in question was originally established in the name of M/s S.S. Udyog in the year 2001; second, the land was allotted by CSIDC on 11.01.2001; and third, NOC/Consent to Establish was granted by the then MPPCB (now CECB) in July 2001; and lastly, Commercial production commenced latest by 2001–2002, i.e., more than four years prior to the EIA Notification, 2006 coming into force on 14.09.2006.
50. It is submitted that this Hon'ble Tribunal, Principal Bench, in the case of ***Manoj Kumar Dehury S/O Durbadala Dehury v. State Of Orissa Through Principal, NGT in OA No. 36/2020***, has held that:

"9. By an amendment brought to the EIA Notification, 2006 vide MoEF&CC Notification dated 25.06.2014 Coal Tar processing units were included under item 4(b) thereby bringing the activity within the EIA regime and the necessity to obtain prior EC for running such units.....

13. The report was considered by the Tribunal in the order dated 18.06.2020 and, by referring to the said report, it was observed as under:-

4. As will appear from the above, on the crucial question regarding EC, it has been observed that when the coal-tar processing factory was established in the year 2013, such activity did not fall within the purview of the EIA Notification, 2006 and, therefore, no EC was necessary. It was only after the notification was amended on 25.06.2014 that coal-tar processing unit was included in the

Schedule to the EIA Notification 2006 requiring the project proponents to obtain EC. As per the report, if a coal-tar industry which had the necessary Consent to Establish and had commenced its construction before 25.06.2014, no EC was required as per the EIA Notification, 2006 as amended on 25.06.2014. Such was the case in respect of M/s. Shobha Chemical Industries Private Limited as it had started its construction before the EIA Notification, 2006 was amended on 25.06.2014 and its production capacity/place had not been changed. According to the report, Consent to Establish had been granted by the State PCB on 24.08.2013 and Consent to Operate on 15.03.2019 which is valid up to 31.03.2020.

14. In the affidavit dated 20.03.2020 filed by the Respondent No. 6, the industrial unit in question, it is primarily contended that amendment to the EIA Notification dated 25.06.2014 was not applicable to the unit as it was enforceable prospectively. It is asserted that Consent to Establish was obtained by the unit on 24.08.2013 which was before the amendment to the EIA Notification dated 25.06.2014 and under paragraph 2 of the EIA Notification, 2006, prior EC is required before establishment of the industrial unit and not before obtaining Consent to Operate. According to the Applicant, Consent to Establish had been obtained by the project Proponent before proceeding with the construction/establishment of the project and after it is established, application has to be filed seeking for Consent to Operate. Consent to Operate has already been granted by the State PCB after it was satisfied that the conditions prescribed under Consent to Establish had been fully complied. Referring to order dated 18.06.2020 in this case, it is contended that the affidavits filed on behalf of the SEIAA, Odisha and the joint inspection of the State PCB and the SEIAA, Odisha contain diverse views. The view of the SEIAA, Odisha, that the unit was not absolved of the necessity of seeking EC for the industry when in the joint report of the State PCB and the SEIAA, it was stated to the contrary. According to the Applicant, it was unclear as to how it could be held by the SEIAA that the amendment to the EIA Notification was applicable to the unit.

*15. Earlier to the reply filed on 20.03.2020, the Respondent No. 6 had filed another affidavit on 16.03.2020 which substantially contained the very averments contained in the later affidavit. Stressing on the point that the amendment to EIA Notification dated 25.06.2014 is applicable 16 prospectively, it is contended that in **Anil Kumar Nanda & Anr. V. MoEF&Ors. O.A No. 173/2013**, the Tribunal by order dated 17.10.2014 had categorically held that the Notification was prospective in nature.*

It is further urged that a statute is presumed to be prospective until held to be retrospective either expressly or by necessary implication as laid down in the case of State of Punjab vs. Bhajan Kaur & Ors., AIR 2008 SC 2276.

*22. We have heard the learned Counsel for the parties and have examined various affidavits, the EIA Notification, 2006, the amendment thereto dated 25.06.2014 and the various decisions referred to by them. It is undisputed that the industrial unit had not commenced with the manufacturing process before it obtained the Consent to Operate on 29.12.2015 and that the amendment to the EIA Notification was issued on 25.06.2014. **There can be no dispute that the amendment would be applicable prospectively.** The categorical stand taken by the SIEAA, Odisha as well as the MoEF&CC in their affidavit is that in the case of industrial units such as the Applicant, it is necessary required to obtain EC as the Consent to Operate had been obtained after the date of the amendment. In other words the unit was yet to operate and pollution would result only after industrial units begin to operate.”*

51. It is submitted that in light of the above judgment/order of the Principal Bench, it is clear that 2014 Notification has no applicability in the present case as Respondent No.6 is operating since 2001 with valid CTO orders granted by legitimate Authorities at a given point of time. Therefore, No prior EC was required as the application of the 2014 Notification is prospective in nature.
52. The amendment dated 25.06.2014 bringing “Coal Tar processing” under Entry 4(b)(ii) of the Schedule to the EIA Notification is prospective in nature and has no retrospective application to units lawfully established prior to 14.09.2006.
53. Respondent No. 6 is the lawful successor/transferee of the original pre-2006 unit. CECB has repeatedly recognised this continuity while renewing/amending consents from 2020 onwards.

54. The Applicant's repeated assertion that because Respondent No. 6 was incorporated in 2018 the unit loses its pre-2006 status is legally untenable. Change of name/ownership does not convert a lawfully established pre-2006 unit into a post-2006 unit requiring prior EC.
55. In view of the above settled legal position, neither the EIA Notification, 2006 nor the 2014 amendment has any applicability whatsoever to the existing lawful operations of Respondent No. 6 at its original sanctioned capacity. The entire Original Application proceeds on a fundamentally erroneous legal premise and is liable to be dismissed on this short ground alone.
56. Based on the above it is clear that the Applicant has come before this Hon'ble Tribunal with unclean hands and has repeatedly tried to mislead this Hon'ble Tribunal and abused the process of law. It cannot be Applicant's case that he is not aware about provisions of the Air Act and Water Act and the adjudicatory procedure as prescribed under those acts and therefore has chosen to approach this Hon'ble Tribunal by invoking Section 14 and 15 of the NGT Act. The Applicant in the Original Application has also misled this Hon'ble Tribunal by stating that the cause of action first arose in December 2024 especially when it is an admitted position that the Applicant raised the issues (as also raised in the Original Application) before the CPCB (and other authorities/ agencies) vide letter dated 21.06.2024. It is settled principle in law that anyone who approaches an court/ tribunal/ authority with unclean hands is not entitled for any relief. Accordingly, the Original Application is liable to be dismissed on this ground alone.

PARA-WISE REPLY

Without prejudice to submission on maintainability of the Original Application as preliminary issue to be decided first and solely for the purpose of addressing contentions of the Applicant, para-wise reply is given. The Applicant intension to dispute the established facts is to get into the merits while deciding the issue of maintainability which is against settled principle of law and therefore, the same need not be considered while deciding the issue of maintainability.

1-3. The contents of corresponding para merits no response.

4. The contents of corresponding para are denied for being meritless, sham and bogus. It is specifically denied that the Original Application raises substantial questions relating to the environment arising from the continued illegal and unregulated operations of the Respondent No. 6, and therefore, squarely falls under Section 14 and 15 of the NGT Act.

