

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

E.A. NO. 46 /2023  
IN  
O.A. No. 989/2019

**In the matter of**

Ved Prakash Aggarwal

Applicant

Versus

Municipal Corporation Ghaziabad

Respondent

**And in the matter of**

Manoj Tyagi

Vs

Uttar Pradesh Pollution Control

(present Execution Applicant)

Board & Ors

(Respondents)

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**Date:13.08.2025**

**New Delhi**

**FILED BY:-**

*Rahul Khurana*

**RAHUL KHURANA & HASIL JAIN  
Advocates**

**Chamber No. 295, Lawyer Chamber Block II  
Delhi High Court, New Delhi  
M. 9811894060, 7838707338**

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**REJOINDER BY THE EXECUTION APPLICANT TO THE REPLY  
FILED BY THE RESPONDENTS NO. 1, 2, 3, 5 AND 7 TO 14**

**MOST RESPECTFULLY SHOWETH:**

1. That the present Execution Application has been filed highlighting the inaction and non filing of report by the UPPCB regarding the illegal operation of Dairies in Keshav Nagar/Raj Nagar Colony of Hapur District Uttar Pradesh.
2. That in furtherance of notice issued by the Hon'ble Tribunal, UPPCB filed its report dated 06.02.2024 pointing out the action taken by the UPPCB with respect to the 7 dairies. That however, the Applicant herein filed the objections to the UPPCB report and gave names of seven other dairies operating in the subject matter area.

3. That the Hon'ble Tribunal vide Order dated 19.03.2024 gave liberty to the Applicant herein to implead all (7 + 7) dairy owners in the present proceedings.
4. That after the impleadment of the 14 dairy owners, the said Dairy owners filed its reply dated 14.04.2025 challenging their impleadment under the provisions of CPC 1908. The Respondents took shelter under the Order 1 Rule 10 CPC and contended that since the Respondents were not party to the Original Application therefore, they ought not to be party in the present Execution Proceedings.
5. That in this background the Applicant herein is submitting its Response in the following manner.
6. That vide Order dated 01.02.2022 in EA No. 24/2021, the Hon'ble Tribunal passed the following directions:-

"9. The issue of unscientific functioning of dairies is not confined to Ghaziabad or even the State of UP. **It is of a universal nature** which calls for a call to be taken at level of State administration of all States/UTs in the country with coordination of Agriculture, Local Bodies and Environment departments, with nodal agency being the Environment Department."
7. Further vide Order dated 06.12.2022 IN MA No. 86/2022 and MA No. 87/2022, the Hon'ble Tribunal directed the State PCB to take remedial actions and file action taken report by observing at para no. 7 that-

*"Since directions PAN India have already been issued, we direct State PCB to look into the matter and take remedial action **at Hapur** in the light of judgement of this Tribunal dated 08.07.2019 passed in O.A. No. 46/2018 read with order dated 08.10.2020 and 01.02.2020 passed in O.A. No. 989/2019 and EA No. 24/2021 and submit an action taken report as on 30.06.2023 with the Registrar General of this Tribunal by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably*

*in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."*

8. Therefore it is submitted that direction with respect to illegal operation of the dairies is PAN India in nature and in MA No. 86/2022 and MA No. 87/2022 it has been specifically directed to authorities to take remedial action at Hapur district. Therefore if the Respondents have any grievance on ratio of the case then they are supposed to file appropriate applications etc in the Original Application and cannot put hindrance in the execution of the directions passed in the Order.
9. It is further submitted that no APPEAL or any other challenge has been preferred against the directions passed in subject matter Original Applications and Misc Applications. Therefore any challenge to the directions passed in the Original Applications is not maintainable in the present Execution Application.
10. That further, Respondents no. No. 1, 2, 3, 5 and 7 to 14, in their reply have nowhere denied that they are not running the dairy at the subject matter area. And it is also not the case of Respondents that they are running their dairies legally. Further no such averment or document has been filed by them to suggest that they are operating their dairies legally.
11. Rather the Respondents admitted at para no. 6 of their reply that they are indeed the dairy owners.

