

**THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI
I.A. NO. 738 OF 2025
IN
APPEAL NO. 15 OF 2025**

IN THE MATTER OF: -

Vasant Kunj RWA, Sector-B, Pocket-1 Appellant

-Versus-

Ministry of Environment, Forest & Climate Change & Ors. Respondents

INDEX

NDoH: 16.12.2025

S. No.	Particulars	Page No.
1.	Reply by the Appellant to the Interlocutory Application No. 738 of 2025 filed by Respondent No. 5, R.R. Texknit alongwith Affidavit.	2-10
2.	<u>ANNEXURE A/1: -</u> Copy of the Order dated 08.12.2025 of the Hon'ble Supreme Court in I.A. No. 249786 in I.A No. 135954 in W.P. No. 202/1995.	11-28
3.	Proof of Service	29

Date: 15.12.2025

Place: New Delhi

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THE HON'BLE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF: -

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.... Appellant

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REPLY AFFIDAVIT BY THE APPELLANT, VASANT KUNJ RWA,

SECTOR-B, POCKET-1, TO THE INTERLOCUTORY

APPLICATION NO. 738 OF 2025 BY R.R. TEXKNIT (RESPONDENT

NO. 5) FOR ADDITIONAL DOCUMENTS

MOST RESPECTFULLY SHOWETH:

1. That the present Appeal was filed assailing the Environmental Clearance dated 13.01.2025 granted by the Ministry of Environment, Forest and Climate Change (hereinafter "MoEF&CC") to Respondent No. 5 i.e. M/s R.R. Texknit LLP in respect of a Group Housing project at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Part of Revenue Estate of Village Mehrauli, New Delhi under the provisions of Environment Impact Assessment ('EIA') Notification, 2006.
2. That on 19.11.2025, Respondent No. 5, RR Texknit had filed I.A. No 738 of 2025 seeking directions for summary dismissal of the Appeal alleging, albeit wrongly, that the present Appellant herein has engaged in forum shopping by raising the same issues as raised in the present Appeal before the Hon'ble High Court of Delhi as well as the Ld. Central Empowered Committee. The

Respondent No. 5, M/s R.R. Texknit in its I.A. No. 738 of 2025 has also alleged that the Hon'ble Supreme Court has finally adjudicated upon the validity of the permissions granted for the luxury group housing project in B-1 Vasant Kunj vide the Judgment dated 12.08.2025 in I.A. No. 126582/2025 in the case of T.N. Godavarman v. Union of India and Others [W.P. No. 202/1995]. In view of the same, the present Appeal should be dismissed as barred by Res Judicata and constructive Res Judicata.

3. That on 21.11.2025, this Hon'ble Tribunal was pleased to note that the I.A. No. 738 for dismissal will be treated as an Application for Additional Documents instead. Further, the Appellant herein was given the liberty to file its objections/reply to the said I.A. for Additional Documents. In pursuance of such liberty, the present Reply Affidavit is being filed to clarify that the submissions made in the I.A. No. 738 OF 2025 for Additional Documents are baseless and attempt to mislead this Hon'ble Tribunal with respect to the *bonafides* of the Appellant as well as the ongoing matters vis-a-vis the project in other forums.

I. Preliminary Objections on Res Judicata

4. That the Respondent No. 5 has wrongly submitted that the same cause of action has been raised by the Appellant before the Central Empowered Committee, High Court of Delhi and the Hon'ble Supreme Court and accordingly the present Appeal is barred by Res Judicata.
5. That at the outset, it is pertinent to mention that the Appellant herein had approached the Hon'ble Supreme Court vide I.A. No. 249786 in I.A No. 135954 in W.P. No. 202/1995 seeking clarification with respect to the scope of the Judgment dated 12.08.2025 of the Hon'ble Supreme Court. The said

I.A. came up for hearing before the Bench led by the Hon'ble Chief Justice on 08.12.2025, wherein it has been clarified in Para 1 that – “.. *paragraph 10 of the Order dated 12.08.2025 shall not be construed as a seal of approval from this Hon'ble Court with respect to the validity of the project The High Court and National Green Tribunal shall examine the same as per its own merit*” (**emphasis supplied**). Thus, in view of the latest clarification of the Hon'ble Supreme Court, it is clear that the Respondent No. 5 has been misrepresenting and misquoting the Order of the Hon'ble Supreme Court by stating that all the permissions have been considered valid and the project has been given a go-ahead, thus barring this Hon'ble Tribunal from adjudicating on the validity of the Environmental Clearance. A true copy of the Order dated 08.12.2025 of the Hon'ble Supreme Court has been appended herewith as **ANNEXURE A/1**.

