

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION(O.A.) NO.237 OF 2025

IN THE MATTER OF:

Narender Kumar

APPLICANT

V/S

State of Haryana & Ors

RESPONDENTS

INDEX

SR.NO.	CONTENTS	Pages
1	Reply by way of affidavit by the respondent no.-11	1-12
2.	Application for condonation of delay with affidavit	13-16
5.	Vakalatnamah	17-18
6.	Proof of service	19

Through Counsel

Tonali Business.
P.A. Sharma
Advocate *Amritsar*

Hon'ble Supreme Court of India
CH. No.-17, M.C.Setalvad Block
Supreme Court Of India,
Coppernicus Marg,
New Delhi,110001

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION(O.A.) NO.237 OF 2025

IN THE MATTER OF:

Narender Kumar

APPLICANT

VS

State of Haryana & Ors
No.-7

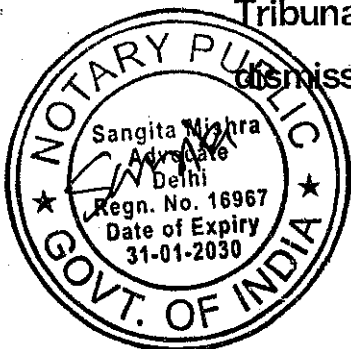
RESPONDENTS

REPLY BY WAY OF AFFIDAVIT OF THE RESPONDENT
NO.-11

MOST REPECTFULLY SHOWETH:

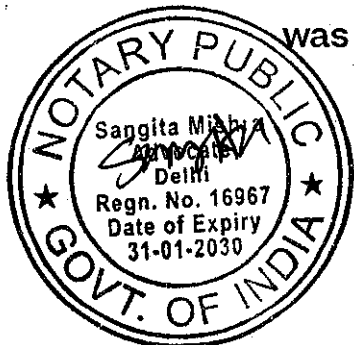
I, Motiram, S/O Kareram, Age 51 Yrs R/O D-1150 near
hatua Chaupai, Hatua Mohalla, Pirthala Palwal, do hereby
solemnly affirm and state as under

1. That I am the respondent no.-11 in the present case, therefore conversant with the facts and circumstances of the present case, as such competent to swear this affidavit.
2. That at the very outset I state that no point of this O.A. if not denied specifically, is deemed as admission on the part of this respondent.
3. That I further state that the applicant has filed a false case vide the present O.A. It is stated that the present O.A. being based on false, incorrect as well as misconceived and misleading facts, is gross abuse of the process of the Hon'ble Tribunal. I, therefore, state that the instant O.A. is, liable to be dismissed with exemplary costs. Further the applicant has



rendered himself liable for action /prosecution under Section 215 of BNSS.

4. I also state that the instant one is the case where the averments made in the O.A. and the documents attached with it, itself has laid bare the whole truth which speak for itself that the Present O.A. has been filed with oblique motive, as there is no evidence adduced by the applicant which can show that in any sense there is any case against the present respondent.
5. I state that the applicant has misled this Hon'ble Tribunal by falsely asserting that illegal act was committed on Gram Panchayat Land village, Prithla, District Palwal, Haryana, in collusion with the elected Sarpanch, the gram Panchayat secretary, a private contractor as well as with the connivance of the district officials such as BDPO, SDM and Deputy Commissioner, with the deliberate objective of profiteering at the cost of severe ecological degradation, loss of public resources, and violation of the polluter pays and precautionary principles enshrined under Section 20 of the national Green Tribunal Act 2010. I also state that the applicant has maligned not only us but the district officials such as BDPO, SDM and DC as well by dragging them in the present case in spite of the evidences on record which show their promptness and sincerity with which they all have acted in the present matter. The facts of the case is self-evident in so far as the respondent was served so cause notice by them to the respondent and

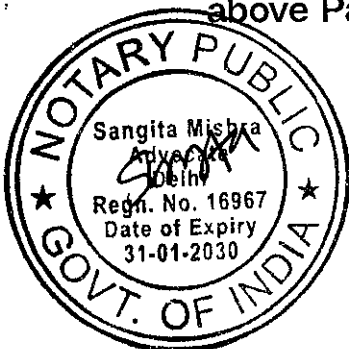


made to comply with their order to pay the penalty amount and plant 500 trees to restore the ecological balance caused because of felling of 25 trees.