"6. It is submitted that the Applicant with mala fide intention misled this Hon'ble Tribunal and named the **innocent dairy owners** as the party to settle his personal score with the **dairy owner.**"
12. That Respondents are running their dairy illegally at present also and for this Applicant has taken recent GPS photographs along with dates

and location which shows presence of dairies in the subject matter area.

The copy of GPS photos taken on various dates from 2024 to 2025 are annexed as **ANNEXURE A/1**.

13. That with respect to the impleadment of such Respondents in the execution proceedings, it is submitted that Order XXI of the CPC contains provisions dealing with the third party who were not party to the Original Suit.

14. The relevant provisions are Order 21 Rule 97 to Rule 102 CPC 1908 which gives jurisdiction and power to the Executing Court to hear and adjudicate in the Execution proceedings itself, the claims brought by third party and thus there is no requirement of separate suit.

**Resistance of delivery of possession to decree-holder or purchaser**

**97.** Resistance or obstruction to possession of immovable property.—(1) Where the holder of a decree for the possession of immovable property or the purchaser of any such property sold in execution of a decree is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the Court complaining of such resistance or obstruction.

**101.** Question to be determined.—All questions (including questions relating to right, title or interest in the property) arising between the parties to a proceeding on an application under rule 97 or rule 99 or their representatives, and relevant to the adjudication of the application, shall be determined by the Court dealing with the application and not by a separate suit and for this purpose, the Court shall, notwithstanding anything to the contrary contained in any other law for the time being in force, be deemed to have jurisdiction to decide such questions.

15. Without prejudice to the above aspect, it is submitted that the Reply claimed to be filed by the Respondents no. No. 1, 2, 3, 5 and 7 to 14, has been apparently filed by the Respondent no.5 only. And the

Respondent no.5 in its Affidavit has claimed himself to be authorised by other remaining Respondents.

16. Now in this regard it is submitted that there is no such authorisation or document on record to suggest that Respondent no.5 has been authorised to appear and file reply in the capacity of representative of all Respondents no. No. 1, 2, 3, 5 and 7 to 14. Therefore, on this ground alone the reply filed by such Respondents is liable to be rejected.

### PRAYER

It is therefore humbly prayed before the Hon'ble Tribunal to kindly consider the aforesaid submissions filed by the Applicant in response to the reply filed by the Respondents no. No. 1, 2, 3, 5 and 7 to 14.

13.08.2025

New Delhi

Filed by

*Manoj Tyagi*

Applicant

Through

*Abhishek Jain*

Counsel

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(present Execution Applicant)Vs Uttar Pradesh Pollution Control  
Board & Ors  
(Respondents)**AFFIDAVIT**

I, Manoj Tyagi aged about 54 years s/o Dharamvir Tyagi 1034, Swarg Ashram Road, Raj Nagar, Hapur Uttar Pradesh 245101 presently at Delhi do hereby solemnly affirm and declare as under :

1. That I have filed the accompanying Rejoinder to the to the Reply filed by the Respondent No. 1, 2, 3, 5 and 7 to 14 and thus well being and acquainted with facts and circumstances of the case and thus competent to swear this affidavit.
2. That the accompanying Rejoinder has been drafted by my counsel under my instructions and contents thereof have been read over and explained to me in my vernacular which are true and correct to my knowledge, the contents thereof may kindly be read as part and parcel to this affidavit also and not repeated herein.
3. The contents as stated above are true and correct to my knowledge and belief.

*Manoj Tyagi*  
DEPONENT

Verification

It is verified at 13 AUG 2025 on 13 AUG 2025 that the contents of the present application are true and correct and nothing has been concealed therefrom.

