

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

IA NO. 08 OF 2025

IN

ORIGINAL APPLICATION NO. 349 OF 2024

IN THE MATTER OF:

YASHPAL SINGH

.....Applicant

Versus

STATE OF UTTARAKHAND & ORS.

.....Respondents

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE
REPLY FILED BY THE ORIGINAL APPLICANT TO I.A. NO. 08
OF 2025.**

MOST RESPECTFULLY SHOWETH:

1. The Applicant herein is Respondent No. 6 in the Captioned Original Application, and had preferred the present/ Captioned Application bearing IA No. 08 of 2025 beseeching this Hon'ble Tribunal to consider and adjudicate upon the issue of maintainability of the Captioned Original Application as a preliminary issue, before dealing with the merits of the Captioned Original Application.
2. At the very outset, it is submitted that the contents of the Reply preferred by the Original Applicant, in so far as they do not pertain to

matters of fact and record, are untenable, misconceived and unsupported by facts and law. It is respectfully submitted since the Original Applicant has undertaken a reply through different submissions marked as separate sub-headings, the Applicant herein is only preferring a limited response to the said sub-headings, without undertaking a specific para-wise response. The Applicant reserves its right to file a detailed rejoinder if and when the need arises with permission of this Hon'ble Tribunal. The Applicant further seeks to rely upon the submissions already made in the present Application vis-à-vis the aspect of limitation, cloaking of petition as a Section 14 Petition, and the aspect of powers of Ld. NGT sitting in judicial review of the policies of the State Government.

3. The Applicant herein submits the following response to the submissions raised by the Original Applicant in its Reply:

A. Original Application is maintainable, and that Section 14 places no fetters on the powers of the NGT to pass appropriate order/directions w.r.t. issues arising out of Schedule 1 statutes.

- 3.1. The preliminary response/ objection of the Original Applicant is that the Respondent No. 6's Stone Crusher has been permitted to be established in an ESZ, being the Doon Valley which was notified as such vide Notification dated 01.02.1989 of the MoEF& CC. Along with this, the other primary response is that the State Government has permitted the Respondent No. 6 Stone Crusher to be set up:

- a. Without conducting the carrying capacity of Doon Valley.
 - b. In violation of decision dated 07.12.2022 passed in *Sanjay Kumar vs. Union of India & Ors. (OA No. 669 of 2022)*.
 - c. While ignoring the fact that the Respondent No. 6 is carrying on illegal river-bed sand mining in Jakhan River.
- 3.2. In this regard, it is pertinent to state that while the Original Applicant mentions the 1989 Notification, wherein there is no explicit ban upon Stone Crushing Activities, the Original Applicant has conspicuously failed to mention that Stone Crushing was categorized as an Orange Category Industry vide CPCB's directions dated 07.03.2016, which was given legislative backing and applicability to the Doon Valley region via Notification dated 06.01.2020, which in turn amended the 1989 Doon Valley Notification. A combined reading of the CPCB's directions and the 2020 Doon Valley notification, along with EIA Notifications dated 14.09.2006 and 13.12.2007 there remains no doubt that Stone Crushing activity is duly permitted in Doon Valley region, subject to the Project Proponent obtaining the requisite permissions and approvals and following the prescribed environmental norms, as has been done by the Respondent No. 6/ Applicant in the present case. Instead of showing any violation by Respondent No. 6, which is a lawfully established unit, the Original Applicant has sought to mislead this Hon'ble Tribunal into believing that the State authorities have allowed a Stone Crusher to be established in a non-permitted zone.

- 3.3. Rather, the misconduct of the Original Applicant is writ large from the fact that the Original Applicant is aggrieved by the Respondent No. 6 Stone Crusher alone, while not being aggrieved by the other Stone Crushers operating in the said vicinity. In its bid to cloak the present Original Application under Section 14 of the NGT Act, rather than an appeal under Section 16 of the Act, the Original Applicant, by way of clever drafting and distortion of facts, has raised issues such as carrying capacity of the Doon Valley region, without realising that the CPCB and thereafter the MoEF had issued the 2016 Directions and the 2020 Notification respectively after taking into account the deliberations of the working committee which had devised the Pollution Index formula, whereby Stone Crushing activity was categorized into the Orange Category.
- 3.4. As far as the contention regarding the establishment of the Respondent No. 6 Stone Crusher in violation of the judgment dated 07.12.2022 in ***Sanjay Kumar (supra)*** is concerned, it is pertinent to note that the said judgment was challenged by the Applicant herein, before the Hon'ble High Court of Uttarakhand in Writ Petition (MB) No. 16 of 2025 titled *M/s Shree Balaji Stone Crusher vs. State of Uttarakhand & Ors.*, whereby, the Hon'ble Uttarakhand High Court vide order dated 30.01.2025 was pleased to direct the following: ***“In the meantime, there is limited interim order to the effect that the minimum distance of 500 meters shall not be applied to non-perennial rivulets”***. The said interim order is valid and subsisting, and thereby, the contention of the Original Applicant herein that Respondent No.

6/ Applicant's Stone Crusher is sited in violation of *Sanjay Kumar (supra)* is completely untenable.

A copy of the order dated 30.01.2025 passed in Writ Petition (MB) No. 16 of 2025 is attached herewith and marked as **Annexure-1**.

- 3.5. As a necessary corollary, the contention of the Original Applicant that the law laid down in *Sanjay Kumar (supra)* (i.e. the distinction qua distance between non-perennial and perennial rivers is unfounded) has attained finality, is completely false and a deliberate attempt to mislead this Hon'ble Tribunal by suppressing material facts and orders.
- 3.6. Before dealing with the other responses of the Original Applicant, it is pertinent to highlight that the Original Applicant has conspicuously not dealt with the issue of limitation raised by the Applicant herein, which strikes at the very root of the captioned Original Application. The Original Applicant, in a bid to circumvent the said issue, has contended that his challenge to the EC, CTE and CTO of Respondent No. 6 Stone Crusher would fall within the ambit of Section 14 of the NGT Act, and not Section 16.
- 3.7. In this regard, it is pertinent to highlight the multitude of decisions whereby this Hon'ble Tribunal has deprecated the practice of filing Section 14 Applications instead of Section 16 Appeals with a view to circumvent limitation challenge. Pertinently, this Hon'ble Tribunal, while dealing with such issue, also took note of the judgments relied upon by the Original Applicant herein i.e. *Mantri Techzone, Ankita*

Sinha and *Sterlite Industries*, which have sought to be misapplied by the Original Applicant herein.

a. *Ajay Kumar Singh vs. SEIAA, Uttar Pradesh & Ors. (OA No. 623 of 2024).*

19. From a bare perusal of Section 14, it is evident that it confers jurisdiction upon Tribunal to adjudicate substantial questions relating to environment when such questions arise out of the implementations of the enactments specified in Schedule I of NGT Act, 2010 and while exercising such jurisdiction, Tribunal shall have jurisdiction on all civil cases where such substantial questions are raised.

21. This provision does not confer any appellate power upon Tribunal to look into the validity of any statutory order passed by a statutory body in exercise of its statutory powers.