5. The contents of corresponding para are denied for being misleading and false. It is denied that the Original Application accurately reflects the factual and legal position of the matter. It is denied that said application filed by Respondent No. 6 on a fundamental mischaracterisation of the Applicant's case and seeks to divert attention from the statutory violations committed by Respondent No. 6. It is the Applicant, in fact, who is mischaracterizing the issue to obscure their own lack of standing/compliance. That last of the Para needs no response.

6-7. The contents of corresponding para merits no response.

8. The contents of corresponding para are denied wholly for being misleading, ambiguous, and false. It is reiterated that the Respondent No. 6 is carrying out bona-fide business of a Coal Tar processing unit in the name of M/s Tethys Chem Private Limited. It is reiterated that the Respondent No. 6 is in operation in the name of S.S. Udyog since 2001 and it has good reputation and serving people for over 24 years. It is also reiterated that the Original Application is not maintainable before this Hon'ble Tribunal. It is denied that the Respondent No. 6 demonstrated a fundamental misconstrued application of environmental laws and the factual matrix surrounding Respondent No. 6's unit's operations. CTO orders issued under Section 21 of the Air Act and Section 25 of the Water Act can only be challenged before appellate authority constituted under the Water Act and the Air Act in first appeal within prescribed limitation period i.e. 30 days from the date of communication of such order. Hence, an appeal under the garb of an Original Application under Section 14 of the NGT Act, is nothing but a live demonstration of fundamental misconstruction of application of environmental laws by the Applicant in the present matter. It is denied that the Respondent No. 6 has consistently misrepresented the nature of its activities by publicly declaring itself as a coal tar industry while holding declaring CTO permitting only melting. It is also denied that also any illegal operations being carried out without the requisite clearance, cause grave harm to the environment, thereby attracting the jurisdiction of this Hon'ble Tribunal. The latest CTO dated 23.08.2024 permits for Coal Tar Distillation and that is the reason the Respondent No. 6 is Coal Tar Distillation industry.
9. The contents of corresponding para are denied for being meritless, scandalous, sham and bogus. It is reiterated that cause of action first arose on 21.06.2024 and as per Section 14(3) of the NGT Act, the period expires

in the month of December 2024, and the Original Application being filed on 23.03.2025 is not maintainable as the same is hopelessly barred by limitation. It is specifically denied that the cause of action is a continuing one inasmuch as Respondent No. 6 continues even today to operate a full-fledged Coal Tar Distillation unit and undertake an illegal expansion without any prior Environmental Clearance. It is also denied that the Original Application is fully within limitation. Prior environment clearance (“**Environmental Clearance**” / “**EC**”) is not required in the present matter and entire matrix of the Applicant that 2006 Notification as amended in 2014, includes “Coal Tar distilleries”, so prior Environmental Clearance required is highly misconceived and bad in law. Paragraph 2 of Environmental Impact Assessment Notification, 2006 as amended on 25.06.2014 prescribes the requirement for the following projects for prior Environmental Clearance from the concerned regulatory authorities-

“(i) All new projects or activities listed in the Schedule to this notification; (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization; (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.”

Para 2(i) of the Environmental Impact Assessment Notification, 2006 as amended on 25.06.2014 deals with new projects or activities i.e. for any project listed in the schedule to this notification. Originally in 2006 Environmental Impact Assessment Notification, 2006, Environmental Clearance was not required for Coal Tar Distillation as it is only after the amendment in the year 2014 wherein item 4(b) was amended and coal tar processing units were added. Hence, condition of requirement for new

project for obtaining prior Environmental Clearance is not applicable as the Respondent No. 6 is in operation since 2001.

Para 2(ii) of the Environmental Impact Assessment Notification, 2006 as amended on 25.06.2014 deals with expansion of existing projects crossing threshold limits given in the schedule specified, for a project under Coal Tar Processing activities in item 4(b), threshold limit is 2,50,000 tonnes/annum. Therefore, the existing production capacity is within threshold limit. Hence, prior Environment Clearance is not required.

Para 2(iii) of the Environmental Impact Assessment Notification, 2006 as amended on 25.06.2014 deals with any change in product-mix beyond the specified range which is also not applicable and therefore, NO prior Environmental Clearance is required.

10. The contents of corresponding para are denied wholly for being misleading, sham, bogus and false. It is specifically denied that Respondent No. 6 was incorporated only on 14.12.2018 and the CTO issued to it on 22.06.2020 was in suppression to earlier CTOs. It is reiterated that the unit was indeed operating since 2001 at the said capacity and therefore no prior Environment Clearance is required. The Applicant's assertion to the contrary is misplaced and contrary to the actual operational history and records of the unit. It is a matter of fact that the manufacturing unit and the business operations at the site were operational at the 36,000 MTPA capacity since 2001. The CTO issued on 22.06.2020 was a procedural renewal or supersession under the current regulatory framework applicable to the existing operations. This administrative act does not negate the historical operational baseline of the physical plant established in 2001. The operational capacity of the

plant has consistently been 36,000 MTPA for Coal Tar Pitch Distillation. The reference to a 10,000 MTPA capacity pertains to a specific, separate process within the overall operations or a previous iteration of consent, and does not accurately reflect the current, historical, and sanctioned baseline capacity of the primary distillation unit as claimed by the Applicant. Therefore, Respondent No. 6 maintains that its claim of operating the Coal Tar Pitch Distillation Plant at a production capacity of 36,000 MTPA before the promulgation of the Environmental Impact Assessment Notification, 2006, is correct, valid, and supported by full operational history, and the Applicant's selective reading of documentation does not alter these facts.

11. The contents of the corresponding para are denied for being misleading and false. It is reiterated that Respondent No. 6 was incorporated in 2001, and the Madhya Pradesh Pollution Control Board granted a No-Objection Certificate (“NOC”) in July 2001 for its operations. The unit was established by CSIDC on January 11, 2001, in the Heavy Industrial Area, Hathkhoj, Bhilai, which was notified as an industrial area before 2000. The unit was established and commenced operations well before the Environmental Impact Assessment Notification, 2006, which was issued on 14.09.2006. Therefore, Applicant’s contention is highly misplaced and devoid of any merit and hence, liable to be set aside and not to deliberate upon.
12. The contents of the corresponding para are denied for being sham and bogus. It is reiterated that Respondent No. 3 has clarified vide letter no 1835/RO/TS/CECB/20204 dated 18.06.2024 for requirement of Environment Clearance. In response to the letter dated, 18.06.2024, clarification letter was issued by Respondent No. 3 vide letter no

2074/./CECB/Durg/2024. It clarified that for the following product name and production capacity, the Respondent no. 6 is exempted from prior Environmental Clearance.

S. No.	Product Name	Production Capacity
01	Refined Napthalene Balls, Light Oil, Heavy Cresote, Super Creosote Fuel, Coal Tar, Black Paint, Organic Chemical	36,000 Metric Tonnes per year
02	Coal Tar Pitch (Molten/Granulated)	36,000 Metric Tonnes per year
03	Carbozol, Phynole Oil, Wash Oil, Carbon Black Oil	12,000 Metric Tonnes per year

It is further denied that amendment dated 18.06.2024 granting a 1,465% increase in production capacity was issued without inspection, verification, feasibility assessment, or environmental appraisal. The amendment in the consent of the Board Letter issued dated 18.06.2024 clearly mentions that “*After receiving the application Regional Office, Chhattishgarh Environment Conservation Board, Bhilai **has carefully examined the proposal submitted** by the industry, and issuing amendment for*”. Therefore, amendment was issued with proper application of mind and careful examination of the proposal submitted. Hence, it is vehemently denied that there is any illegality of the operations.