*Manoj Tyagi*  
DEPONENT

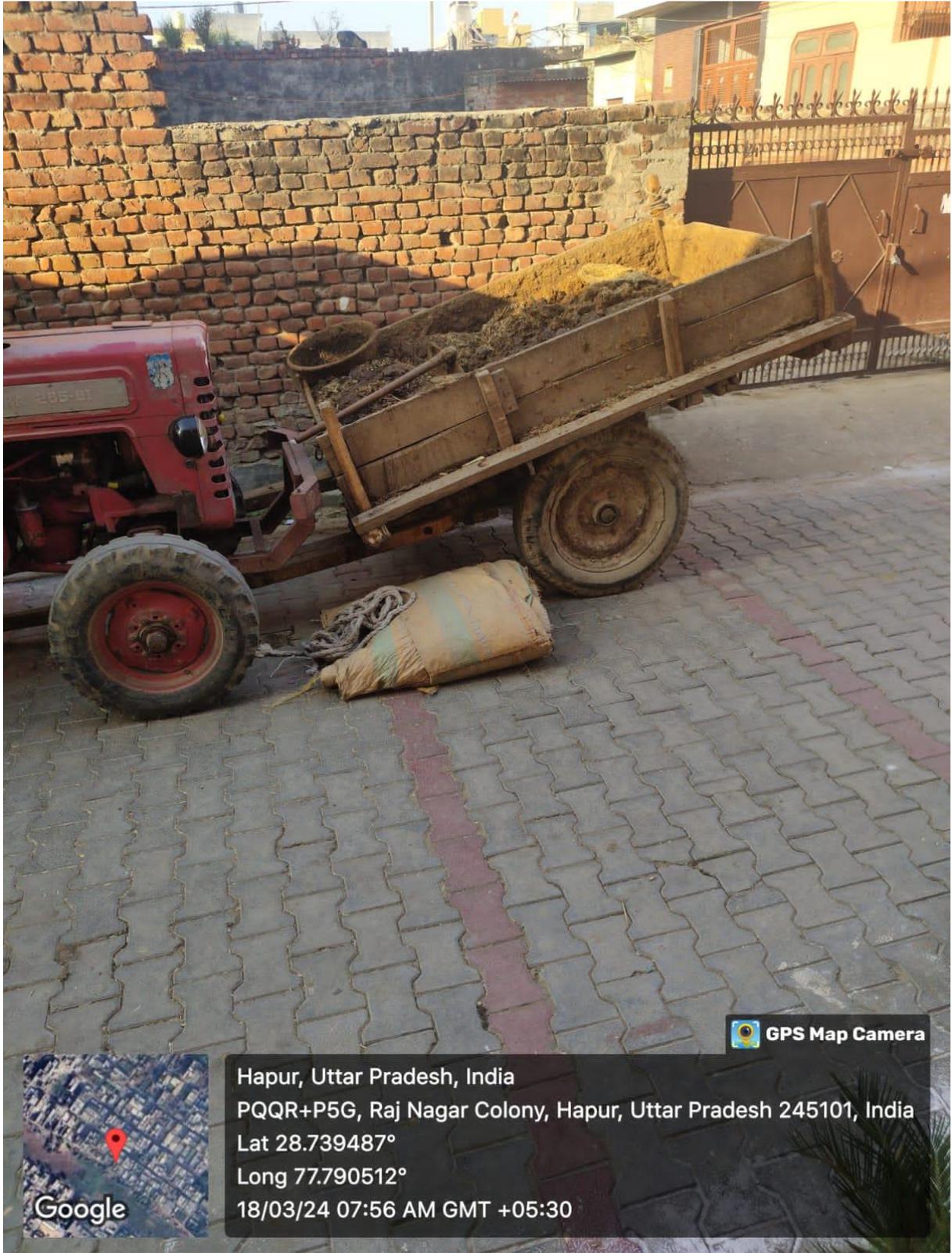
Certified that the foregoing statement was declared on solemn affirmation before me which has been read over to the deponent who has admitted