25. The only Section which confers appellate jurisdiction upon Tribunal is Section 16. With respect of EC granted under the provisions of Environment (Protection) Act, 1986 (hereinafter referred to as '**EP Act, 1986**'), the Appeal is provided before Tribunal under clause (b).

28. In our view, the jurisdiction of Tribunal is not dependent upon the ground taken in the matter for seeking a particular relief but it is the relief which has been sought in the matter which will determine the jurisdiction.

29. In the present case, admittedly, applicant is praying that this Tribunal should set aside or cancel ECs granted to respective project proponents. NGT Act, 2010 specifically confers this power of cancellation of an EC, if wrongly granted, by exercising its appellate jurisdiction under Section 16(b) of NGT Act, 2010.

30. Tribunal being a creature of Statute, its jurisdiction is also confined within the ambit of the Statute. The extent of jurisdiction of a Court or Tribunal depends upon the relevant Statute. When a particular provision has been made empowering Tribunal to exercise a particular kind of jurisdiction, ignoring the same, similar power cannot be read in any other provision when a bare reading of other provisions do not support

the contention that in exercise of power under other provisions, appellate jurisdiction can be exercised.

32. The distinction in Sections 14 and 15 has been noticed by Supreme Court in **Mantri Techzone Private Limited vs. Forward Foundation and Others, (2019) 18 SCC 494**. It has been held that these are independent and self contained provisions. Para 45 of the judgment of Supreme Court says as under: “45. Section 15 of the Act provides power & jurisdiction, independent of Section 14 thereof. Further, Section 14(3) juxtaposed with Section 15(3) of the Act, are separate provisions for filing distinct applications before the Tribunal with distinct periods of limitation, thereby amply demonstrating that jurisdiction of the Tribunal flows from these Sections (i.e. Sections 14 and 15 of the Act) independently. The limitation provided in Section 14 is a period of 6 months from the date on which the cause of action first arose and whereas in Section 15 it is 5 years. Therefore, the **legislative intent is clear to keep Section 14 and 15 as self contained jurisdictions.**”

33. In **Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors., (2022) 13 SCC 401** while considering the salient statutory feature of NGT Act 2010, Court has observed that Section 14 gives original jurisdiction to Tribunal to decide a substantial question relating to environment; Section 15 deals with relief compensation and restitution whereby besides providing relief to the victims of pollution, NGT can direct restitution of property damage and restitution of environment for such area(s) as the Tribunal may think fit and Section 16 gives appellate jurisdiction to Tribunal against orders passed under various enactments.

40. We are not taking any hyper technical view by referring to the provisions made under which OAs have been filed and would have allowed the applicant to request for conversion or treatment of these OAs as Appeals under Section 16(h) but no such request has been made by the Learned Counsel for the applicant and instead he is consistent in insistence that the OAs under Sections 14 and 15 are maintainable

41. On our own also, we find it difficult to treat these OAs as Appeals validly filed under Section 16(h) of NGT Act, 2010 for the reason that ECs challenged herein are dated 10.11.2023, 01.07.2023 and 22.11.2023. The first date when OA 623/2024 was presented before Tribunal is 15.05.2024 i.e., almost after 11 months when EC dated 01.07.2023 was granted and more than 05 months when EC dated 10.11.2023 and 22.11.2023 were granted. Section 16 provides limitation of 30 days

which is condonable by maximum period of 60 days i.e., total period of 90 days. Apparently, Appeals have crossed that maximum period of limitation which is condonable by Tribunal under Section 16 of NGT Act, 2010 for entertaining the Appeal. In these circumstances, we have no option to continue these matters by converting these matters in Appeals.

42. In view of discussions made above, we are clearly of the view that these OAs challenging ECs by filing OAs under Sections 14 and 15 of NGT Act, 2010, instead of filing Appeal under Section 16 are not maintainable. Accordingly, OAs are dismissed. Pending LAs stand disposed of.

b. Hari Om Sharan Dwivedi vs. UPPCB & Ors. (OA No. 141 of 2025).

23. In the present case, what applicant has done is that it has by-passed the remedy of Appeal against the order under Section 25 of Water Act, 1974 and Section 29 of Air Act, 1981 which were appealable under Section 28 of Water Act, 1974 and Section 31 of Air Act, 1981. Further, applicant has remedy of second appeal before this Tribunal if any adverse order against its interest is passed by the Appellate Authority under Section 28 of Water Act, 1974 and Section 31 of Air Act, 1981 but by not availing the remedy of initial Appeal, he has given up even the right of second Appeal. Applicant in fact has frog leap by filing its OA under Sections 14 and 15 of NGT Act, 2010 disturbing the entire scheme of the Statute.

*24. In **M/s Northern Plastics Ltd. vs Hindustan Photo Films Manufacturing Company Ltd., (1997) 4 SCC 452**, Supreme Court in para 12 of the judgment has observed that the Statutory procedure laid down by Parliament in its wisdom for enabling the challenge to the adjudication has got to be followed and by passing such Statutory procedure is a direct frog leap which is contra-indicated by the Statutory scheme of the Act. Such approach of direct frog leap by ignoring the Statutory provisions of Appeal and Revision etc. having the scheme of the Act would stultify the very scheme of the Statute which has not to be permitted.*

*25. In **Tamil Nadu Pollution Control Board vs. Sterlite Industries (India) Limited and Others, (2019) 19 SCC 479**, Supreme Court observed that in order to assail statutory orders passed by Statutory Regulators under reliance of Section 14 of NGT Act, 2010 impermissible since Section 14 refers to original jurisdiction of Tribunal and not its appellate jurisdiction. In para 36 of the judgment, Supreme Court has said as under:*

“...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...”

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.

35. In view of the fact that the applicant has not challenged the EC granted to respondent 2 for establishing its unit and the unit has already been established pursuant thereto, we do not find that the applicant can be allowed to assail a consequential order which only permits functioning of the unit after its establishment under valid Statutory permissions. Hence, we are clearly of the view that the relief as prayed by applicant is not liable to be granted.

*36. We may also notice at this stage that the applicant's Counsel has not stated at any stage during the course of the arguments that his OA may be treated to be an Appeal probably realising the fact that no direct Appeal under Section 16 is maintainable before Tribunal in view of the judgment of Supreme Court in **Tamil Nadu Pollution Control Board vs. Sterlite Industries (India) Limited and Others (supra)**, hence even conversion of this OA into Appeal under Section 16 is not permissible in law.*

37. In view of the discussion above, this OA is dismissed. Pending I.A. stands disposed of accordingly.

- 3.8. Therefore, as per law, when any person is aggrieved by the issuance of the CTE/EC/ CTO, a challenge thereto is required to be preferred under Section 16 of the NGT Act, 2010, and within the prescribed timelines provided therein. In this regard, the relevant extract of Section 16 of the NGT Act, is reproduced below:

“Section 16. Any person aggrieved by,--

...

(b) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 (29 of 1986);

...

may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal: Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days.”