13. The contents of the corresponding para are denied for being bogus, incorrect and false. It is denied that The Respondent No. 6’s reliance on Respondent No. 5’s/Respondent No. 7’s minutes is misplaced. It is specifically denied that Respondent No. 6 was involved in past illegal operations. it is reiterated that 549th meeting dated 6.11.2024 of Respondent No. 7 and 184th meeting dated 20.06.2024 of Respondent No. 5 respectively, while discussing Respondent No. 6’s proposal, they

noted that an Hon'ble Tribunal Order dated 01.04.2014 (O.A. No. 173/2013), specifically directed that "those units, which have been established before the Environmental Impact Assessment Notification, 2006 are not required to obtain EC even if we decide that Tar Manufacturing requires EC." The Respondent No. 5 and the Respondent No. 7 are not judicial authorities by nature but state-level regulatory bodies but State Level Environment Impact Assessment Authority ("SEIAA") operates as a quasi-judicial authority that evaluates projects based on technical assessments provided by the State Expert Appraisal Committee ("SEAC"). Therefore, before granting final approval for a project, there is procedure, assessment and process involved and only after due procedure is followed, the project is approved.

14. The contents of the corresponding para are denied wholly for being without any application of mind, false and misguided. It is reiterated that this Hon'ble Tribunal should be very cautious in entertaining petitions which are fictitious and filed with a malafide intention. It is further reiterated that when the Respondent No. 6 applied for the Enhancement of Capacity of Coal Tar Production, in order to create hindrance in the process of Environment Clearance and to delay the matter, the Respondent's competitors through the present Applicant chose to file the instant Original Application. It is further reiterated that the Respondent No. 6 has already proceeded for grant of Environmental Clearance for which the competent authority, Respondent No. 5, has issued Standard Terms of Reference and accepted the proposal for further appraisal in its 184th minutes of meeting. Therefore, it is specifically denied that any illegal distillation and expansion is carried out without prior Environment Clearance. It is submitted that Distillation is carried out in adherence to

all applicable laws/rules/notification and prior Environment Clearance is not required for the reasons stated in Para 9 of Para-wise reply.

15. The contents of the corresponding para are denied wholly for being bogus, sham, spurious, and false. It is reiterated that based on the precedent of this Hon'ble Tribunal in the case of OA 173/2013, prior Environment Clearance is not required for its capacity of 36000 MT per annum. It is further reiterated that operations are legitimate and in compliance with law, governing units prior to the EIA Notification, 2006 and for this same reason, the present Original Application is not maintainable. It is specifically denied at the cost of repetition that Respondent No. 6 was establishment in 2018 only and prior Environmental Clearance for operating the Coal Tar Distillation plant was not obtained. It is denied that the Respondent No. 6 has failed to show any valid CTO before the CTO dated 22.07.2020 showing continuity of operations of Coal Tar Distillation plant at the capacity of 36,000 Metric Tonne per annum. It is further denied that the whole narrative of the Respondent No. 6 is based on false assertions. It is submitted that CTOs dated 25.09.2014, 09.09.2013, 12.10.2011, 19.09.2010, 22.04.2009, 19.11.2007, 06.09.2006, 08.09.2005, 27.08.2004, 17.09.2002, 23.04.2001 dated issued shows continuity of operations of Coal Tar Distillation plant at the capacity of 36,000 Metric Tonne per annum. Therefore, it is clear that Applicant's Original Application is based on fault assertion that Respondent No. 6 operates illegally, hence, liable to be set aside.

16. The contents of the corresponding para false are denied wholly for being misleading and false. It is denied that the issue regarding the credentials and address of the Applicant was raised mala fide or merely as a collateral attack to deflect attention from substantive environmental violations

committed by Respondent No. 6. The said objection is bona fide, relevant and goes to the very root of the maintainability of the present application inasmuch as furnishing false, contradictory and fabricated addresses in judicial proceedings amounts to suppression and misrepresentation of material facts, which vitiates the entire proceedings. It is reiterated and re-asserted that the Applicant, in his police complaint as well as during the police inquiry, represented himself to be residing at an address which, upon due verification by the concerned police authorities, was found to be false and non-existent. It was specifically found that no person by the name “Dheeraj Tiwari” resides at the address furnished by the Applicant to the police authorities. The said fact is a matter of official record and establishes deliberate falsehood on the part of the Applicant. It is further reiterated that the Applicant has instituted another proceeding being Case No. 272/2025 titled “Dheeraj Tiwari vs. Union of India” before this Hon’ble Tribunal wherein he has categorically declared his address as House No. 429/2, Ward No. 13, Jai Bhawani Colony, Khitaula Bazaar, Sihora, Jabalpur, Madhya Pradesh. The very same address has been repeated by the Applicant in the interlocutory application filed in the present Original Application. However, in the main Original Application itself, the Applicant has furnished an entirely different and contradictory address. Such contradictory stands in two contemporaneous proceedings before the same Hon’ble Tribunal clearly establish that the Applicant is indulging in forum shopping and has deliberately suppressed and/or misrepresented his true identity and address before this Hon’ble Tribunal. The contention that the allegations regarding the Applicant’s false and contradictory addresses have “no bearing” on the Respondent No. 6’s alleged non-compliance is wholly misconceived and denied. When a litigant approaches this Hon’ble Tribunal with unclean hands by furnishing false particulars of his identity and residence in the same *lis*

and in contemporaneous proceedings, the same strikes at the root of credibility of the entire application and renders the Applicant disentitled to any relief, let alone discretionary and equitable relief. In view of the above, the Original Application deserves to be dismissed at the threshold on the ground of suppression, misrepresentation and furnishing of false particulars alone, apart from being devoid of merits.

17. The contents of the corresponding para save and except what are matters of record and/or what is specifically admitted hereunder, each and every averment, allegation and contention made therein is denied as false, incorrect, misconceived and not admitted. It is denied that the objection raised by Respondent No. 6 regarding the correctness and consistency of the Applicant's address is mala fide, baseless or constitutes an abuse of process. The said objection is bona fide, founded on material inconsistencies appearing on the face of the record and goes to the root of the credibility and maintainability of the present proceedings. Without prejudice to the above and without entering into or admitting any allegation regarding the motives or alleged proxy status of the Applicant, it is submitted that the Applicant has furnished contradictory addresses in contemporaneous proceedings before this Hon'ble Tribunal itself (including in Case No. 272/2025 and Original Application and its interlocutory application), which fact stands admitted and remains wholly unexplained. Such contradictory declarations strike at the root of the Applicant's credibility as the same cannot cure or explain away the admitted fact that the Applicant has taken diametrically opposite and contradictory stands regarding his own residential address in two simultaneously pending matters before the very same Hon'ble Tribunal. Such conduct remains unexplained and unjustified. Save as aforesaid, all averments, allegations and contentions in the said paragraph not

specifically admitted are denied. The Applicant is put to strict proof thereof.