6. It is stated that the Hon'ble tribunal has been assigned by nation with the very onerous but noble task of protecting our environment, but this institution, has been abused in a manner that itself shows that the applicant is seeking to paint black the village Sarpanch, present respondent, the secretary and the private contractor, Hon'ble District Commissioner, Sub-Divisional Magistrate and Block Development Officer, with one brush by making sweeping allegations against them all. This shows the malice on the part of the applicant.
7. That it is stated very respectfully that the indeed trees felled were 68 in all though permission granted by the District administration was only for 43 trees. However, the correct fact substantiated by the document relied by the applicant himself in the instant O.A., is that the trees were felled by the contractor in excess of the sanctioned strength primarily because he found them hindrance in cutting/felling those of the 43 trees which were part of the sanctioned strength. It is submitted that the private contractor has himself admitted before the Garhpur Police station that he had cut them because he found them as hindrance in cutting the above 43 trees. It is submitted that the Village Sarpanch or any of the elected members was no way and no where party to the acts



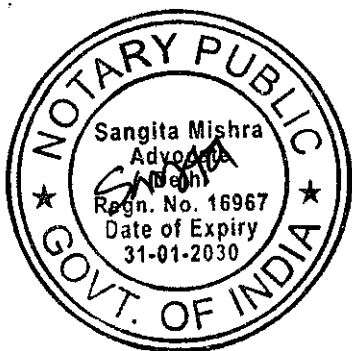
- of the said contractor. Such allegation is malicious and vexatious. It has been made without any corroborative evidence, this is crime in itself for which the applicant is liable to be punished as stated herein above.
8. That it is stated that the sincerity and diligence on the part of the present respondent is self-evident from the statement of the applicant himself in the present application in so far as the applicant has himself admitted here in this O.A. that the elected panchayat Members, namely Motiram(ward no.8) and Raj Singh(ward No.4) were assigned to oversee the tree felling process. The applicant further himself admits that the above members had found the felling of trees in excess of the sanctioned strength and they informed the respondent. Furthermore the applicant admits that when questioned the Sarpanch Sh. Satendra Kataria-initially denied any wrong doing but later claimed he had informed the BDPO based on resolution no. 14 of the Gram Panchayat”.
9. That it is stated that the aforesaid self-admissions itself show the steps emergent to have been taken by the respondent in the emergent situation, were taken with all alacrity and promptness by the elected panchayat members headed by the Sarpanch, the present respondent.
10. That it is stated that however, certain material facts have been suppressed in the instant O.A. which is that after the above Panchayat members noticed the excess of tree felling,



the entire elected panchayat members sought explanation from the said private contractor immediately by serving him so-cause notice to the said contractor, and then immediately they who cannot be expected to remain on the site all the time, authorized the respondent no-7 to take the legal steps in the present matter after passing the resolution to the above effect. Accordingly, legal steps were taken very correctly by the village Sarpanch.

11. That the alacrity with which the respondent acted in taking the legal steps in the matter and writing to the BDPO, Prithla after the receipt of the information of felling trees in excess of the sanctioned strength and after hearing the explanation of the said contractor, itself speaks of the sincerity on the part of the respondent in responding to the situation which was totally stunning to the respondent in the face of the laurel earned by present Panchayat as the present Panchayat has earned name and fame in the District for afforestation drive undertaken by them by planting 500 trees, this is affirmed by the Kind Order of the Deputy Commissioner, Palwal dated 02.06.2025.

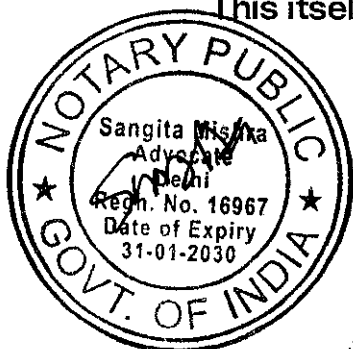
12. That it is stated further that the respondent with the cooperation of the other panchayat members took various steps to restore the damage done by the contractor as per forest laws. Above all the respondent assisted the said



Sarpanch in complying with the order of the District Administration.

13. That it is stated that it is denied completely that the applicant is a vigilante citizen. The fact is that the present O.A. has been filed by the applicant with sheer malice out of sheer personal vendetta in order to settle his ire with the respondent no.-7. Therefore, the applicant has dragged the name of the present respondent also in the present episode despite his innocence writ large in the present case.