- 3.9. From the facts and circumstances of the present case at hand, it can be reasonably deduced that the present proceedings before this Hon’ble Tribunal, although cloaked as an Original Application under Section 14 and 15 of the NGT Act, is clearly a challenge to the Govt. approval, EC and CTE granted to the Respondent No. 6 Stone Crusher, a challenge to which will necessarily fall under Section 16 of the NGT Act, and only within the statutory timeline prescribed therein. While the Original Applicant has surreptitiously attempted to veil the present challenge as one under Section 14 and Section 15 of the NGT Act, the

prayers (c),(d) and (e) for the quashing of all the Govt. Approval , EC and CTE are concerned, clearly reflect that the real purpose and intention of the present OA, however, the same cannot and will not, in any manner come within the contours of Section 14 and Section 15 of the NGT Act, and is necessarily an appeal, notwithstanding the terminology, attracting the provisions of Section 16 of the NGT Act, which would, *inter alia*, entail that the challenge of the Original Applicant, is barred by limitation. The Original Applicant has prayed for other supplementary prayers in a bid to somehow

- 3.10. In fact, it cannot be ruled out that the Original Applicant was conscious of the statutory scheme of Section 16 of the NGT Act, which mandates that any challenge to the EC is required to be made in the prescribed period of 90 days from the issuance of the EC, and not thereafter. In order to overcome this legal hurdle, the Original Applicant has cloaked the present application/ petition as one under Section 14 and Section 15, as opposed to Section 16 of the NGT Act. The Original Applicant has failed to appreciate that it is settled law that the nomenclature of the petition / application is wholly inconsequential and immaterial, and the contents and the reliefs sought reveal the real nature of the application filed by the Original Applicant. Even otherwise, the even a bare reading of the prayers (e) and (f) leave no room for doubt that the OA is seeking quashing of the Respondent No. 6's permissions, necessitating an appeal under Section 16 of the NGT Act. The contours of Section 14 of the NGT Act, are wholly different and the same cannot be invoked for seeking quashing for the

clearances and permits, especially with an intent to avoid the strict timelines of Section 16.

3.11. Notwithstanding, it is completely wrong to suggest that the Section 14 of the NGT Act, 2020 does not place any fetters on the power of the Ld. NGT to issue appropriate directions, which effectively amount to quashing government policies. Section 14 of the NGT Act, 2020 or even Section 15 of the said Act nowhere ascribes such power to the Ld. NGT which is sought to ascribed to the Ld. NGT by the Original Applicant herein. In fact, it is the Original Applicant's own stance that the invocation of NGT's power is incumbent upon the substantial question relating to the environment arising out of *IMPLEMENTATION* of a Schedule 1 enactment.

3.12. Thus, even from a bare perusal of the language of Section 14 of the NGT Act, 2020, it is clear that the jurisdiction of the Ld. NGT can be invoked for the proper and effective *implementation* and enforcement of the legislations (acts, rules, notifications, circulars etc.) already in place and issued by the competent legislative authorities. The term 'implementation' used in the said provision cannot and ought not to be expanded beyond its reasonable interpretation.

3.13. However, what the Original Applicant seeks to attribute to the Ld. NGT's power and jurisdiction under Section 14 of the NGT Act through its interpretation, is the power to even strike down or set aside a Schedule 1 enactment, which is beyond the scope and mandate of the

'implementation' of a Schedule 1 enactment. When the legislation of the State Government itself prescribes a distinction between perennial and non-perennial rivers, the only challenge to the same can be through constitutional courts, and not through this Hon'ble Tribunal. However, the Original Applicant seeks an effective quashing of such distinction by requiring this Hon'ble Tribunal to pass directions which would render the said distinction meaningless, especially when such issue is already pending before the Hon'ble High Court of Uttarakhand, and with a stay being operating against the dilution of such distinction.

- 3.14. The settled position of law as on date clearly suggests that the Ld. NGT has no jurisdiction to sit in judicial review of notifications and policies issued by the Central and/or State Governments. In this regard, reliance is placed on the submissions made in the Application bearing IA No. 08/2025 filed by the Applicant herein, and upon the judgments relied therein, being ***Tamil Nadu Pollution Control Board v. Sterlite Industries (I) Ltd***, [2019 SCC OnLine SC 221 and ***Environment Support Group v. Biodiversity Authority (SLP (C) No. 7951/2014)***).
- 3.15. From the aforesaid judgments which have been mentioned in the Application bearing IA No. 08/2025, it is clear that the position of law as it stands today, as declared by the Hon'ble Supreme Court is that it is the Constitutional Courts, i.e. High Courts which are empowered to deal with a challenge to the legality and validity of notifications/policies issued by the legislative authorities. Therefore,

the reliance upon decision dated 07.12.2022 passed in *Sanjay Kumar (supra)* is completely misplaced.

3.16. Pertinently, the same is evident from the very fact that the Hon'ble Supreme Court set aside the order whereby the proceedings wherein a notification/ policy had been challenged were being transferred to the Ld. NGT, and the Hon'ble Supreme Court categorically held (while relying upon *Sterlite supra* that such issue ought to be decided by the Hon'ble High Court and not the Ld. NGT.

B. Bonafides of the Original Applicant

3.17. It is submitted that the argument qua the threshold of 'aggrieved person' being mentioned in Section 16 of the NGT Act and not applicable to OAs filed under Section 14 of the NGT Act, is again an attempt to circumvent the provisions of the NGT Act and to get around with the said requirement, by cloaking the present OA as a Section 14 Application, when in fact a Section 16 Appeal only could have been filed looking at the relief(s) sought.

3.18. It is submitted that only an Appeal under Section 16 could have been filed for seeking quashing of the permits of the Respondent Stone Crusher, and thereby the Appellant/ Original Applicant in the present case ought to have shown how he is an 'aggrieved person'. However, having conspicuously failed in doing so, the Original Applicant has sought to overcome even this aspect, apart from the aspect of limitation, by relying upon provisions of Section 14 of the NGT Act, despite its non-applicability in the present facts and circumstances.

3.19. Notwithstanding the aforesaid, the Original Applicant had to satisfy his *bonafides* in filing the captioned OA, which is an indispensable requirement irrespective of the nature of the petition. A stray attempt has been made by the Original Applicant to do so in counter to the Captioned Application filed by the Respondent Stone Crusher/Applicant, by making general statements that the Respondent Stone Crusher is located close to a river and village and is affecting agricultural activity as the dust from the Stone Crusher would settle on farm land, without any supporting evidence to substantiate his contentions. However, the Original Applicant has not been able to show his *bonafides*, as to why the Respondent No. 6's activities are affecting the Original Applicant when the Respondent No. 6 Stone Crusher is located as per the mandate of 2021 Stone Crusher Policy, and the operations are being carried out keeping the environmental safeguards in mind.

C. That Hon'ble NGT has the power to pass such orders as necessary to protect the environment.

3.20. It is pertinent to submit that the reliance placed by the Original Applicant upon the decisions mentioned in the paragraphs under reply is completely misleading and not relevant to the facts and circumstances of the present case at hand.

3.21. The Original Applicant has cited the said decisions to purportedly contend that the Ld. NGT has wide powers and special jurisdiction for enforcement of environmental rights, which as a necessary corollary would mean the power to adjudicate the plea assailing a government

notification on the ground that it violates fundamental right to clean and healthy environment. However, none of the decisions go beyond the powers ascribed to the Ld. NGT, and nowhere suggest what the Original Applicant is contending.