It as correct

Notary DELHI



13 AUG 2025





GPS Map Camera



Hapur, Uttar Pradesh, India  
PQQR+P5G, Raj Nagar Colony, Hapur, Uttar Pradesh 245101, India  
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Google



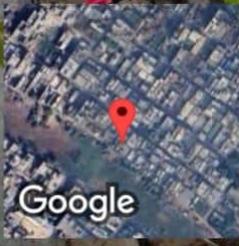
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GPS Map Camera



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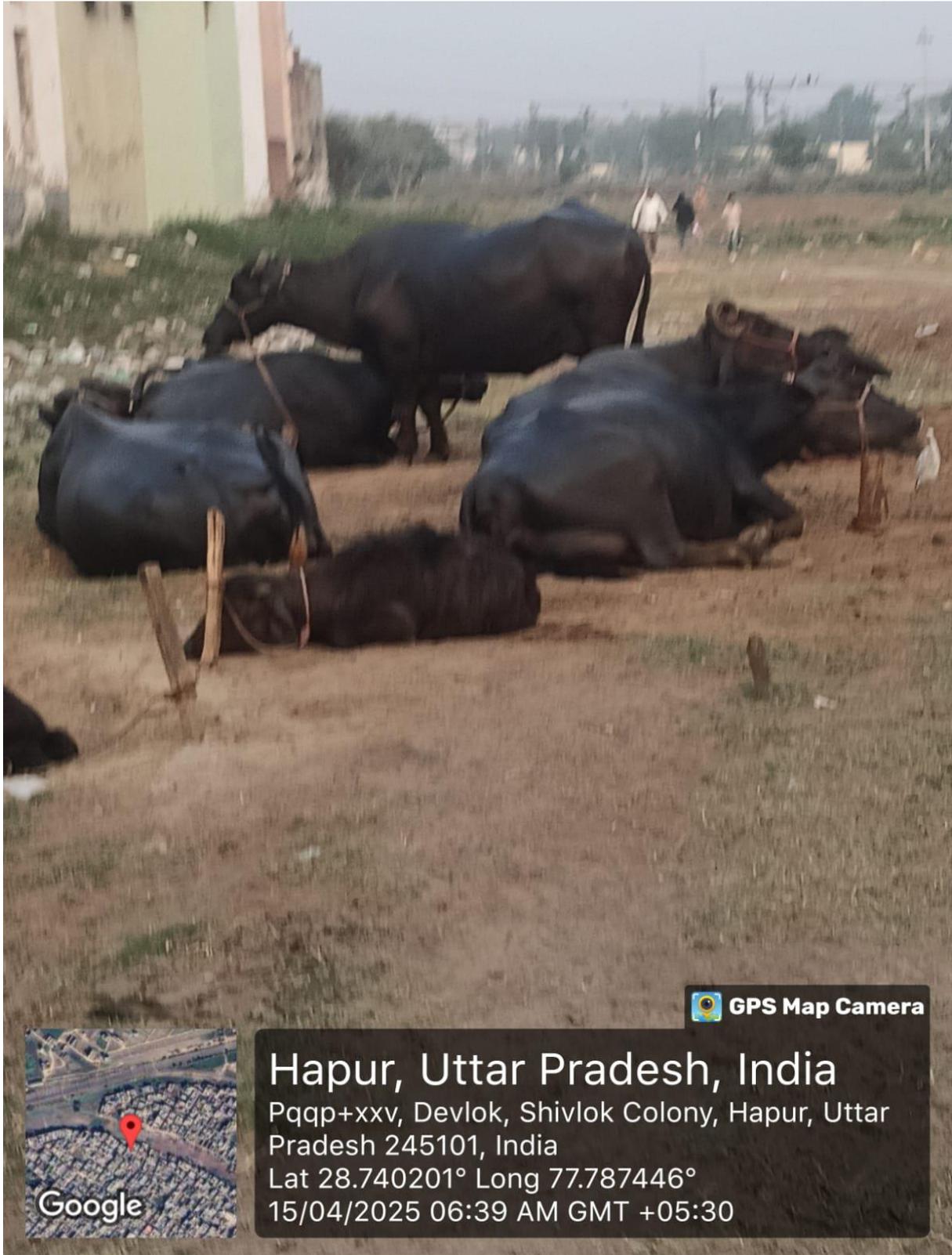