18. The contents of the corresponding para save and except what are matters of record and/or specifically admitted hereunder, each and every averment, allegation and contention made therein is denied as false, misconceived, irrelevant and denied. It is denied that the Applicant's actions of directly writing emails and issuing public appeals to the purchasers, suppliers, dealers, distributors and key customers of Respondent No. 6 urging them to "immediately cease all business relationships" with Respondent No. 6 are bona fide, legitimate or in public interest. Such acts clearly go far beyond the scope of legitimate public-interest litigation or environmental whistle-blowing and constitute a deliberate attempt to cause commercial harm and disruption to the lawful business of Respondent No. 6. It is denied that informing stakeholders about alleged illegalities (even assuming such illegalities exist, which is expressly denied) justifies or entitles a private individual to launch a concerted campaign calling for complete boycott and termination of all business ties with Respondent No. 6. Such extra-judicial pressure tactics are wholly impermissible, amount to economic coercion, and demonstrate that the present proceedings are being used as an instrument to inflict commercial damage rather than to seek bona fide environmental protection. The Applicant, by his own admission, has actively solicited third parties unconnected with the present litigation to sever their contractual and business relationships with Respondent No. 6. Such conduct is alien to the jurisdiction of this Hon'ble Tribunal and constitutes a gross abuse of the process of the Tribunal. This Hon'ble Tribunal is not a forum for settling commercial rivalries or for enforcing boycotts through the medium of public-interest litigation. In view of the

Applicant's admitted extrajudicial actions, the Original Application is rendered mala fide and an abuse of process, and the Applicant is not entitled to any relief, least of all equitable and discretionary relief under environmental jurisprudence. Save as aforesaid, all averments and contentions in the said paragraph not specifically admitted are denied in toto. The Applicant is put to the strictest proof thereof.

19. The contents of the corresponding para save and except what are matters of record and/or what is specifically admitted hereunder, each and every averment, allegation and contention made therein is denied as false, baseless, vague, speculative and denied. It is specifically denied that Respondent No. 6 has made any vague, unsubstantiated or scandalous allegation against the Applicant. The preliminary objections and submissions made by Respondent No. 6 are fully supported by material on record, including the Applicant's own contradictory pleadings in contemporaneous proceedings before this Hon'ble Tribunal, his admitted campaign of writing to third-party stakeholders urging them to sever all business ties with Respondent No. 6, and the police verification establishing falsehood in respect of the address earlier furnished by the Applicant. It is specifically denied that the objections raised by Respondent No. 6 amount to any undermining of the sanctity of this Hon'ble Tribunal. On the contrary, it is the Applicant who, by furnishing contradictory addresses, suppressing material facts, and using the forum of this Hon'ble Tribunal as a tool to launch an extrajudicial economic boycott against Respondent No. 6, has abused the process of this Hon'ble Tribunal. The averments made in the said paragraph are evasive, non-specific and appear to have been made only with a view to deflect attention from the serious and admitted irregularities committed by the Applicant himself. No specific denial has been offered by the Applicant

in respect of his contradictory addresses or his admitted acts of writing to third parties calling for termination of business relations with Respondent No. 6. Save as aforesaid, all averments, allegations and contentions in the said paragraph not specifically admitted are denied in toto. The Applicant is put to the strictest proof thereof.

20. The contents of the corresponding para save and except what are matters of record and/or specifically admitted hereunder, each and every averment, allegation and contention made therein is denied as incorrect, misconceived, misleading and denied. It is specifically denied that Respondent No. 6 has made any unsubstantiated or vague allegation regarding the Applicant's credibility. The objections raised are based on concrete, admitted and incontrovertible facts appearing from the Applicant's own pleadings and documents on record. The Applicant has conspicuously failed to deny or explain the admitted facts. In the face of such admitted inconsistencies and prior adverse police verification, the Applicant's silence and evasive denial itself seriously undermines his credibility and renders the present application liable to be dismissed on the ground of suppression and misrepresentation of material facts. Save as aforesaid, all averments and contentions in the said paragraph not specifically admitted are denied in toto. The Applicant is put to the strictest proof thereof.

21. The contents of corresponding para save and except what are matters of record, all averments and contentions are denied as false and misconceived. It is reiterated that the Original Application filed by the Applicant filed with an intension to halt the proceedings of grant of Environmental Clearance and ulterior motive. It is again reiterated at the cost of repetition that the Applicant was well aware of the operation of

the unit since years but choose to approach this Hon'ble Tribunal when the Environmental Clearance were underway. It is denied that the Applicant is operating illegally without Environmental Clearance and so that amounts to substantial question relating to the environment. In any event, the question whether the alleged past violations constitute a "substantial question relating to environment" within the meaning of the NGT Act, 2010 is a matter to be decided on merits after hearing all parties and not on presumptions or assumptions of the Applicant. In the present case, it is reiterated that no prior Environment Clearance is required and therefore, substantial question to be decided related to environment does not arise. It is denied that the Respondent No. 6 is involved into past and ongoing violations. For invoking the jurisdiction of this Hon'ble Tribunal, the Applicant needs to approach with clean hands and without ill motive which is not the case at hand.

22. The contents of corresponding para save and except what are matters of record, all averments and contentions are denied as incorrect and misconceived. It is reiterated that Respondent Nos. 5 & 7 have, after due application of mind and in strict conformity with the Environmental Impact Assessment Notification, 2006 as amended on 25.06.2014 and the MoEF&CC Office Memorandum dated 27.04.2018, granted Terms of Reference (ToR) for the proposed expansion, expressly recording that the existing unit was established prior to 14.09.2006 in a duly notified industrial area and is therefore exempt only from the requirement of public consultation. The grant of ToR is clear evidence that the authorities are following due process and are seized of the matter. The Applicant is erroneously conflating two entirely distinct issues, first, the procedural grant of ToR for future expansion (which is under active and lawful consideration), and second, the Applicant's bald allegation that the unit

was operating without prior EC in the past. The grant of ToR neither admits any past violation nor precludes the competent authorities from examining the same, if required. However, it certainly negatives the Applicant's sweeping allegation of "blatant disregard" and "collusion" on the part of the statutory authorities. The allegation that the amendment to CTO dated 18.06.2024 is "unlawful" is vague, unsubstantiated and denied. No specific illegality has been pointed out, and the same is presumed to have been issued in accordance with law until set aside by a competent forum. In view of the above, the averments advanced are nothing but an attempt to pre-empt and interfere with the ongoing statutory Environmental Clearance process and are liable to be rejected.

23. The contents of the corresponding para save and except what are matters of record, all averments and contentions made therein are specifically denied as false, misleading and misconceived. It is denied that Respondent No. 6 has failed to comply with any condition of the Consents to Establish/Operate issued by Respondent No. 3. Respondent No. 6 has at all times materially complied with the conditions stipulated therein. No specific instance of non-compliance has been pleaded or proved by the Applicant. The Applicant's attempt to challenge the validity of the Consents issued in 2024 (including the amendment dated 18.06.2024) is wholly barred by Sections 15 and 16 of the NGT Act, as the challenge has been made far beyond the prescribed period of limitation under Air Act and Water Act read with Section 16 of the NGT Act. The Applicant has neither pleaded nor established any ground for condonation of such gross delay.