6. That further, with respect to the allegations of forum shopping, it is clarified that the Environmental Clearance dated 13.01.2025 has not been challenged in any other forum. The proceedings before the Hon'ble High Court of Delhi as well as the Hon'ble Supreme Court relate to distinct causes of action and the veracity of the Environmental Clearance has neither been discussed nor been deliberated upon either by the CEC, the High Court or even the Hon'ble Supreme Court. The other permissions, specifically pertaining to the Sanction Plan, have been challenged in the Hon'ble Delhi High Court, in view of the Hon'ble Court's jurisdiction for adjudicating on the said issue. In fact, the Appellant herein in their Appeal and specifically in its Rejoinder dated 27.09.2025 (See Para 4-7/Pg. 2394-2397 in said Rejoinder) has submitted a detailed description of the ongoing cases against Respondent No. 5, which

have been initiated by the Appellant and it is clarified that none of these proceedings pertain to the validity of the Environmental Clearance dated 13.01.2025 granted to M/s R.R. Texknit for its luxury multi-storeyed housing project. Be that as it may, the details of each proceeding and causes of action are being clarified below.

**a) Details of the Proceedings before the Hon'ble High Court of Delhi –
Challenging the MCD Sanction and violation of tree felling embargo
in Bhavreen Kandhari Case [Cont. Cas. (C) No. 1149/2022]**

- i. The W.P.(C) No. 11283/2024 filed by the Appellant herein challenged the MCD building sanction granted to Respondent No. 5 for violation of the Building Byelaws of Delhi, which is not the jurisdiction of this Hon'ble Tribunal.
- ii. The CM Application No. 52907/2024 and 52908/2024 were filed by the Appellant herein against the illegal felling of trees and violation of the Order dated 13.08.2023 of the Hon'ble High Court in the case of Bhavreen Kandhari v. Shri C.D. Singh and Others [Cont. Cas(c) No. 1149/2022]. The matter was disposed of on 06.12.2024 with directions to the Respondent No. 5 to ensure maintenance of the 19 trees and to restrict any further felling of the said trees. The same was raised before the Hon'ble High Court of Delhi, as this Hon'ble Tribunal does not have the Delhi Preservation of Trees Act, 1994, in the Schedule to the National Green Tribunal Act, 2010, and therefore does not possess the subject matter jurisdiction to deal with issues arising out of the same.
- iii. A Recall Application (CM No. 5956/2025) has been filed in the Cont. Cas. (C) No. 1149/2022, requesting recall and clarification of the order dated

06.12.2024, as the Status Report of 19.09.2024 was not brought to the notice of the Hon'ble High Court and contains contradictory statements with respect to the Report dated 04.10.2024 of the DCF on the same issue. Notice was issued in the Application on 25.04.2025, and the matter is pending consideration.

b) Details of the Proceedings before the Ld. Central Empowered Committee ("CEC")

- i. Mr. Rajeev Ranjan, in October 2024, before becoming the president of the Resident Welfare Association, had approached the Ld. Central Empowered Committee to raise grievances against the commencement of the construction of the project in the morphological ridge without clearance from the Ridge Management Board.
- ii. Thereafter, on 26.10.2024, the Appellant herein also submitted a Letter Petition to the Ridge Management Board against commencement of construction in the morphological ridge in contravention of existing orders.
- iii. Subsequently, in response to the Letter of CEC dated 25.02.2025, the Ridge Management Board wrote to the CEC on 24.03.2025 clarifying that no permission has been given to Respondent No. 5 for commencing the construction of the Project. Further, in view of the Order dated 16.05.2024 of the Hon'ble Supreme Court in Bindu Kapurea v. Subashish Panda [Contempt Petition (Diary No.) 21171/2024 in W.P.(C) No. 4677/1985], the Ridge Management Board will not be able to share its views as the Board has been restricted from clearing the project without seeking permission from the Hon'ble Supreme Court.