- 3.22. In fact the decision of ***Mantri Techzone*** cited by the Original Applicant itself says that “*such question should arise out of implementation of the enactments specified in Schedule 1*”, and the “*this grants a glimpse into the wide range of powers that the Tribunal has been cloaked with respect to restoration of the environment*”.
- 3.23. The decisions cited by the Original Applicant only suggest that the Ld. NGT has wide powers to act in the interest of the environment and take restorative measures whenever the environment and ecology are being compromised and jeopardized. The question whether Ld. NGT has the power to strike down notifications/policies is not answered by these judgements.
- 3.24. It is pertinent to note that specific emphasis has been laid down on the following observations in the said decisions: *As stated supra. the typical nature of the Tribunal, its breadth of powers as provided under the statutory provisions of the Act as well as the Scheduled enactments, cumulatively, leaves no manner of doubt that the only tenable interpretation to these provisions would be to read the provisions broadly in favour of cloaking the Tribunal with effective authority. An interpretation that is in favour of conferring jurisdiction should be preferred rather than one taking away jurisdiction.*

- 3.25. However, it is also pertinent to note that the ‘jurisdiction’ being talked about herein, is the jurisdiction of the Ld. Tribunal to take wide measures for the purposes of restoration and restitution of the environment, and not ‘jurisdiction’ to determine and adjudicate upon the legality and validity of a legislation including subordinate legislation.
- 3.26. Further, the contention of the Original Applicant that ***Sterlite (supra)*** pertains to exercise of Appellate jurisdiction by the Ld. NGT, and does not apply in cases of exercise of powers/ jurisdiction under Section 14 and Section 15 of the NGT Act is completely frivolous and misleading.
- 3.27. Although it is true that in ***Sterlite (supra)***, the Hon’ble Supreme Court makes an observation that “...*It is clear, therefore, that under the NGT Act, the Tribunal exercising appellate jurisdiction cannot strike down rules or regulation made under this Act*”, however, it is pertinent to note that such observation was made in the facts and circumstances of that case, since the Ld. NGT therein was exercising jurisdiction under Section 16 of the NGT Act.
- 3.28. However, the interpretation that such observation is only applicable in cases where the Ld. NGT exercises its appellate jurisdiction under Section 16 of the NGT Act, and not in cases where it exercises jurisdiction under Section 14 and 15 of the NGT Act, is completely misleading and an attempt to circumvent the position of law as on date.
- 3.29. In fact, it was the Hon’ble Supreme Court itself which has clarified this aspect in ***Environment Support Group v. Biodiversity Authority***

(SLP (C) No. 7951/2014), when the Hon'ble Supreme Court was pleased to stay the proceedings in **OA No. 10/2014** pending before the Ld. NGT, Chennai, and thereafter completely set aside the said proceedings, as the same were left to be decided by the Hon'ble High Court. In fact, in the said case the Hon'ble Supreme Court was presented with the proposition laid down in *Sterlite (supra)*, which prompted the Hon'ble Supreme Court to set aside the proceedings which had been transferred to the Ld. NGT and registered as Original Application (under Section 14 jurisdiction). Therefore, in light of the same, the contention raised by the Original Applicant is completely baseless and misleading.

- 3.30. Under the grab of de-novo challenge, the Original Applicant cannot be allowed to indirectly challenge the permits, which otherwise it could not have done directly, and also by changing the nomenclature of the Petition and cloaking the same as a Section 14 Application. Further, the Original Applicant cannot also be permitted to then thereafter circumvent the contours of powers of the Ld. NGT, by seeking an effective striking down of the government policies, by contending that the powers of judicial review of the Hon'ble NGT are curtailed only in Appellate jurisdiction under Section 16 of the NGT Act, and not under Section 14/15 NGT Act jurisdiction.
- 3.31. The question of 'jurisdiction' of the Ld. NGT to adjudicate upon issues which are seized by the Hon'ble High Courts was clearly dealt with by the Hon'ble Supreme Court in *The State of Andhra Pradesh vs. Raghu Ramakrishna Raju Kanumuru (M.P.)*. The following key observations were made by the Hon'ble Supreme Court:

“7. Dr. Abhishek Manu Singhvi, learned Senior Counsel appearing on behalf of the appellant, submitted that when the High Court of competent jurisdiction was already in seisin of the matter, the learned NGT could not have entertained a lis with regard to the same cause of action. He submitted that though this fact was brought to the notice of the learned NGT, the learned NGT refused to vacate the interim order dated 6th May 2022, which was in conflict with the order of the High Court dated 16th December 2021.

“8. Dr. Singhvi submitted that NGT is a Tribunal, which is subordinate to the High Court in so far as the territorial jurisdiction of the High Court is concerned. He, therefore, submitted that the very continuation of the proceedings before the learned NGT is not sustainable in law.

*“11. In any case, no law is necessary to state that insofar as the Tribunals are concerned, they would be subordinate to the High Court insofar as the territorial jurisdiction of the High Court is concerned. A reference in this respect was also made to the judgment of the Constitution Bench of this Court in the case of **L. Chandra Kumar v. Union of India and Others**”*

“12. We are, therefore, of the considered view that it was not appropriate on the part of the learned NGT to have continued with the proceedings before it, specifically, when it was pointed that the High Court was also in seisin of the matter and had passed an interim order permitting the construction. The conflicting orders passed by the learned NGT and the High Court would lead to an anomalous situation, where the authorities would be faced with a difficulty as to which order they are required to follow. There can be no manner of doubt that in such a situation, it is the orders

passed by the constitutional courts, which would be prevailing over the orders passed by the statutory tribunals”

“13. In that view of the matter, we are of the considered view that the continuation of the proceedings before the learned NGT for the same cause of action, which is seized with the High Court, would not be in the interest of justice.”

“14. We, therefore, quash and set aside the proceedings pending before the learned NGT in O.A. No.361 of 2021.”

3.32. The Hon’ble Supreme Court of India clearly considered the decision of **L. Chandra Kumar** to come to the aforesaid findings. Therefore, the contention raised by the Petitioner and the reliance placed upon **L. Chandra Kumar** herein is completely frivolous and misleading.

3.33. In fact, the reliance upon the various decisions by the Original Applicant is entirely misplaced and irrelevant to the issue at hand. A bare perusal of the case pleaded by the Original Applicant itself suggests that these decisions only reflect the powers and contours of this Hon’ble Tribunal to pass necessary orders for ensuring the enforcement of the environment policies as legislated by the state/ union legislature, however, none of the decisions cited by the Original Applicant anywhere suggest that the Hon’ble NGT has been endowed with constitutional powers which fall only in the domain of the Hon’ble High Courts.

3.34. Further, the Original Applicant has relied upon certain judgments to contend that that the Ld. NGT in the past has quashed government

notifications in exercise of its original jurisdiction. However, the Original Applicant has not presented the true and correct facts before this Hon'ble Court. In fact, in the very first judgement cited by the Original Applicant herein, i.e. ***S.P. Muthuraman vs. Union of India [OA No. 37 of 2015]***, certain Appeals had been filed against the said decision of the Ld. NGT, and the Hon'ble Supreme Court, while disposing of the other appeals by issuing various orders and granting various reliefs, admitted one of the Appeals bearing C.A. No. 2522/2018, which had been tagged along with these appeals, with the following observations:

“C.A. No. 2522/2018

One of the issues raised by the Union of India in this appeal is whether the National Green Tribunal has jurisdiction to strike down subordinate legislation.