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 **GPS Map Camera**



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Pqqp+xxv, Devlok, Shivlok Colony, Hapur, Uttar Pradesh 245101, India

Lat 28.740201° Long 77.787446°

15/04/2025 06:39 AM GMT +05:30



GPS Map Camera

### Hapur, Uttar Pradesh, India

Ganga Bhawan, 389/6k, Footi Line, Swarg Ashram Rd,  
Keshav Nagar, Hapur, Uttar Pradesh 245101, India

Lat 28.74011° Long 77.788568°

15/04/2025 06:39 AM GMT +05:30



 **GPS Map Camera**



**Hapur, Uttar Pradesh, India**  
Pqrq+6h5, Swarg Ashram Rd, Devlok, Shivlok  
Colony, Hapur, Uttar Pradesh 245101, India  
Lat 28.73994° Long 77.789072°  
15/04/2025 06:38 AM GMT +05:30



 **GPS Map Camera**

## Hapur, Uttar Pradesh, India

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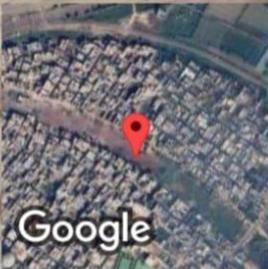
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Google



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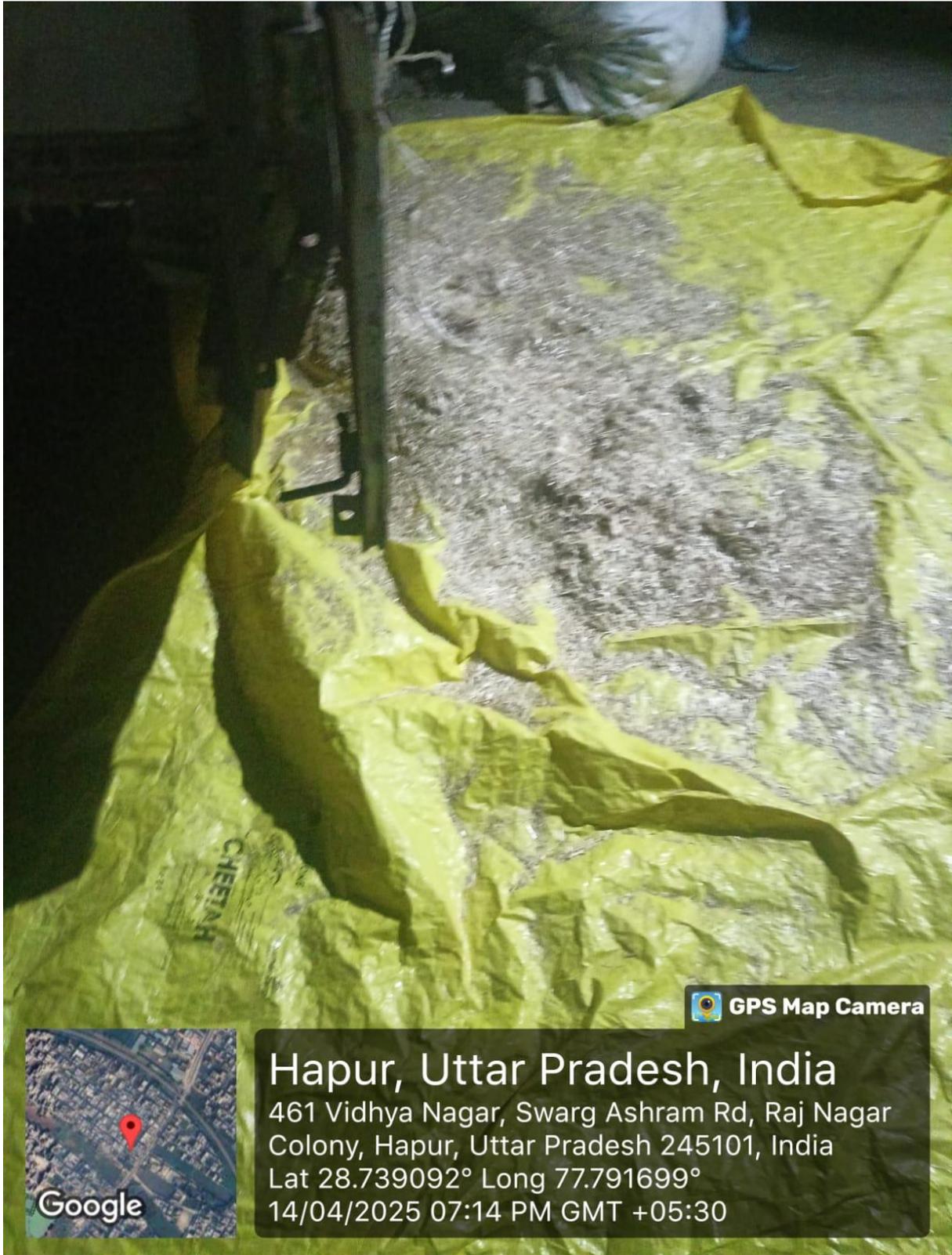