24. The contents of corresponding para save and except what are matters of record, all averments and contentions made therein are specifically denied

as wrong, misleading and misconceived. It is denied that the Applicant's grievance regarding operation of the existing unit without prior Environmental Clearance is well-founded or raises any substantial question relating to environment. The existing unit was admittedly established long prior to 14.09.2006 in a duly notified industrial area, and is therefore not required to obtain fresh prior Environmental Clearance for continued operation at pre-2006 capacity. The Applicant has failed to disclose or distinguish this crucial legal position and has deliberately suppressed the applicability of the settled law on the point. It is denied that this Hon'ble Tribunal's jurisdiction under Section 14 of the NGT Act is automatically attracted merely because the Applicant has chosen to invoke the Air Act and Water Act. No specific, cogent or continuing violation of the said Acts that gives rise to a "substantial question relating to environment" has been pleaded or established. Mere bald and vague assertions do not confer jurisdiction. The inspection carried out by the three-member committee of Respondent No. 3 vide letter dated 28.04.2025 (which the Applicant himself relies upon) clearly records compliance with the conditions of the CTO. The Applicant's attempt to discredit the same as "not independent" is wholly baseless and denied. The report is an official document issued by the statutory authority after physical inspection and is binding until set aside. In view of the above, no substantial question relating to environment arises in respect of the existing lawful operations of Respondent No. 6, and the present application is a gross abuse of process.

25. The contents of corresponding para save and except what are matters of record, all averments and contentions made therein are specifically denied for being bogus, sham, false and misleading. It is denied that Respondent No. 6 has ever forged any government document or operated without

requisite consents. All consents to establish and CTO Consents to Operate, including the amendment dated 23.08.2024, have been issued by the competent authority i.e. Respondent No. 5 after due application of mind and in accordance with law. No forgery or illegality has been established; the allegation is scandalous and denied in toto. The removal of the restrictive clause “only for melting” in the CTO dated 23.08.2024 reflects the correct factual and legal position that the existing unit, having been established prior to 14.09.2006 with valid consents from MPPCB/CECB, is entitled to undertake full-fledged manufacturing at its original sanctioned capacity without requiring prior Environmental Clearance. The Applicant has deliberately suppressed this settled legal position. The grant of ToR dated 09.12.2024 by the SEIAA for the proposed expansion itself proceeds on the basis that the existing pre-2006 unit is legally compliant. This further reinforces that the statutory authorities have found no illegality in the existing operations. The Applicant’s persistent and unsubstantiated allegations of forgery and illegal production are made only to scandalise Respondent No. 6 and to prejudice the ongoing statutory Environmental Clearance process.

26. The contents of corresponding para save and except what are matters of record, all averments and contentions made therein are specifically denied as false, misleading and misconceived. It is denied that Respondent No. 6 is attempting to “retrospectively justify years of illegal operations”. The existing unit was lawfully established prior to 14.09.2006 in a notified industrial area with valid consents from the Pollution Control Board. As repeatedly held by this Hon’ble Tribunal, such pre-2006 units do not require prior Environmental Clearance for continued operation at their original sanctioned capacity. The Applicant has deliberately suppressed and misrepresented this settled legal position. The mere fact that

Respondent No. 6 has applied for and obtained ToR for proposed expansion does not constitute any admission of past illegality. On the contrary, the SEIAA, while granting ToR dated 09.12.2024, has proceeded on the basis that the existing pre-2006 unit is legally compliant and requires Environmental Clearance only for the proposed enhanced capacity. The Applicant's repeated allegations of "collusion" are vague, scandalous and wholly unsubstantiated. No material whatsoever has been placed on record to support such a serious charge against statutory authorities.

27. The contents of corresponding para save and except what are matters of record, all averments and contentions made therein are specifically denied as false, evasive and misconceived. It is specifically denied that the Applicant did not deliberately suppress or conceal the fact that Respondent No. 6's application for Environmental Clearance (expansion) is pending before Respondent No. 5/SEIAA and that ToR has already been granted on 09.12.2024. The deliberate non-disclosure of the ongoing lawful Environmental Clearance process and the granted ToR clearly establishes that the Applicant has not approached this Hon'ble Tribunal with clean hands. The sole object of the Original Application is to obstruct and derail the statutory Environmental Clearance process by parallel proceedings.

28. The contents of corresponding para save and except what are matters of record, all averments and contentions made therein are specifically denied as false, legally misconceived and denied in toto. It is reiterated that Respondent No. 6 is operating its existing (pre-2006) unit with full and valid statutory permissions, including CTO issued/renewed by Respondent No. 3 vide order dated 23.08.2024, which is valid up to

17.09.2029. The said CTO has been granted after due verification and physical inspection by the competent statutory authority and is presumed to be lawful until set aside by a court of competent jurisdiction. It is denied that the CTO dated 23.08.2024 has been issued “in teeth of” the EIA Notification, 2006 or any Office Memorandum of Respondent No. 1 or any judgment of the Hon’ble Supreme Court or this Hon’ble Tribunal. The Applicant has not pointed out a single specific provision or binding judgment that has been violated by the grant of the said CTO to a lawfully established pre-14.09.2006 industrial unit. CTO issued by the statutory Pollution Control Board after due process enjoys presumption of legality and cannot be collaterally challenged or declared invalid. If the Applicant is aggrieved by the CTO, the only remedy available to him is to approach the appropriate appellate authority under the Air Act and Water Act in the first appeal.

29. The contents of corresponding para save and except what are matters of record, all averments and contentions made therein are specifically denied as false, evasive and legally untenable. It is reiterated that Respondent No. 6’s existing unit is duly compliant with all statutory requirements and also possesses valid CTO (23.08.2024 to 17.09.2029), regularly issued under Air Act & Water Act, clarification letters from Respondent No. 3 (CECB), valid lease deed from CSIDC, and Environmental Audit Reports. All these documents stand filed on record and remain wholly uncontroverted by the Applicant. The Applicant has failed to point out even a single specific instance of pollution or non-compliance with any condition of the aforesaid statutory permissions. Mere vague and bald allegations do not constitute evidence. The Applicant has not placed on record any independent test report, complaint, or finding of any statutory authority establishing that Respondent No. 6 has caused pollution of any kind. In

the absence thereof, the Applicant's repeated assertions of "illegal operation" and "pollution" are wholly baseless and stand rebutted by the statutory documents on record.

30. The contents of corresponding para save and except what are matters of record, all averments and contentions made therein are specifically denied as evasive, misleading and legally incorrect. The core and real challenge in the present Original Application is squarely directed against the validity and legality of the CTO dated 23.08.2024 (as amended) issued by Respondent No. 3 in favour of Respondent No. 6. The Applicant has repeatedly termed the said CTO as illegal, forged, and issued in violation of the EIA Notification and judgments of the Hon'ble Supreme Court and this Tribunal. A direct challenge to the grant or continuance of a statutory consent/permission issued by a Pollution Control Board falls exclusively within the appellate jurisdiction of this Hon'ble Tribunal under Section 16 of the NGT Act and is required to be filed within the prescribed period of limitation (30 days + 60 days condonable delay). The Applicant has deliberately chosen not to file any appeal under Section 16 of the NGT Act against the impugned CTO dated 23.08.2024. Instead, he has camouflaged the same challenge as an Original Application under Section 14 of the NGT Act by making vague and omnibus allegations of "substantial question relating to environment". This is a clear attempt to circumvent the statutory limitation and the discipline of an appeal. The Applicant has neither pleaded nor established any sufficient cause for condonation of gross delay of over one year in challenging the CTO. In the absence thereof, the present application is hopelessly barred by limitation and deserves to be dismissed on this short ground alone. Save as aforesaid, the entire paragraph is denied in toto. The Applicant is put to the strictest proof thereof.