Appeal admitted.

Liberty to file a reply”

Rest of the cases

.....However, in the appeal filed by the Union of India being C.A. No. 2522/2018, we will be considering the question whether the National Green Tribunal has jurisdiction to set aside the subordinate legislation. The appellants may file impleadment / intervention applications in C.A. No. 2522/2018.

A copy of the Order dated 17.07.2018 in CA No. 2522 of 2018 is annexed herewith as **Annexure A-2**.

Copies of the Office Report(s)/ Orders showing the tagged matter being filed with regard to OA No. 37 of 2015, and the decision dated

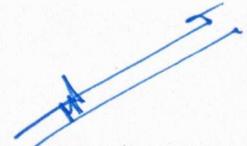
07.07.2015 which has been relied upon by the Original Applicant had been challenged and was tagged with other Appeals including CA No. 2522 of 2018 are annexed herewith as **Annexure A-3**.

- 3.35. As such, an attempt has been made by the Original Applicant to bring out various judgments to show that the Ld. NGT has in the past quashed government notifications, without however bringing to the notice of this Hon'ble Tribunal that the said decision has been challenged before the Hon'ble Supreme Court and that the Hon'ble Supreme Court has admitted the appeal to adjudicate the issue whether the Ld. NGT has jurisdiction to strike down notifications/ policies etc.
- 3.36. Therefore respectfully, the very issue which has been raised by the Applicant herein, i.e. the power of the Ld. NGT to sit in judicial review of government polices/ notifications etc. is presently under consideration before the Hon'ble Supreme Court, and till such time a decision is taken by the Hon'ble Supreme Court in this regard, this Hon'ble Tribunal, respectfully, cannot entertain the Captioned Original Applicant. This is further strengthened by the fact that even the present position of law supports the contention of the Applicant herein, which provides that the Ld. NGT cannot strike down government notifications and polices. In this regard, reliance is being placed upon the submissions made hereinabove and in IA No. 08/2025, which are not being repeated herein for the sake of brevity.
- 3.37. In light of the aforesaid submissions, it is completely wrong to suggest, while giving a highly expansive interpretation to **Ankita Sinha** as cited by the Original Applicant, that the power of Ld. NGT to mould the

reliefs prayed for and to grant appropriate reliefs be expanded to setting aside and striking down government notifications and/or policies etc. The Applicant herein relies upon the submissions made in the present rejoinder and in IA No. 08/2025, which are not being repeated herein for the sake of brevity.

- 3.38. Additionally, the contentions of the Original Applicant that the conditions of the EC granted to the Answering Respondent Stone Crusher are not being complied, are completely false, frivolous and baseless, and are being alleged without any iota of proof to this effect. The Original Applicant cannot be allowed to approach this Hon'ble Tribunal with unclean hands merely to abuse the process of this Hon'ble Tribunal by making superfluous allegations without deeming it necessary to support its serious and damning allegations. Clearly, the captioned Original Application is a targeted attempt to shut down the operations of the Respondent Stone Crusher to cater to the business interests of the competitors of the Respondent Stone Crushers also operating in the vicinity.
4. In view of the aforesaid, it is respectfully submitted that the prayers made by the Petitioner in the present Petition be allowed. Further, the prayer clause of the captioned Counter Affidavit is wrong and denied. The Petitioner most respectfully prays for any further orders/ directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

- b. Pass any other order(s), relief(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case


APPLICANT



Bani Dikshit and Uddhav Khanna
Advocates for the Applicant

D0161, LGF, New Friends Colony,

New Delhi-110025

Mob: 9810993368

Email: uddhavkhanna.advocate@gmail.com

Place: New Delhi

Date: **02.02.2026**

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

IA NO. 08 OF 2025

IN

ORIGINAL APPLICATION NO. 349 OF 2024

IN THE MATTER OF:

YASHPAL SINGH

.....Applicant

Versus

STATE OF UTTARAKHAND & ORS.

.....Respondents

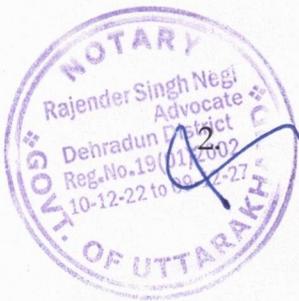
AFFIDAVIT

I, Mohit Batola, S/o R.S. Batola, aged about 47 years, R/o Miyawala, Harrawala, Harrawala, Dehradun, Uttarakhand-248001, presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am the Applicant in the accompanying Application and Respondent No. 6 in the Captioned Original Application and as such I am fully acquainted with the facts and circumstances of the instant case and thus competent to swear this Affidavit.

That I further state that the contents of the accompanying Rejoinder have been thoroughly read and understood by me and I declare that the Rejoinder has been prepared on my instructions.

3. That the contents of the accompanying Rejoinder are all true to my knowledge. The same has been read over to me and understood by me to be true.



- 4. That the annexures to the accompanying Rejoinder are true copies of their respective originals.

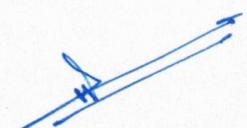


DEPONENT

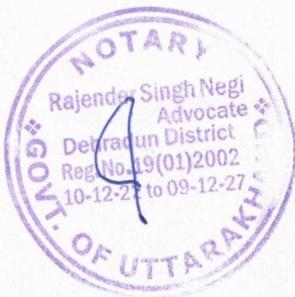
VERIFICATION

I, the deponent above named, do hereby verify and state that the contents of the foregoing paragraphs of the above affidavit are true and correct to the best of my knowledge and belief and that no part of it is false and nothing material has been concealed therefrom.

Verified by me at ~~New Delhi~~ ^{Dehradun} on this 2 of February, 2026



DEPONENT



365/26
 This affidavit is sworn before me by
 Shri..... Mohit Negi
 who is identified by Shri
 at Dehradun on.....

(Rajender Singh Negi)
 Advocate & Notary, Dehradun
 2/2/26

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition (MB) No. 16 of 2025

M/s Shree Balaji Stone Crusher.Petitioner.

Versus

State of Uttarakhand
and others.

.....Respondents.

Present:

Mr. Aditya Dewan and Mr. Susheel Kumar, learned counsel for the petitioner.

Mr. Ravi Bisht, learned counsel holding brief of Mr. Aditya Pratap Singh, learned counsel for the respondent no. 2.

Mr. Rajeev Singh Bisht, learned Addl. Chief Standing Counsel for the State.

Hon'ble Mr. Justice Rakesh Thapliyal, J.

1. The instant writ petition has been preferred by the petitioner along with Urgency Application No. 01 of 2025 that matter is urgent one since Original Application No. 349 of 2024 is listed for final hearing before the National Green Tribunal on 07.02.2025 and if the NGT proceeds to pass adverse order against the petitioner based on the impugned order dated 07.12.2022 passed in Original Application No. 699 of 2022 (Sanjay Kumar vs. Union of India and Others), then the petitioner will suffer irreparable loss and injury.