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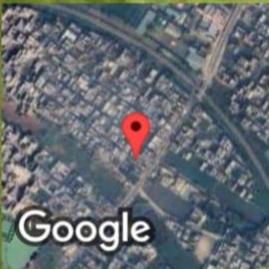
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 GPS Map Camera



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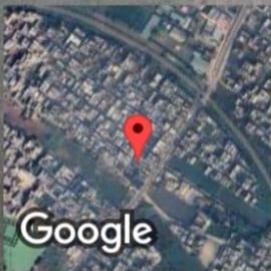
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GPS Map Camera



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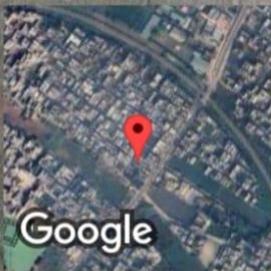
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GPS Map Camera



### Hapur, Uttar Pradesh, India

461 Vidhya Nagar, Swarg Ashram Rd, Raj Nagar Colony, Hapur, Uttar Pradesh 245101, India

Lat 28.73913° Long 77.791655°

14/04/2025 07:14 PM GMT +05:30



 GPS Map Camera



हापुड़, उत्तर प्रदेश, भारत

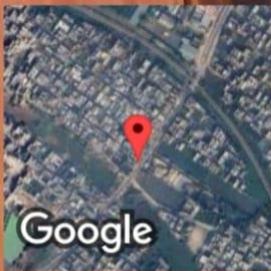
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245101, भारत

Lat 28.73891° Long 77.791858°

16/04/2025 07:12 AM GMT +05:30



 GPS Map Camera



हापुड़, उत्तर प्रदेश, भारत

Pqqr+fqm, स्वर्ग आश्रम मार्ग, राज नगर कॉलोनी, हापुड़, उत्तर प्रदेश  
245101, भारत

Lat 28.73891° Long 77.791858°

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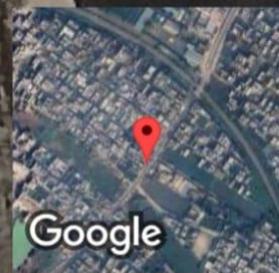
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 GPS Map Camera



**Hapur, Uttar Pradesh, India**

Pqqr+hrw, Raj Nagar Colony, Hapur, Uttar Pradesh 245101, India

Lat 28.738979° Long 77.791932°

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