31. The contents of corresponding para save and except what are matters of record, all averments and contentions are specifically denied as false, evasive and legally untenable. The Applicant's assertion that he is not primarily seeking quashing of the CTO dated 23.08.2024 is belied by his own pleadings. The entire Original Application, the interim application, and each of his replies repeatedly attack the validity of the said CTO, term it illegal, forged, and issued in violation of law, and pray for its setting aside. The real and dominant relief is therefore against a statutory consent order. Any challenge to the grant or continuance of a CTO issued under the Air Act and Water Act is expressly governed by Section 16 read with Section 18(2) of the NGT Act and is maintainable only as an appeal within the prescribed period of limitation. By filing the present matter as an Original Application under Sections 14 and 15 of the NGT Act, the Applicant has deliberately bypassed the statutory appellate remedy and the mandatory limitation period. The Applicant's plea that he is only seeking stoppage of operations "without prior Environmental Clearance" is a mere afterthought. Even on this count, the existing unit, being pre-14.09.2006 and established with valid consents, does not require prior Environmental Clearance for its original sanctioned capacity. The law on this point is settled and has been deliberately suppressed by the Applicant. Existence of a specific statutory appellate remedy is an absolute bar to invoking the original jurisdiction of this Hon'ble Tribunal. The Original Application is therefore not maintainable and is liable to be dismissed on this ground alone, apart from being hopelessly barred by limitation.
32. The contents of corresponding para save and except what are matters of record, all averments and contentions are specifically denied as false, misleading and legally untenable. The plea that the cause of action is

“recurring” and arises afresh every day is wholly misconceived and rejected. The Applicant’s core challenge is to the legality of the CTO dated 23.08.2024 and the alleged absence of prior Environmental Clearance for the existing pre-2006 unit. Both these events occurred in August 2024 (CTO) and decades ago (establishment of unit), and limitation began running from those dates. The issuance of ToR dated 09.12.2024 for proposed future expansion does not create a fresh cause of action for challenging either the 2024 CTO or the long-established existing unit. The ToR pertains only to future capacity addition and has no bearing on the legality of past or present operations at the sanctioned pre-2006 capacity. The Applicant admittedly became aware of the CTO dated 23.08.2024 only after filing an RTI subsequent to 09.12.2024. However, the said CTO was issued in August 2024 and was a public document available with Respondent No. 3. Constructive notice is imputed in law, and the Applicant cannot extend limitation by pleading delayed personal discovery through RTI. Without prejudice to the fact that first cause of action arose only on 21.06.2024, even taking the Applicant’s own case at its highest, the present Original Application filed on 24.03.2025 is beyond six months from 09.12.2024. No application for condonation of delay has been filed, nor any sufficient cause shown. The application is therefore hopelessly barred by limitation under Section 14(3) of the NGT Act,. In any event, since the challenge is to the statutory CTO dated 23.08.2024, the only remedy available was an appeal under Section 16 of the NGT Act within 30 days + 60 days condonable delay, which period expired long ago. Save as aforesaid, the entire paragraph is denied in toto. The Applicant is put to the strictest proof thereof.

33. The contents of corresponding para save and except what are matters of record, all averments and contentions are specifically denied as false,

evasive and legally unsustainable. It is reiterated that the Applicant's own letter/complaint dated 21.06.2024 addressed to various authorities clearly demonstrates that he was fully aware by that date of (a) the alleged operation of Respondent No. 6's Coal Tar Distillation unit without prior Environmental Clearance, and (b) the production capacity of 10,000 MTPA. These are precisely the same grievances that form the foundation of the Original Application. The Applicant cannot now be permitted to improve his case by artificially splitting the cause of action. The subsequent CTO dated 23.08.2024 and the capacity mentioned therein (36,000 MTPA) are merely a continuation and formal recognition of the very same operations about which the Applicant was complaining as early as 21.06.2024. There is no new or independent cause of action that arose in August 2024 or December 2024. Having acquired complete knowledge of the alleged violations latest by 21.06.2024, the Original Application filed on 24.03.2025 is hopelessly barred by limitation under Section 14(3) of the NGT Act (six months + maximum 60 days condonable delay, if any). The Applicant's attempt to create a fresh starting point of limitation by referring to the ToR dated 09.12.2024 or the CTO dated 23.08.2024 is wholly impermissible in law and is rejected.

34. The contents of corresponding para save and except what are matters of record, all averments and contentions are specifically denied as misconceived and contrary to settled law. The judgment of the Principal Bench in *Athippa Chemicals Pvt. Ltd. v. Puducherry Pollution Control Board, O.A. No. 30 of 2011, decided on 14.12.2011*, remains good law and has been consistently followed by this Hon'ble Tribunal. It squarely holds that when a specific statutory appellate remedy is provided under the Water/Air Acts against grant/refusal of consent, the aggrieved party must avail that remedy and cannot bypass the same by filing an Original

Application under Sections 14 and 15 of the NGT Act. The Applicant has failed to demonstrate how the statutory appellate remedy under Section 16 read with Section 18(2) of the NGT Act is “inadequate, ineffective or procedurally restrictive”. No such exceptional circumstance exists in the present case. The relief sought by the Applicant is the setting aside of the CTO dated 23.08.2024 issued by Respondent No. 3. Such a challenge is expressly covered by Section 16 of the NGT Act and is maintainable only by way of appeal within the prescribed period of limitation, which has long expired. The Applicant cannot be permitted to defeat the statutory discipline of appeal and limitation by dressing up an appeal as an Original Application and making vague, omnibus allegations of “multifaceted environmental grievances”.

35. The contents of corresponding para save and except what are matters of record, all averments and contentions are specifically denied as false, evasive and legally untenable. The Applicant’s assertion that the challenge is “not to the grant of EC but to the continued operations without prior Environmental Clearance” is a deliberate mischaracterisation. The existing unit was lawfully established prior to 14.09.2006 with valid consents from the Pollution Control Board in a notified industrial area and, as per settled law and repeated judgments of this Hon’ble Tribunal, does not require prior Environmental Clearance for continued operation at its original sanctioned capacity. The real and effective challenge in the Original Application is to the validity and continuance of the CTO dated 23.08.2024 issued by Respondent No. 3, which the Applicant repeatedly describes as illegal and void. Such a challenge falls exclusively within the appellate jurisdiction of this Hon’ble Tribunal under Section 16 of the NGT Act and is barred by limitation. No substantial question relating to environment arises from the

lawful continued operation of a pre-2006 unit under valid statutory consents. The Applicant's attempt to invoke Sections 14 and 15 of the NGT Act merely to circumvent the statutory appellate remedy and the period of limitation is a gross abuse of process. Save as aforesaid, the entire paragraph is denied in toto. The Applicant is put to the strictest proof thereof.

36. The contents of corresponding para save and except what are matters of record, all averments and contentions are specifically denied as evasive, incorrect, sham and bogus. It is reiterated that the Applicant's own complaint dated 21.06.2024 conclusively establishes that he had full knowledge of the alleged violations (operation of Coal Tar Distillation unit without prior EC and production capacity of 10,000 MTPA) latest by that date. The cause of action, if any, therefore arose on or before 21.06.2024. Under Section 14(3) of the NGT Act, the Original Application ought to have been filed latest by 20.12.2024 (six months) or, at the very outside, within a further condonable period of 60 days. The present Original Application filed on 24.03.2025 (wrongly mentioned by the Applicant as 23rd March 2025) is hopelessly barred by limitation. No application for condonation of delay has been filed till date, nor any sufficient cause shown for the gross delay of over three months beyond the maximum permissible period. The Applicant's attempt to shift the starting point of limitation to August 2024 (CTO) or December 2024 (ToR) is wholly impermissible, as the grievance is identical to the one raised in his complaint of 21.06.2024. Save as aforesaid, the entire paragraph is denied in toto. The Applicant is put to the strictest proof thereof. The Original Application is liable to be dismissed as barred by limitation.