14. It is stated that the acts of the private contractor were carried out by the said contractor independently, as being a contractor he was to work as per his own experience and wisdom. However, when the said contractor exceeded his limit, the respondent stepped in immediately and took all possible steps under the rules of the Haryana Govt. framed under the Indian Forest Act 1927. The respondent being the Sarpanch was not at the site, nor he is supposed to be at the site all the time. Further it is stated that the respondent no-7 immediately wrote to the BDPO, and then the Panchayat planted 500 hundred trees complying with the Order from the BDPO. Further in complying with the kind Order of the BDPO, Prithala, not only the penalty amount of Rs 2,3315 has been recovered by the elected Panchayat but further 500 trees have been planted on the same place as per our own volition. This itself shows the dedication of the present respondent and



his Panchayat body duly elected, to the cause of the environment. It is further relevant to point herein that the respondent has been environment conscious person , so he assisted in the afforestation specially, done earlier also on a large scale in the Village Prithala apart from sanitation drive undertaken by the elected body . The relevant documents and the photographs substantiate the same.

15. That it is stated that the facts mentioned herein above show amply that the applicant's present O.A is a motivated one.

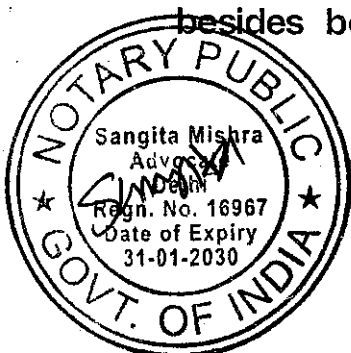
16. That the Hon'ble Supreme Court of India, has held in Noorduddin V/s K. L. Anand 1995 SCC(1)242, as under :-

"Equally the judicial process should never become an instrument of operation or abuse or a means in the process of the Court to subvert justice". It is stated that the above Judgment applies to the facts and circumstances of the present case.

17. That the deponent states the synopsis does not represent correct facts, therefore it is denied. Further the facts narrated in the facts column are incorrect, misconceived and misleading, therefore denied totally except the records part of the present matter.

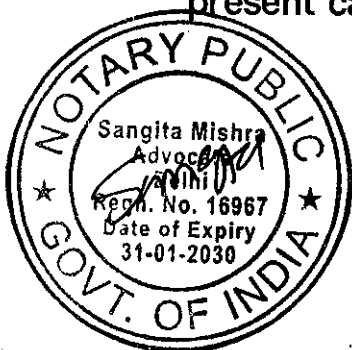
PARA WISE REPLY TO GROUNDS

1. That the contents of the ground 1 under reply are, false besides being misconceived, and misleading, therefore



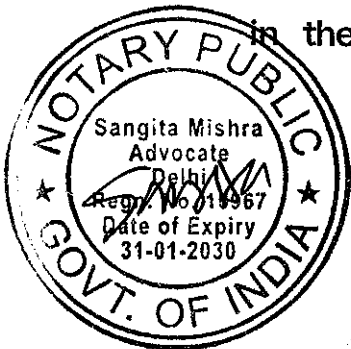
denied word by word line by line except as to the records of the present case.

2. That the contents of the ground 2 under reply are, malicious, false besides being misconceived, and misleading, therefore denied word by word line by line except to the extent they are parts of record. The theory of collusion among the Panchayat Secretary, Sarpanch and the said Contractor is malicious and based on the applicant's whims and surmises and sheer malice. This allegation is vexatious and tormenting as well. The aforesaid submissions may kindly be treated as part and parcel of the present reply to the present ground for the sake of brevity.
3. That the contents of the ground 3 under reply are, totally false, baseless as well as malicious besides being misconceived, and misleading, therefore denied word by word line by line except as to the records of the present case. The annexures relied by the applicant himself in the present O.A., clearly show the steps that were taken by the Panchayat elected body under the leadership of the respondent no-7. The above annexures further show that the Said officials of the District administration such as the BDPO, the Deputy Commissioner as well as the local Police officer had acted very promptly with all alacrity and only after proper assessment of the damage caused in the present case, appropriate Order was passed by the BDPO