- iv. Subsequently, the Ld. CEC on 14.05.2025 has recommended the project subject to conditions with respect to tree plantation, restriction on felling of trees, remedial measures for waste management and quarterly compliance report to CEC. The Ld. CEC had also recommended that all conditions imposed while granting Environmental Clearance should be strictly adhered to.

c) Details of the Proceedings before the Hon'ble Supreme Court

- i. The Report No. 25 of 2025 of the Ld. CEC was placed for consideration before the Hon'ble Supreme Court on 12.08.2025 and the Hon'ble Supreme Court noted that the recommendations of the Ld. CEC are accepted subject to compliance with conditions of the Ld. CEC.
- ii. The Appellant herein had filed I.A. No. 249786 in I.A No. 135954 in WP No. 202/1995 seeking clarification of the Impugned Order dated 12.08.2025 and modification with respect to certain facts which were incorrectly mentioned by the counsel and recorded as such by the Hon'ble Supreme Court. The Hon'ble Supreme Court on 08.12.2025 has noted that vide said Order dated 12.08.2025, the Court has not given a clean chit to the project and the same can be adjudicated upon by the High Court and the National Green Tribunal on its own merits.

d) Cases initiated against the project of Respondent No. 5 by third parties

- i. The Writ Petition No. 352/2025 was filed by one of the residents of B-1, Colonel Ajay Yadav, without consulting the Appellant herein. The said Writ Petition was dismissed by the Single Judge Bench on 20.01.2025 in view of the pendency of the similar Writ Petition of the Appellant before the High Court and the said Order was upheld by the Division Bench on

07.02.2025. However, liberty was granted to take recourse to legal remedies depending upon the outcome of the proceedings before the Ld. CEC.

- ii. Ms. Bhavreen Kandhari filed a Contempt Petition [Diary No. 57901/2024] titled Bhavreen Kandhari v. Rakesh Sharma in the Hon'ble Supreme Court in W.P.(C) No. 4677/1985] alleging violation of the 09.05.1996 Order of the Hon'ble Supreme Court in W.P.(C) No. 4677/1985 whereby all encroachments were directed to be removed by the Hon'ble Supreme Court from the ridge area and mandated continuance of its protection and maintenance. Notice was issued by the Hon'ble Court on 07.05.2025 against the alleged contemnors and the matter is pending consideration before the Hon'ble Supreme Court and is listed for further consideration post the hearing on the Report of the Ld. CEC [See Order dated 07.05.2025 annexed at Page 2059 of I.A. No. 451 of 2025 of the Appellant].

7. That the above-mentioned clarifications pertaining to the cases before the Hon'ble Supreme Court and the Hon'ble High Court clarify that the Appellants herein have never challenged the Environmental Clearance dated 13.01.2025 in any other forum, and neither has the said right been restricted by the Hon'ble Supreme Court. Further, specifically with respect to the violation of the Environmental Impact Assessment Notification, 2006, an O.A. No. 1171/2024 was filed as the Respondent No. 5 had commenced construction activities without Environmental Clearance. Subsequently, when the Environmental Clearance was granted to the Respondent No. 5, the Appellant withdrew the said O.A. and filed

the present Appeal, in pursuance of the liberty granted by this Hon'ble Tribunal on 17.02.2025, wherein it was also categorically recorded that all submissions on merits in the O.A. will be subsumed in the Appeal. Hence, the allegations of forum shopping are baseless and without any merit. The abovementioned clarifications vis-à-vis existing litigations clarify that the relief sought in a particular Court could not have been granted by another Court or by this Hon'ble Tribunal and vice versa.

8. That in view of the abovementioned facts and position of law, it is reiterated that the IA No. 738 of 2025 is frivolous, raises baseless grounds and misrepresents the Order dated 12.08.2025, which has also been categorically clarified by the Hon'ble Supreme Court that the said order has not given a clean chit to the validity of the project and the same needs to be adjudicated upon by this Hon'ble Tribunal on merit.

Date: 15.12.2025
Place: New Delhi

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

I.A. No. 738 of 2025

IN

APPEAL No. 15 OF 2025

IN THE MATTER OF:

Vasant Kunj Residents Welfare Association
Sector-B, Pocket-1

...Appellant

-Versus-

Ministry of Environment, Forest
and Climate Change & Ors.

...Respondent

AFFIDAVIT

I, Aby Johnson S/o J.P. Abraham, aged about 40, am the Authorised Signatory for the Vasant Kunj Residents Welfare Association, Sector-B, Pocket-1, Southwest Delhi, Delhi -110070, do hereby solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this Affidavit.
2. The contents of the accompanying Reply are true and current to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Reply are true and correct to the best of my knowledge.