37. The contents of corresponding para save and except what are matters of record, all averments and contentions are specifically denied as false, evasive and contrary to the Applicant's own pleadings. It is specifically denied that the Original Application does not primarily seek to quash the CTO dated 23.08.2024 as is belied by his own pleadings in the Original Application, the interim application, and every reply filed thereafter, wherein he has consistently described the said CTO as illegal, forged, issued in violation of the Environmental Impact Assessment Notification, 2006 as amended on 25.06.2014, and has repeatedly prayed that it be quashed/set aside. The entire foundation of the Applicant's case rests on declaring the CTO dated 23.08.2024 illegal and stopping operations thereunder. The reliefs sought are therefore in substance and effect directed against a statutory consent order issued under the Air and Water Acts. Such a challenge is maintainable only by way of an appeal under Section 16 of the NGT Act within the prescribed period of limitation, which has long expired provided remedy in terms of first appeal under Air Act and Water Acts availed.

38. The contents of corresponding para save and except what are matters of record, all averments and contentions are specifically denied as false, evasive, legally unsustainable baseless, vague and speculative. The Applicant's attempt to treat the alleged violation as a "continuing wrong" merely to escape the bar of limitation is wholly impermissible in law. The cause of action, if any, for challenging the legality of the CTO dated 23.08.2024 or the alleged absence of prior Environmental Clearance for the pre-2006 unit arose on the date of issuance of the CTO (23.08.2024) and, in any event, no later than the Applicant's own complaint dated 21.06.2024. Continued lawful operation under a valid statutory consent does not give rise to a fresh cause of action every day. A challenge to the

grant or continuance of a CTO is governed by the specific limitation prescribed under Section 16 of the NGT Act (30 days + maximum 60 days condonable delay). The Applicant has deliberately bypassed this statutory appellate route by filing the Original Application. Permitting such circumvention would render the entire appellate mechanism under Section 16 of the NGT Act and the law of limitation completely nugatory and open the floodgates to unlimited collateral challenges against statutory consents years after their issuance. The Applicant has neither filed any appeal under Section 16 of the NGT Act nor any application for condonation of delay under Section 14(3) or Section 16 of the NGT Act. The Original Application is therefore not maintainable and is hopelessly barred by limitation on both counts. Save as aforesaid, the entire paragraph is denied in toto. The Applicant is put to the strictest proof thereof. The Applicant cannot be permitted to defeat the statutory appellate remedy and the law of limitation by dressing up an appeal as an Original Application. Save as aforesaid, the entire paragraph is denied in toto. The Applicant is put to the strictest proof thereof.

39. The contents of corresponding para save and except what are matters of record, the same are specifically denied as false, misconceived and wholly unsustainable. It is submitted that Respondent No. 6 has demonstrated, both on facts and in law, that the Original Application is a gross abuse of process, filed with unclean hands, based on suppression and misrepresentation of material facts, and is hopelessly barred by limitation. The Applicant has furnished contradictory and false addresses in simultaneous proceedings before this Hon'ble Tribunal, launched an extrajudicial economic boycott against Respondent No. 6, deliberately suppressed the ongoing lawful Environmental Clearance process, and bypassed the statutory appellate remedy under Section 16 of the NGT Act.

Save as aforesaid, the entire paragraph is denied in toto. The Applicant is put to the strictest proof thereof.

40. The contents of corresponding para save and except what are matters of record, all averments and contentions are specifically denied as false, misleading, sham and bogus. It is denied that Respondent No. 6 has indulged in selective disclosure or suppression of material facts. On the contrary, it is the Applicant who has deliberately suppressed the ongoing lawful Environmental Clearance process, the grant of ToR dated 09.12.2024, the settled legal position that pre-14.09.2006 units do not require prior Environmental Clearance for original capacity, and his own contradictory addresses and adverse police verification reports. The real and dominant grievance in the Original Application is the challenge to the legality and continuance of the CTO dated 23.08.2024 issued by Respondent No. 3. Such a challenge is expressly governed by Section 16 of the NGT Act and is maintainable only as an appeal within the prescribed period of limitation, which has long expired. No substantial question relating to environment arises from the lawful continued operation of a pre-2006 industrial unit under valid statutory consents issued after due process by the competent Pollution Control Board. The Applicant's attempt to cloak an appeal as an Original Application under Sections 14 and 15 of the NGT Act is a clear abuse of process and is liable to be rejected. Save as aforesaid, the entire para is denied in toto. The Applicant is put to the strictest proof thereof.

41. The contents of corresponding para save and except what are matters of record, all averments and contentions are specifically denied as false, misleading, sham and bogus. It is denied that the Respondent No. 6 has committed any statutory lapse. The existing unit is a lawfully established

pre-14.09.2006 unit operating with valid and subsisting CTO issued by the competent statutory authority after due verification and inspection. On the contrary, it is the Applicant who has approached this Hon'ble Tribunal with demonstrably unclean hands by furnishing contradictory/false addresses, launching an extrajudicial economic boycott, suppressing the ongoing lawful Environmental Clearance process, and deliberately bypassing the statutory appellate remedy under Section 16 of the NGT Act. The repeated characterisation of the present proceedings as an abuse of process is not a deflection but a legitimate and well-founded defence based on the Applicant's own admissions and conduct on record.

42. With reference to the final concluding submission made on behalf of the Applicant, save and except what are matters of record, the same is specifically denied as false, baseless and wholly unsustainable. There is no "continuing breach of mandatory requirements" by Respondent No. 6. The existing unit was lawfully established prior to 14.09.2006 with valid consents, continues to operate under a valid and subsisting CTO dated 23.08.2024 (valid up to 17.09.2029), and is in the process of obtaining Environmental Clearance for its proposed expansion in full compliance with law. No substantial question relating to environment arises from such lawful operations. The Applicant has failed to place on record even a single piece of credible evidence of any environmental damage, pollution, or violation of conditions of statutory consents. On the contrary, the Applicant has repeatedly abused the process of this Hon'ble Tribunal by approaching with unclean hands, furnishing contradictory/false addresses, suppressing material facts, bypassing the statutory appellate remedy, and launching an extrajudicial economic boycott against Respondent No. 6. In these circumstances, not only does the Original

Application deserve dismissal, but dismissal with exemplary costs is fully warranted to deter such mala fide and vexatious litigation.

ON DELAY IN FILING THE REJOINER

43. It is submitted that as per the order dated 01.12.2025, this Hon'ble Tribunal granted a week's time for filing Rejoinder to the Reply in I.A. No. 708/2025 in OA No. 549/2025.
44. It is submitted that on perusal of the Reply in I.A. No. 708/2025 in OA No. 549/2025 , it was found that there were several averments which were needed to be verified and to be rebutted, so as to bring the actual position of fact and law before this Hon'ble Tribunal.
45. Thus, after verifying and correct position on fact and law, the counsel for the Respondent No.6 drafted the present Rejoinder and was sent for the approval and signatures. That after receiving the Rejoinder, the counsel is immediately filing the present Rejoinder.
46. That the above said situation was beyond the control of the Respondent No.6 and therefore, Respondent No.6 could not able to file the Rejoinder within the time granted.
47. That this Hon'ble Tribunal time and again has held that the Tribunal has to be more liberal while dealing with condonation of delay in filing.
48. That delay in filing is neither deliberate nor intentional but has occurred due to bonafide reasons as stated above and beyond the control of the Respondent No.6, which constitute sufficient cause for condonation.