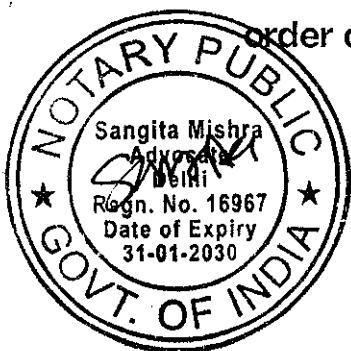
and the respondent and the elected Panchayat body under him have duly complied with the above Order. The penalty amount of Rs233125/- has been deposited in the account of the Village Panchayat Prithala by the said Contractor and further in compliance with the above Order, total of 500 trees have been planted of which 25 are of Peepal and trees of religious and spiritual significance. The aforesaid submissions made herein above in the para no. 1 to 14, may kindly be treated as part and parcel of the reply to the present ground for the sake of brevity.

4. That the contents of the ground 4 under reply are, false besides being misconceived, and misleading, therefore denied word by word line by line except to the extent they are parts of record. The submissions made herein above show abundantly that appropriate steps with all promptness were taken in the matter and the ecological loss/damage caused by felling of 25 extra trees, has been adequately restored. Rs 233125 has also been recovered from the said contractor and 500 trees have also been planted.
5. That the contents of the ground 5 under reply are, false besides being misconceived, and misleading, therefore denied word by word line by line. The penalty amount as decided by the District Administration has been deposited in the Gram Panchayat's account by the said Private



Contractor, and 500 trees have also been planted. Therefore, the essence of the polluter pays and precautionary principles as outlined under Section 20 of the National Green Tribunal Act, 2010 has been achieved by the strict, prompt and diligent efforts and steps taken with all sincerity by the District Administration under the respondent no.5, 6 and 8 respectively. Accordingly the so cause Notice has been disposed off, which was served to the present respondent by the district administration.

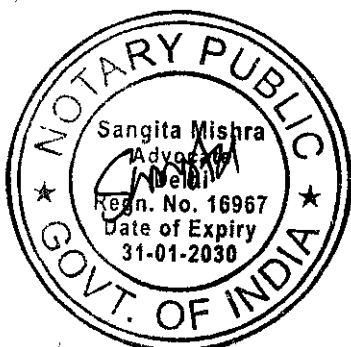
6. That the contents of the ground 6 under reply are, false besides being misconceived, and misleading, therefore denied word by word line by line except the parts of record. The aforesaid submissions may kindly be treated as part and parcel of the present reply for the sake of brevity.
7. That the contents of the ground 7 under reply are, matter of record, therefore the respondent need no reply. However, it is stated that the essence of the Polluter pays principle and the precautionary principles has been achieved.
8. That the contents of the ground 8 under reply are false besides being misconceived, and misleading, therefore denied word by word line by line except the parts of record. The submissions made herein above show that the said contractor was interrogated by the concerned Police station. However, he has complied with the subsequent order of the BDPO directing the Panchayat Body to recover



the penalty amount from him as he has immediately deposited the aforesaid penalty amount and 500 trees have also been planted by the Panchayat Body, therefore, the ends of justice has been achieved. Therefore, the essence of the polluter pays and precautionary principles as outlined under Section 20 of the National Green Tribunal Act, 2010 has been achieved by the strict, prompt and diligent efforts and steps taken with all sincerity by the District Administration. It is further stated that the law is well settled that the penalty should not be disproportionate in any case.

9. That the contents of the ground 9 under reply are, absolutely false besides being misconceived, and misleading, therefore denied word by word line by line except the parts of record. The aforesaid submissions may kindly be treated as part and parcel of the present reply for the sake of brevity.
18. That the deponent states that Prayer clauses 01 to 09 are absurd, illegal, motivated and guided by malafides and oblique motives, even otherwise they have become infructuous. Therefore, all the prayer clauses deserve to be dismissed in their entireties with exemplary costs in the favour of the Panchayat body.

PRAYER



Deponent, therefore, prays very humbly that the present Hon'ble Tribunal may most graciously be pleased to:

- a. dismiss the present O.A. with heavy costs in favour of the present deponent,
- b. Punish the applicant under the laws of the land such as Section 215 of BNSS, and
- c. pass any such other or further orders as this Hon'ble Tribunal deems fit and proper in the interest of kind justice.

FOR THIS ACT OF KINDNESS THE DEPONENT AS IN DUTY BOUND SHALL EVER PRAY.