A Johnson

DEPONENT

Santosh Devi
D/5687/2029
8777385984

VERIFICATION:

8 DEC 2025

Verified at New Delhi on this day of....., 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



ATTESTED

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Patiala House Courts,
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A Johnson

DEPONENT

8 DEC 2025

1

ITEM NO.29

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

INTERLOCUTORY APPLICATION FOR 08.12.2025 "ONLY" [1] IN RE: CHANDAKA ECO-SENSITIVE ZONE, ODISHA I.A. NO. 108587 OF 2024 [Application for Impleadment on behalf of 'Kanak Foundation' filed by Mr. Sudarsh Menon, Advocate] WITH I.A. NO. 108243 OF 2024 [Application for Directions on behalf of 'Kanak Foundation' filed by Mr. Sudarsh Menon, Advocate] IN RE : KANAK FOUNDATION AND [2] IN RE : SUKHNA LAKE I.A. NO. 263809 OF 2023 [Application for Intervention] WITH I.A. NOS. 263810, 263811 AND 263812 OF 2023 [Applications seeking permission to file application for Directions, Directions and Exemption from filing O.T.] AND I.A. NO. 92980 OF 2024 [Applications for placing on record Additional Documents in I.A. No. 263809/2023 filed by Dr. Surender Singh Hooda, Advocate for the Applicant] AND I.A. NO. 141598 OF 2024 [Applications for placing on record Additional Documents in I.A. No. 263809/2023 filed by Mr. Dinesh C. Pandey, Advocate for the Applicant No. 2] AND I.A. NO. 241402 OF 2025 (Application for issuance of necessary directions to comply with the order dated 19.03.2025 as well as order dated 16.04.2025 passed in SLP(C)No. 26642 of 2024) IN RE : ANUJ KAUSHAL & ANR. AND [3 [I.A. NO. 249786 OF 2025 (Application for Modification of order dated 12.08.2025 filed by Ms. Ranu Purohit, Advocate) WITH I.A. NO. 285186 OF 2025 (Application for permission to filed Additional documents in I.A. No. 249786/2025 filed by Ms. Ranu Purohit, Advocate) IN I.A. NO. 135954 OF 2025 (Application for Intervention on behalf of 'Vasant Kunj Residents Welfare Association' in I.A. 126582/2025 (CEC Report No. 25 of 2025) filed by Ms. Ranu Purohit, Advocate) IN RE: VASANT KUNJ RESIDENTS WELFARE ASSOCIATION IN WRIT PETITION (CIVIL) NO. 202 OF 1995 (Under Article 32 of the Constitution of India) "ONLY" ARE LISTED IN W.P.(C) No. 202 OF 1995 "ONLY" ON 08.12.2025 AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As. MR. HARISH N. SALVE, SR. ADV. [A.C.], MR. A.D.N. RAO, SR. ADVOCATE [A.C.], MS. APARAJITA SINGH, SR. ADVOCATE [A.C.], MR. SIDDHARTHA KUMAR DOWDHURY, ADVOCATE [A.C.] MR. K. PARAMESHWAR, SR. ADVOCATE [A.C.] MR. G.S. MAKKER, ADVOCATE MR. S.N. TERDAL, ADVOCATE DR. N. VISAKAMURTHY, ADVOCATE FOR S. NO. [1] MR. K. PARAMESHWAR (A.C.), MR. SUDARSH MENON, MR. SUBHASISH MOHANTY (STATE OF ODISHA), MR. G.S. MAKKER (MoEF&CC) FOR S. NO. [2] MR. K. PARAMESHWAR (A.C.), DR. SURENDER SINGH HOODA MR. KARAN SHARMA (STATE OF PUNJAB), MS. SHALINI KAUL, MR. TARUN GUPTA FOR S.NO. [3] MR. K. PARAMESHWAR

(A.C.), MS. RANU PUROHIT

Date : 08-12-2025 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

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13

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UPON hearing the counsel the Court made the following
O R D E R

I.A.No.249786/2025 in I.A.No.135954/2025 in W.P.(C) No.202/1995

1. Having heard learned Senior Counsel for the applicant(s), paragraph 10 of order dated 12.08.2025 is clarified to the extent that the same shall not be construed as a seal of approval by this

Court with respect to the validity of the project. All that we wish to clarify is that the High Court and the National Green Tribunal shall examine the same as per its own merit.

2. The I.A. stands disposed of accordingly.

3. Post for further consideration on 17.12.2025 at 2.00 P.M. before a bench comprising three Judges of this Court.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR



ENVIRO LEGAL DEFENCE FIRM <eldflegal@gmail.com>

Service in Vasant Kunj RWA, Sector-B, Pocket-1 Vs. MOEF & CC & Ors. [Appeal No. 15 of 2025]

1 message

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Mon, Dec 15, 2025 at 1:53 PM

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Dear Sir/Ma'am

Please find the attached copy of the Reply Affidavit on behalf of Vasant Kunj RWA, Sector-B, Pocket-1

Thanks & Regards

--

Sameer Manher

Clerk

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**Reply.pdf**

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