49. No prejudice would be caused to the Applicant/parties if the delay in filing the Rejoinder is condoned, whereas grave prejudice and irreparable loss would be caused to the Respondent No. 6 if the same is not allowed.

PRAYER

In view of aforesaid facts and circumstances and in the interest of justice, it is most respectfully prayed that-

- i. The prayers, as sought in the IA No. 708/2025 [Earlier IA 92/2025] in OA No. 549/2025 be allowed; and
- ii. OA No. 549/2025 filed by the Applicant be dismissed with exemplary costs; and
- iii. Delay be condoned in filing the Rejoinder; and/ or
- iv. Pass any orders this Hon'ble National Green Tribunal deems fit in the facts and circumstances of the present case.



RESPONDENT NO. 6

THROUGH

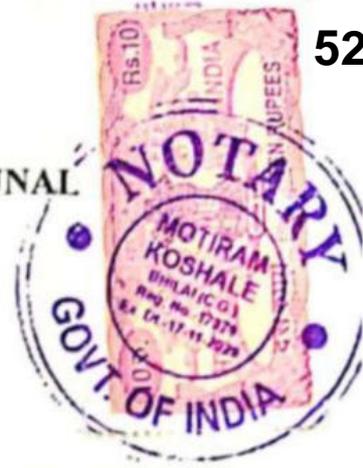


**Anu Monga/ Rahul Goel
Advocate(s)
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For Respondent No. 6
B-82, LGF, Gulmohar Park
New Delhi – 110 049
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Email: rahul.goel@anantlaw.com**

Place:

Date: 28.01.2026

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
I.A. No. 708/2025
IN
ORIGINAL APPLICATION No. 549/2025



IN THE MATTER OF:

DHEERAJ TIWARI

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FOREST,
AND CLIMATE & OTHERS

... RESPONDENTS

AFFIDAVIT

I, Govind Kumar Mandal, Director of M/s Tethys Chem Private Limited, having its Office at Plot No. 17/N, Heavy Industrial Area, Hathkhaj, Bhilai, - 490026, District Durg, Chattisgarh, ("Respondent No.6"), do hereby solemnly affirm and declare on oath as under:

1. That I am the Director of M/s Tethys Chem Private Limited i.e. Respondent No.6, in the aforementioned case and I am as such fully conversant with the facts and circumstances of the present case.
2. That I have understood the contents of the accompanying Rejoinder, the same are true and correct to my knowledge and are based on advice believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying Rejoinder may kindly be read as part and parcel of the present affidavit.

That the annexures, if any, attached herewith are true copies of the originals thereof.



TETHYS CHEM PRIVATE LIMITED

Govind Kumar Mandal

DIRECTOR

28 JAN 2026

DEPONENT

VERIFICATION

Verified at Bhilai on this 28th day of January, 2026 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

Deponent & His Signature
Identify by Witness

पहचानकर्ता
न Govind Kumar Mandal
पता/पति का नाम Bhilai (C.G.)
पता Bhilai (C.G.)

सहचर

शपथकर्ता जिनका नाम/पता :
व पता उपरोक्तानुसार है मेरे सामने
लिया जिसे पहचानकर्ता/गवाह ने पहचान
या जिनके हस्ताक्षर संलग्न
नामिक.....को हस्ताक्षर किया।

TETHYS CHEM PRIVATE LIMITED

Govind Kumar Mandal

DIRECTOR

DEPONENT

मोटरिय कोशले अधिवक्ता नोटरी



Dheeraj Tiwari v. MOEF&CC & Others, OA No.549/2025 | Advance Service of Rejoinder on behalf of Respondent No.6 to reply in IA No.708/2025

From Yash Agarwal <yash.agarwal@anantlaw.com>

Date Wed 1/28/2026 4:18 PM

To kajaldalchambers@gmail.com <kajaldalchambers@gmail.com>; hocecb@gmail.com <hocecb@gmail.com>; mscb.cpcb@nic.in <mscb.cpcb@nic.in>; seiaacg@gmail.com <seiaacg@gmail.com>; ccb.cpcb@nic.in <ccb.cpcb@nic.in>; mscecb2025@gmail.com <mscecb2025@gmail.com>; dewsan@gmail.com <dewsan@gmail.com>; collector-drg.cg@gov.in <collector-drg.cg@gov.in>; itdiv-moefcc@gov.in <itdiv-moefcc@gov.in>

Cc Rahul Goel <rahul.goel@anantlaw.com>; Anu Monga <anu.monga@anantlaw.com>; Harsh Gupta <harsh.gupta@anantlaw.com>; tethyschem@gmail.com <tethyschem@gmail.com>

Dear All,

We represent Respondent No.6 in Original Application titled as '*Dheeraj Tiwari v. MOEF&CC & Ors.*', pending before the National Green Tribunal, Principal Bench, New Delhi and is filing the Rejoinder to the Reply filed in IA No.708 of 2025 in OA No.549 of 2025,

Please treat this as an advance service of the Rejoinder.

Please find below the link to the Rejoinder. Kindly acknowledge the receipt of the same.

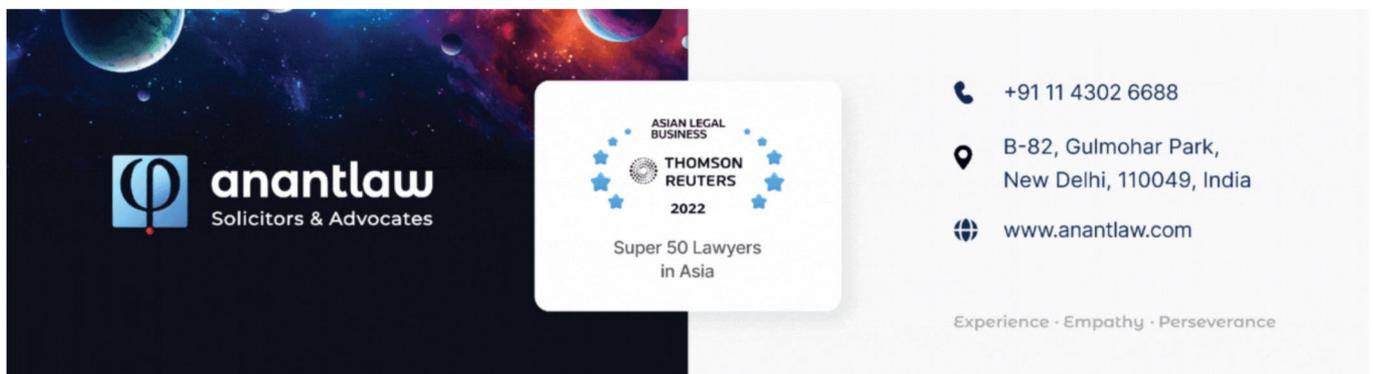
 [Dheeraj Tiwari v MOEFCC - Rejoinder in IA 708 of 2025 1.pdf](#)

Best Regards,

Yash Agarwal
Senior Associate

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E-mail: yash.agarwal@anantlaw.com



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