[Signature]

DEPONENT

VERIFICATION

17 SEP 2025

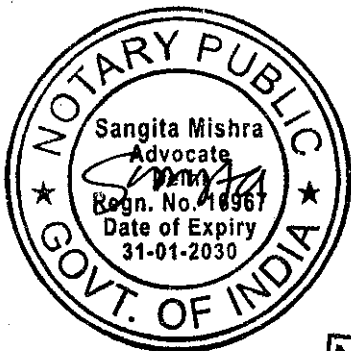
VERIFIED ON THIS MONDAY, 15 DAY OF SEPTEMBER, 2025, that the statements made in the present OA are true to the best of deponent's knowledge and nothing material has been concealed therefrom.

[Signature]

DEPONENT

I identify the deponent who has signed/T.I in my presence

Mr./MsAdv./Self
ID No.....



ATTESTED
[Signature]
 Mrs. Sangita Mishra
 Advocate Delhi
 Regn. No. 16967
 Govt. of India
 Mob. No. 9990312

NOTARIAL REGISTER
 Sr. No. 11074 PAGE 4 of 5
 Dated. 17-9-25 Reg. No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

I.A. no..... of 2025

In

ORIGINAL APPLICATION(O.A.) NO.237 OF 2025

IN THE MATTER OF:

Narender Kumar

APPLICANT

V/S

State of Haryana & Ors

RESPONDENTS

**APPLICATION BY THE RESPONDENT NO- 11 FOR
CONDONATION OF 6 DAYS DELAY IN FILING THE PRESENT REPLY
MOST RESPECTFULLY SHOWETH:**

That it is submitted very humbly that in the present OA which is pending adjudication before this Hon'ble Tribunal, kind notice was issued to the present respondent.

That however, there is 6 days delay in filing the reply to the above O.A. It is submitted very respectfully that the above delay is inadvertent, as the same has occurred due to illness.

3. That in the interests of kind Justice the present reply may kindly be allowed to be taken on record by the tribunal.

PRAYER

It is therefore prayed that the present Court may most graciously be pleased to

- Allow the present application, and
- Pass such other or further Orders as deemed fit and proper in the interests of Kind Justice.

**FOR THIS ACT OF KINDNESS THE RESPONDENT AS IN DUTY BOUND
SHALL EVER PRAY.**



THROUGH COUNSEL

APPLICANT

Jonale Biswas
P. A. Sharma
ADVOCATE - *Asim Kumar*

SUPREME COURT OF INDIA
CH. 17, New lawyers Chamber,
M.C. Setalvad Block,
Supreme Court Of India,
New Delhi, 110001

Email: Adv *Jonalebiswas@gmail.com*

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION(O.A.) NO.237 OF 2025

IN THE MATTER OF:

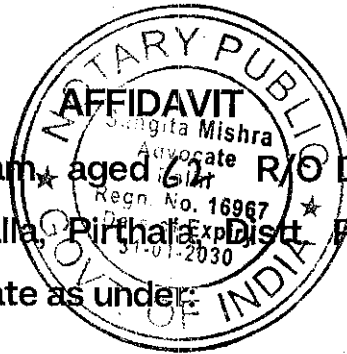
Narender Kumar

APPLICANT

VS

State of Haryana & Ors
RESPONDENTS

I, Motiram S/O Kareram, aged 67, R/O D-1150 near Hatua
Chaupai, Hatua Mohalla, Pirthala Distt. Palwal, do hereby
solemnly affirm and state as under:



, do hereby solemnly affirm and state as under:

1. That I am the respondent no 11 in the present O.A., as such I am fully conversant with the facts and circumstances of the present case, therefore competent to swear this affidavit.
2. That the present reply to the present O.A. has been prepared by my counsel on my instruction and the same has been read over to me and the same has been explained also in vernacular Hindi.
3. I further state that everything stated there in is true to the best of my knowledge and nothing material has been concealed there in. I also state that all the annexures attached with the present reply, are true copies of the Originals.