2. Brief facts of the case are that petitioner is a Stone Crusher Unit having its Unit at Khasra No. 1224, 1233, 1225, 1226, 1220 *kha*, Village Majari Grant, Tehsil Doiwala, District Dehradun. It is submitted by learned counsel for the petitioner that petitioner's Stone Crusher Unit was established, after completing all the formalities as per the Policy of the State of Uttarakhand and after obtaining necessary approvals and clearances from relevant authorities including NOC from Irrigation Department.

3. Learned counsel for the petitioner submits that one Yashpal Singh moved an Original Application under Section 14 read with

Section 18 of the National Green Tribunals Act, 2010, impleading petitioner as one of the respondent with the following reliefs:

“a. Direct the State Government to ensure that no stone crushers are established within 500 meters of the embankment of any river within the State, whether perennial or non – perennial:

b. Direct State Government to prepare a Master Plan of Doon Valley in terms of MoEF Notification dated 06.01.2020

c. Quash the permission dated 04.12.2023 as amended on 12.12.2023 issued by the State Government permitting the establishment of stone crusher in village Majri Grant, Tehsil Doiwala, District Dehradun.

d. Quash the Environment Clearance dated 01.02.2024 issued to the respondent no. 6 w.r.t. establishment of stone crusher in village Majri Grant, Tehsil – Doiwala, District – Dehradun.

e. Quash the consent to establish dated 18.01.2024 issued to the respondent no. 6.

f. Direct that an assessment of carrying capacity of Doon Valley be undertaken by a Government agency of repute.”

4. Learned counsel for the petitioner further submits that the aforesaid Original Application is based upon the judgment passed by the Tribunal dated 07.12.2022 in Original Application No. 699 of 2022 (Sanjay Kumar Vs. Union of India and others), wherein the Tribunal proceeded to deal with the question “whether location of Stone Crushers and other such Units at a distance of 50 meter from non perennial rivers when such establishments are prohibited upto 500 meters from perennial

rivers is permissible". He further submits that by dealing with the aforesaid issue the Tribunal also gave reference of order dated 29.10.2018 passed in Original Application No. 358 of 2019 (Bhag Singh vs. Union of India and others), wherein, it was held that the perennial and non perennial rivulets could not be distinguished as adverse impact of location of Stone Crushers close to water bodies was same and protection was required not only of perennial but also non perennial rivulets. Subsequently, a review application No. 34 of 2019 was filed in Original Application No. 358 of 2019 (Bhag Singh vs. Union of India and others) in the light of observations of Hon'ble the Supreme Court after appointing expert committee and earlier order dated 10.07.2019 was reiterated, the reference of which has been given in paragraph-10 of the order passed by NGT dated 07.12.2022 in O.A. No. 699 of 2022.

5. Learned counsel for the petitioner submits that the issue in O.A. No. 358 of 2019 (Bhag Singh vs. Union of India and others) was raised before the Himachal Pradesh High Court in Writ Petition No. 8459 of 2019 and Writ Petition No. 2067 of 2019, wherein on 29.08.2019, an interim order was passed that the prohibition of 100 meters may not be applied to non perennial rivulets. He further submits that the interim order dated 29.08.2019 was made absolute by the Himachal Pradesh High Court subsequently, by order dated 11.3.2020 copy of which is enclosed in the writ petition as Annexure No. 20. He further submits that since Original Application filed by Yashpal Singh is based upon the order passed by the NGT dated 07.12.2022 in Original Application No. 699 of 2022, which is based upon earlier order of NGT in Original Application No. 358 of 2019 (Bhag Singh vs. Union of India and others), which was challenged before the Himachal Pradesh High Court, therefore, NGT may

pass an adverse order against the petitioner as the Original Application is listed for final hearing on 07.02.2024 and if the order passed by the NGT dated 07.12.2022 in O.A. No. 699 of 2022 is not stayed, then the petitioner will suffer irreparable loss.

6. Learned counsel for the petitioner further submits that the NGT by the order dated 07.12.2022 in Original Application No. 699 of 2022 directed the State Government to revisit its policy/regime to do away with such distinction for protection of all streams, water courses/rivers and this direction will certainly affect the pending proceeding of original application filed by respondent no. 3, wherein, respondent no. 3 sought quashing of environment clearance dated 01.02.2024 issued to petitioner.

7. Mr. Rajeev Singh Bisht, learned Additional C.S.C. submits that he has no instructions whether judgment dated 07.12.2022 passed by the NGT in O.A. No. 699 of 2022 has been assailed by the State Government or not. For that purposes he seeks some time to get instructions in the matter.

8. What would be the impact of judgment dated 07.12.2022 passed in O.A. No. 699 of 2022 in pending Original Application filed by respondent no. 3 that can be examined only after inviting counter affidavit. Admittedly, petitioner was not party in O.A. No. 699 of 2022 decided by the NGT on 07.12.2022 but, since O.A. filed by the respondent no. 3 is based upon the said judgment, therefore, this aspect has to be scrutinized whether the NGT was right and competent and have jurisdiction for examining the policy of State Government, which sets norms and criteria in terms of distinct Stone Crusher Units.

9. All these aspects can only be considered after inviting counter affidavit.

10. Let respondents may file counter affidavit within three weeks. One week thereafter is granted to the petitioner to file rejoinder affidavit.

11. List on 18.3.2025.

12. In the meantime, there is limited interim order to the effect that the minimum distance of 500 meters shall not be applied to non perennial rivulets.

(Rakesh Thapliyal, J.)
Vacation Judge.

30.01.2025

SKS

1197
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 5618/2015

SAS REALTORS PVT. LTD.

Appellant(s)

VERSUS

S.P. MUTHURAMAN & ORS.

Respondent(s)

WITH

C.A. No. 7193-7194/2015

C.A. No. 7191-7192/2015

C.A. No. 9108/2015

C.A. No. 1119-1120/2016

C.A. No. 13844-13845/2015

C.A. No. 13842-13843/2015

C.A. No. 2522/2018

C.A. No. 3309-3312/2018

O R D E R

C.A. Nos. 7193-7194/2015 and C.A. Nos. 7191-7192/2015

Learned counsel for the appellants says that these appeals have become infructuous.

The civil appeals are disposed of on having become infructuous.

C.A. No. 2522/2018

One of the issues raised by the Union of India in this appeal is whether the National Green Tribunal has jurisdiction to strike

down subordinate legislation.

Appeal admitted.

Liberty to file a reply.

Rest of the cases

Subsequent to the order of the National Green Tribunal, a Committee has been constituted in terms of para 163(4). The Committee has also given a report which has been placed before the Tribunal.

Since the correctness or otherwise of the report is already before the Tribunal, we are not inclined to entertain these appeals.

The appeals are accordingly disposed of. However, in the appeal filed by the Union of India being C.A. No. 2522/2018, we will be considering the question whether the National Green Tribunal has jurisdiction to set aside the subordinate legislation.

The appellants may file impleadment / intervention applications in C.A. No. 2522/2018.

