

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

ORIGINAL APPLICATION NO. 561 OF 2023

**IN THE MATTER OF :-**

Rajiv Kumar Dubey

...APPELLANT(S)

VERSUS

Union of India & Ors.

...RESPONDENT(S)

**I N D E X**

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THROUGH

  
**(Shubham Bhalla)**

**Advocate**

Advocate for respondent no.3/SEIAA  
D-52, Basement, Panchsheel Enclave, New Delhi - 110017.

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PLACE: NEW DELHI

DATE: 08 . 12 . 2023

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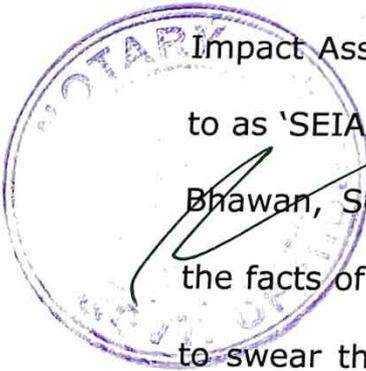
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**REPLY BY WAY OF AFFIDAVIT ON BEHALF OF  
RESPONDENT NO. 3 STATE ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY, CHANDIGARH**

I, T.C. Nautiyal, IFS (Member Secretary), State Environment Impact Assessment Authority, Chandigarh, (hereinafter referred to as 'SEIAA'), O/o Deptt. of Environment, 3rd Floor, Paryavaran Bhawan, Sector 19 B, Chandigarh, being well conversant with the facts of the case in my official capacity and being competent to swear this affidavit on behalf of SEIAA, do hereby solemnly affirm and declare as under:



*[Handwritten Signature]*  
Member Secretary  
State Environment Impact  
Assessment Authority (SEIAA)  
Chandigarh Administration

1. That I am the Member Secretary, SEIAA. I am filing this affidavit in terms of order of this Hon'ble Tribunal dated 22.09.2023 on behalf of Respondent No. 3 hereby making submissions in the case.
2. That respondent no. 5 M/s Alliance Envirocare Company Private Limited has been granted the Environmental Clearance by the answering respondent on 06.12.2017 in accordance with the prevailing rules.
3. That the answering respondent SEIAA grants environmental clearance according to the provisions of the Environment Protection Act, 1986 and the notification dated 14.09.2006. That the parameters for granting environmental clearance are different from the conditions imposed by the Chandigarh Pollution Control Committee (CPCC) under the Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act 1981. The permission by the CPCC is only from the pollution angle.
4. That environmental clearance was granted to M/s Alliance Envirocare Company Private Limited for installation of Biomedical waste incinerator at Plot no. 182/9, Industrial Area, Phase I Chandigarh by SEIAA, Chandigarh vide no. 3056 dated 06.12.2017.



Member Secy  
State Environ Impact  
Assessment Authority (SEIAA)  
Chandigarh Admin

5. It would be pertinent to mention here that unit is located in a notified industrial area in the city of Chandigarh and is the only biomedical common Waste Treatment Facility available in the city.
6. That the answering respondent would like to humbly submit that respondent no. 5 is not in violation of the environmental clearance.
7. That the duty to develop the green area by way of planting native tree species within its plant is not specified anywhere in the Biomedical Waste Management Rules, 2016 nor in the Guidelines for Common Bio-medical Waste Treatment Facility (CBWTF) issued by Central Pollution Control Board, Ministry of Environment, Forest and Climate Change.
8. That the project setup by respondent no. 3 is in an area measuring 0.5 acres, keeping in mind the population of Chandigarh which is around 11.5-12 Lakhs. Further, the project has been setup in a designated industrial area and the guidelines allow for a relaxation upto point 0.5 acrs being the minimum area for setting up a common bio-medical waste treatment facility.



  
Member Secretary,  
State Environment Impact  
Assessment Authority (SEIAA)  
Chandigarh Administration

9. That the present affidavit is in the form of a preliminary reply and the answering respondent no. 3 i.e. SEIAA prays for liberty to allow them to file a detailed reply if required.

  
**DEPONENT**  
Member Secretary  
State Environment Impact  
Assessment Authority (SEIAA)  
Chandigarh Administration

**VERIFICATION:**

I, T.C. Nautiyal, IFS, the deponent above named do hereby verify and declare that the facts stated in the above paras are true to my knowledge.

Verified at CUJ on this 08 day of December, 2023.

  
**DEPONENT**  
Member Secretary  
State Environment Impact  
Assessment Authority (SEIAA)  
Chandigarh Administration



NOTARY  
SHALINI K. RAJWA

NOTARY, Chandigarh

08/12/23

Digitally signed by T.C. Nautiyal, IFS, Member Secretary, SEIAA, Chandigarh Administration, DN: cn=T.C. Nautiyal, o=SEIAA, ou=Chandigarh Administration, email=tcnautiyal@seiaa.org

Notary Seal: SHALINI K. RAJWA, NOTARY, Chandigarh. The seal is circular with 'NOTARY' at the top and 'SHALINI K. RAJWA' at the bottom. The number '44204' is handwritten in the center.

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**SERVICE: Reply by way of affidavit on behalf of Respondent No. 3 in OA 561/2023 titled as Rajiv Kumar Dubey vs. Union of India & ors.**

Shubham Bhalla <shubhambhalla@hotmail.com>

Fri 12/8/2023 2:51 PM

To:advocategauravkumarbansal@gmail.com <advocategauravkumarbansal@gmail.com>;ronz.chd-mef@nic.in <ronz.chd-mef@nic.in>;mscb.cpcb@nic.in <mscb.cpcb@nic.in>;Cpcc-chd@nic.in <Cpcc-chd@nic.in>;alliance\_envirocare@yahoo.com <alliance\_envirocare@yahoo.com>

 1 attachments (1 MB)

Reply SEIAA R3 in OA No. 561 of 2023.pdf;

Sir/Ma'am,

Please find attached with this email copy of the reply filed on behalf of R-3 in OA/561/2023.

Pl. ack. receipt.

Regards

**SHUBHAM BHALLA**

Advocate-on-Record

OFFICE : D-52, BASEMENT, PANCHSHEEL ENCLAVE,  
NEW DELHI- 110017

CHAMBER: CH. NO. 206, C.K. DAPTHARY CHAMBERS,  
SUPREME COURT OF INDIA, NEW DELHI - 110001.

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