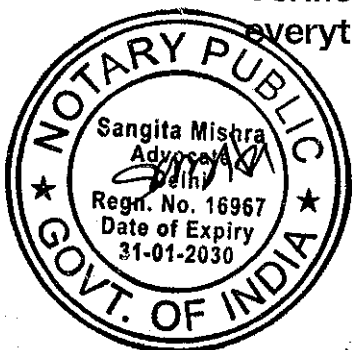
DEPONENT

VERIFICATION

17 SEP 2025

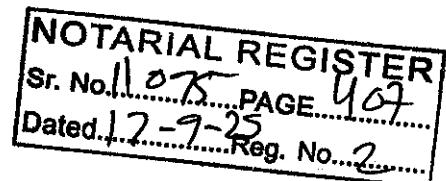
[Signature]

Verified on this _____ day of the year 2025 that
everything stated in the present O.A. is true to the best of my



ATTESTED

[Signature]
Mrs. Sangita Mishra
Advocate Delhi
Regn. No. 16967
Govt. of India
Mob. No. 9990312780



knowledge and nothing material has been concealed therein. It is further verified that all the annexures attached with the present reply, are true copies of the Originals.

DEPONENT

[Handwritten signature]

17 SEP 2025

I identify the deponent who has signed/T.I in my presence

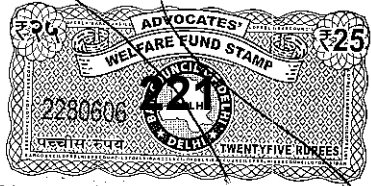
Mr./MsAdv./Self
ID No:.....



ATTESTED

[Handwritten signature]

Mrs. Sangita Mishra
Advocate Delhi
Regn. No. 16967
Govt. of India
Mob. No. 9990312780



BEFORE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

SUIT/APEAL NO. JURISDICTION OF 2025
In re: Narendra Kumar Plaintiff /petitioner
Appellants/Defendants

Versus

State of Haryana &Ors, Respondent(s)/Accused KNOW ALL to whom these present shall come that I, Motiram Son of Kare Ram R/O House no D-1150, Near Hatua Chaupai, Hatua Mohalla, Pirthala, Palwal the above named respondent, do hereby appoint

Advocate Preeti D/2417/2018 Advocate Joonali Biswas D/3857/2015

ASHISH KUMAR SINGH
(D/11463/2024) Advocate
Chamb. No. 360, Western Wing,
Tis Hazari Court, Delhi-110054
Mot. Chamber 30421

Hon'ble Supreme Court of India

Advocate of Bar Council of Delhi, Ch. No.17, New Lawyars Chamber Block, Supreme Court of India, at New Delhi, Copernicus Marg, New Delhi, 110001 (herein after called the advocate/s) to be my/our Advocate in the above-noted case and authorize him :-



To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals,, cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.

To file and take ack documents to admit and/or deny the documents or opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee.

To deposit, draw and receive money, cheques, case and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.

To appoint and instruct any other legal practitioner authorizing him to exercise the power and authority hereby conferred upon the advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the advocate or his substitute in the matter as my/our own facts, as if done by me/us to all intents and purpose.

I/we undertake that I/we or my/our duly authorized agent would appear in court and all hearings and will inform the advocate for appearance when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the advocate which he shall receive and retain for himself.

And /I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and the above court.

I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the issue prolongs for more than 3 years the original fee shall be paid by me /Us.

I WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this...14th.....day of 2024

Accepted subject to the terms of the fees.

P.A. Sharma
Joshi
Advocate *Prakash*
Anam Kumar

Client

[Signature]
Client

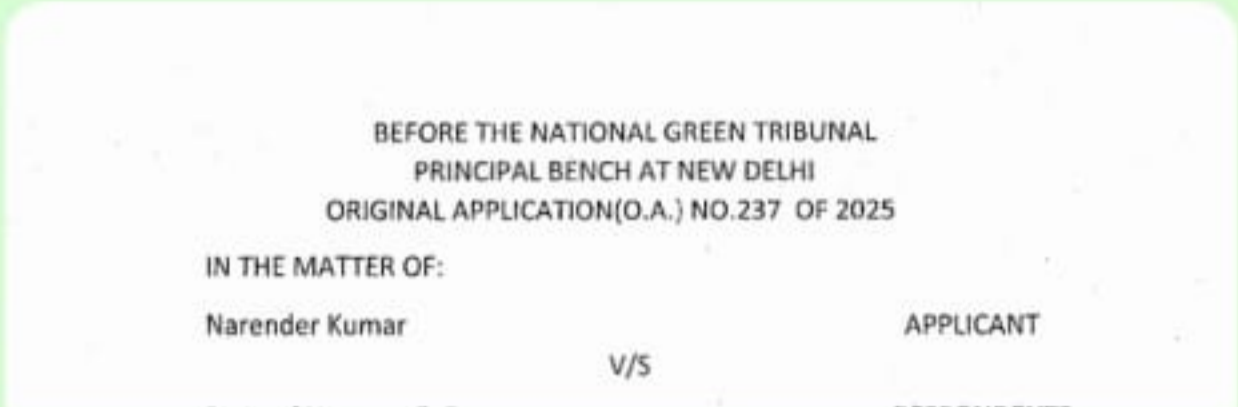
I identify the signature/Thumb impressions of the below mentioned person who has been signed in my presence. The client.