.....J.
[MADAN B. LOKUR]

.....J.
[DEEPAK GUPTA]

NEW DELHI;
July 17, 2018.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5618/2015

SAS REALTORS PVT. LTD.

Appellant(s)

VERSUS

S.P. MUTHURAMAN & ORS.

Respondent(s)

WITH

C.A. No. 7193-7194/2015 (XVII)

(FOR MODIFICATION OF COURT ORDER ON IA 5/2016)

C.A. No. 7191-7192/2015 (XVII)

C.A. No. 9108/2015 (XVII)

(FOR ON IA 3/2016 FOR ON IA 5/2016)

C.A. No. 1119-1120/2016 (XVII)

C.A. No. 13844-13845/2015 (XVII)

C.A. No. 13842-13843/2015 (XVII)

C.A. No. 2522/2018 (XVII)

(FOR STAY APPLICATION ON IA 32145/2018
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
32147/2018FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 32150/2018
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 32156/2018)

C.A. No. 3309-3312/2018 (XVII)

(IA No.44893/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.44888/2018-STAY APPLICATION and IA
No.44891/2018-PERMISSION TO FILE LENGTHY LIST OF DATES and IA
No.44894/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 17-07-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s) Mr. Jogy Scaria, AOR

Mr. Ramesh Babu M. R., AOR

Mr. Mohan Parasaran, Sr. Adv.
Mr. Ashwin Kumar D.S., Adv.

1200

Mr. D. L. Chidananda, AOR

Ms. Rohini Musa, AOR

Mr. Rajesh Kumar, AOR

Mr. Satish Mishra, Adv.

Mr. Kumar Dushyant Singh, AOR

Mr. Kailash Vasdev, Sr. Adv.

Mr. R. Mohan, Adv.

Mr. V. Balaji, Adv.

Mr. M.S.M. Asaithambi, Adv.

Ms. Sripradha Krishnanan, Adv.

Mr. Rakesh K. Sharma, AOR

Mr. Gurmeet Singh Makker, AOR

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG

Mr. Divya Prakash Pande, Adv.

Mr. Niraj Kumar, Adv.

Mr. S.S. Rebello, Adv.

Ms. Ridhi Kackkar, Adv.

Mr. Sanjai Kumar Pathak, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Anmol Chandan, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. T. V. S. Raghavendra Sreyas, AOR

Ms. Gayatri Gulati, Adv.

Ms. Sneh Dhillon, Adv.

Mr. Sanjay Upadhyay, Adv.

Mrs. Lalita Kaushik, AOR

Mr. Prakhar Pandey, Adv.

Ms. Upma Bhattacharjee, Adv.

Ms. Anitha Shenoy, AOR

Ms. Srishti Agnihotri, Adv.

Ms. Remya Raj, Adv.

CPCB

Mr. Vijay Panjwani, AOR

Mr. Rahul Pratap, Adv.

Mr. K. Parameshwar, AOR

Mr. G. Prakash, AOR

Mr. Rakesh K. Sharma, AOR

Ms. Rohini Musa, AOR

Mr. K.S. Mahadevan, Adv.
Mr. Krishna Kumar, Adv.
Mr. Rajesh Kumar, AOR
Ms. Swati Bansal, Adv.

Mr. Avijit Roy, AOR

UPON hearing the counsel the Court made the following

O R D E R

C.A. Nos. 7193-7194/2015 and C.A. Nos. 7191-7192/2015

The civil appeals are disposed of on having become infructuous in terms of the signed order.

C.A. No. 2522/2018

Appeal admitted.

Rest of the cases

The appeals are disposed of in terms of the signed order.

The appellants may file impleadment / intervention applications in C.A. No. 2522/2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER

[Signed order is placed on the file]

SECTION XVII

Matter For :
Court No.
Item No.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5618 OF 2015

WITH

INTERLOCUTORY APPLICATION NOS.1 To 3 OF 2015

(Applications for stay and exemption from filing certified copy of impugned order and permission to file to additional documents)

SAS Realtors Pvt. Ltd.

...Appellant

VERSUS

S.P. Muthuraman & Ors.

...Respondents

OFFICE REPORT

The matter above mentioned has been filed under Section 22 of the National Green Tribunal Act 2010 against the Order dated 07th July, 2015 of the National Green Tribunal, Principal Bench at New Delhi in Original Application No. 37 of 2015.

It is submitted that Mr. D.L. Chidananda, Advocate has on 24th July, 2015 filed an application for permission to file additional documents which is registered as I.A. No. 3 of 2015. (Copy of application is placed with main appeal paper books)

The matter above-mentioned is listed before the Hon'ble Court with this office report.

DATED THIS THE 25TH DAY OF JULY, 2015.

COPY TO: Mr. D.L. Chidananda, Advocate

ASSISTANT REGISTRAR

ASSISTANT REGISTRAR

MATTER FOR : 17.07.2018
Court No. : 06
ITEM NO. : 10

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5618 OF 2015

AND

CIVIL APPEAL NOS. 7191-7192, 7193-7194 OF 2015,9108 OF 2015

CIVIL APPEAL NOS. 13842-13843 AND 13844-45 OF 2015

CIVIL APPEAL NOS. 1119-20 OF 2016

CIVIL APPEAL NOS. 2522 AND 3309-12/2018

WITH

IA No.7-8(in CA No.1119-20/16)

(Application seeking waiver of Rs.50,000/- filed by G.S. Makkar,
Advocate)

AND

IA NO.9-10 and 13-14 (in CA 7191-92/15)

(Application for modification of order dt.22.1.2016 and application
for impleadment)

AND

IA No.5/16 (in CA No.9108/15)

(Application for extension of time for balance deposit of money filed
on 03.06.2016 by Rajesh Kumar, Advocate)

Satilila Sehkari Awas Samiti Ltd.etc.

.... Appellants

VERSUS

Union of India and Ors. Etc.

...Respondents

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court
on 15.05.2018, when the Court was pleased to pass the following order

**"List the matters on a non-miscellaneous day.
Pleadings be completed.**

C.A. No. 878/2016

Detag."

Civil Appeal No. 5618/15

There are 9 respondents in this matter. M/s. TVS Raghvendra Sreyas, Advocate has filed vakalatnama and counter affidavit on behalf of Respondent No.1. M/s. G.S.Makkar, Rakesh K.Sharma, Rajesh Krumar and Rohini Musa, Advocates have filed vakalatnama on behalf of Respondent No.2, 4-5 , 6 ,8-9 respectively but they have not filed counter affidavit, so far. Respondent No.3,7 are served through dasti service but no one has entered appearance on their behalf.

Service of notice is complete.

Civil Appeal Nos. 7191-7192/2015 ,7193-7194/2015 and 9108/15

There are 9 common respondents in these matters.

M/s TVS Raghvendra Sreyas and G.S.Makkar, Advocates have filed vakalatnama on behalf of Respondent No.1-2 and they have also filed counter affidavit which is included in paper books. M/s. Rakesh Kumar Sharma and Rajesh Kumar Advocates have filed vakalatnama on behalf of Respondent Nos. 4 and 6 but they have not filed counter affidavit, so far. Respondent No.8 in CA Nos. 7191-92/15 is petitioner in CA No.7193-94/15. Remaining respondent Nos. 3,5,7,9 have been duly served but no one has entered appearance on their behalf.

Service of notice is complete in these matters.

It is further submitted that in CA No.7191-92/15, Mr.Yash Pal Dhingra, Advocate has on 19.11.2016 filed application for impleadment as respondent which is registered as IA No.13-14 and placed with paper books.

Civil Appeal Nos. 13842-13843/2015 and 13844-13845/2015

There are nine common respondents in these matters.

Mr.G.S.Makkar, Advocate has filed vakalatnama on behalf of Respondent No.1. M/s Rajesh Kumar and TVS Raghvendra Sreyas, Advocates have filed vakalatnama on behalf of Respondent Nos. 2,5 and counsel for Respondent No.2 has filed counter affidavit. AD card duly signed from Respondent Nos. 4,7,8 have been received back.

Remaining respondents are common as in CA No.7191-92/15 in which service of notice is already complete.

It is further submitted that counsel for the appellant has filed response to Report of Expert Committee in both matters which is placed with paper books.

Civil Appeal No.1119-20/16

It is submitted that counsel for Respondent No.1 has on 6.8.2016 filed application for waiver of cost of Rs.50,000/- imposed on Respondent No.1 and the same is placed with paper books.

There are 3 respondents in these matters. M/s.G.S.Makkar and TVS Raghvendra Shreyas, Advocates have filed vakalatnama on behalf of Respondent No.1-2 but they have not filed counter affidavit, so far. Mr. G.S. Makkar, Advocate has on 27.10.2017 filed Additional Affidavit on behalf of Respondent No. 1 and the same is circulated herewith. Counsel for the appellant has filed proof of service on

B.Balaji, standing counsel for State of Tamil Nadu viz. Respondent No. 3 but he has not filed vakalatnama, so far. Service is complete
Civil Appeal No.2522/2018

The matter above-mentioned was listed before the Hon'ble Court on 23.03.2018, when the Court was pleased to pass the following order:

"We are informed that there are some other similar matters which are pending in this Court, the details whereof is as under:

- 1.C.A.No.5618/2015**
- 2.C.A.No.1119-1120/2016**
- 3.C.A.No.5618/2015**
- 4.C.A.No.7192/2015**
- 5.C.A.No.7193-7194/2015**
- 6.C.A.No.9108/2015**
- 7.C.A.No.13842-13843/2015**
- 8.C.A.No.13844-13845/2015**
- 9.C.A.No.878/2016**

Let all these matters be listed in the second week of May, 2018 on a Non-miscellaneous day for disposal.

It is agreed between the parties that there are pending applications before the Environment Cell which may be forwarded to State Environment Impact Assessment Authority (SEIAA) or the Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, New Delhi, as the case may be.

It is ordered accordingly."

Civil Appeal Nos. 3309-12/2018

The matter above-mentioned was listed before the Hon'ble Court on 13.04.2018, when the Court was pleased to pass the following order

"Issue notice.

Ms. Anita Shenoy, learned counsel, accepts notice for respondent/caveator (Pushp Jain) and respondent/caveator.

Let notice be sent to the other respondents.

Tag the matter along with Civil Appeal No. 2522/2018."

There are 2 respondents in C.A. No. 3309/2018, 10 respondents in C.A. No. 3310/2018, 3 respondents in C.A. No. 3311/2018 and Sole respondent in C.A. No. 3312/2018. Respondent Nos. 1 in C.A. No. 3309 & 3312 of 2018 are represented through Ms. Anita Shenoy, Advocate/Caveator and she has not filed counter affidavit. Mr. Avijit Ray, Advocate has filed Vakalatnama on behalf of "Central Pollution Control Board" but he has not filed counter affidavit, so far.

As per tracking report, notice has been delivered to common Respondent No. 2 in C.A. No. 3309-3311/2018, Respondent No. 9 in C.A. No. 3310/2018 and Respondent No. 1 in C.A. No. 3311/2018 but no one

has entered appearance on their behalf. Service of notice is complete in c.A. Nos. 3309 and 3311 of 2018.

Service of notice is incomplete in respect of Respondent Nos. 1,3, 5 to 8 and 10 in C.A. No. 3310/2018 and sole respondent in C.A. No. 3312/2018.

The matters above-mentioned are listed before the Hon'ble Court with this office report.

DATED THIS THE 16TH DAY OF JULY,2018.

ASSISTANT REGISTRAR

- Copy to: Mr.Kumar Dushyant Singh, Advocate
- Mr. Rakesh K. Sharma, Advocate
- Mr. TVS Raghvendra Sreyas, Advocate
- Ms. Rohini Musa, Advocate
- Mr. Vijay Panjhwani, Advocate
- Mr. S.N. Terdal, Advocate
- Mr. D.L. Chidananda, Advocate
- Mr. Rahul Pratap, Advocate
- Mr.G.S.Makkar, Advocate
- Mr.Rajesh Kumar, Advocate
- Mr.K.Parmeshwar, Advocate
- Mr.G.Prakash, Advocate
- Ms. Anitha Shenoy, Advocate

ASSISTANT REGISTRAR



1207

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Deepak mehra <mehradeep1997@gmail.com>

Fwd: Reply on behalf of Original Applicant to the IA No. 08 of 2025 filed by Respondent No.6 in O.A. 349 of 2024 in matter titled 'Yashpal Singh v. State of Uttarakhand & Ors.'

Adv. Uddhav Khanna <uddhavkhanna.advocate@gmail.com>
To: Deepak mehra <mehradeep1997@gmail.com>

Mon, Feb 2, 2026 at 5:58 PM

----- Forwarded message -----

From: **Adv. Uddhav Khanna** <uddhavkhanna.advocate@gmail.com>

Date: Mon, Feb 2, 2026 at 5:58 PM

Subject: Re: Reply on behalf of Original Applicant to the IA No. 08 of 2025 filed by Respondent No.6 in O.A. 349 of 2024 in matter titled 'Yashpal Singh v. State of Uttarakhand & Ors.'

To: Ajit Sharma <sharma.ajit@gmail.com>

Cc: Bani Dikshit <banidikshit.advocate@gmail.com>, <cs-uttaranchal@nic.in>, <seiaa.seac.uk@gmail.com>, <dm-deh-ua@nic.in>, <secy-moef@nic.in>, <anantrammishra1k94@gmail.com>, <dirukmining@gmail.com>, <msukpcb@yahoo.com>

Dear Sir,

Please find enclosed the Rejoinder being filed on behalf of the Applicant in the captioned IA No. 08 of 2025 in OA No. 349 of 2024

Regards,
Uddhav Khanna
[Quoted text hidden]

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Uddhav Khanna
Advocate**P:** +91 9718917845**E:** uddhavkhanna.advocate@gmail.com**A:** D-1061, Lower GF, New Friends Colony, New Delhi - 25

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Uddhav Khanna
Advocate**P:** +91 9718917845**E:** uddhavkhanna.advocate@gmail.com

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Rejoinder IA 082025-Yashpal vs Balaji-NGT OA 349-Final for Filing-02.02.2026.pdf
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