Tarun Cummra



Forwarded

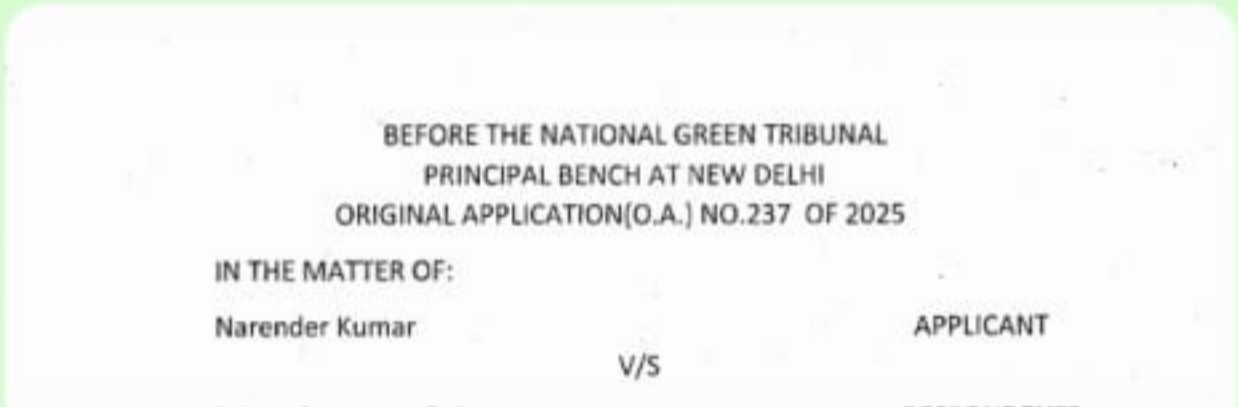


Reply Respondent 11.pdf

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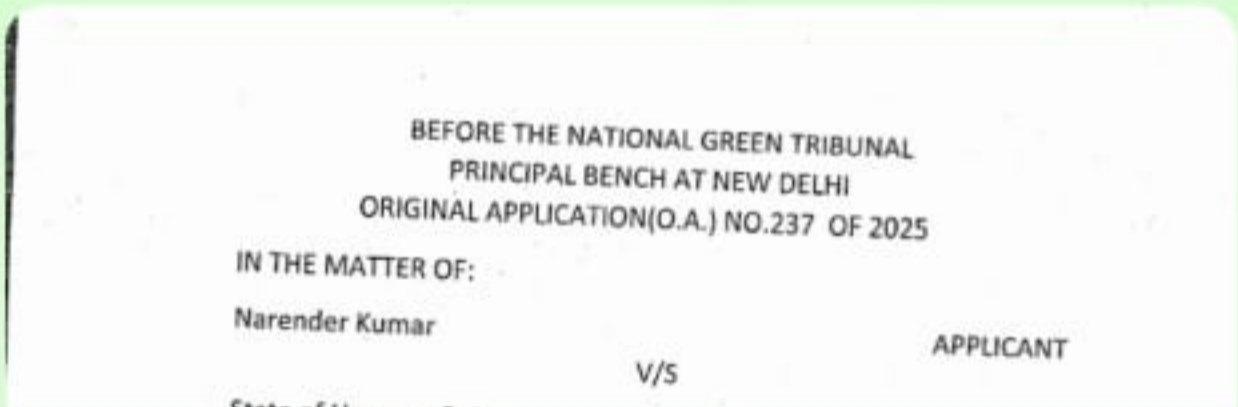


Reply Respondent 13.pdf

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Reply Respondent 12.pdf

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Message

